

The Rules and Regulations of The Personnel Board of Houston County

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Rule 1 - General Provisions

1.01 Purpose

These Rules are an augmentation and clarification of Act No. 84-578 which established a civil service system for Houston County. They set forth principles and procedures that are to be followed by the Personnel Department in order that personnel administration in the County may be conducted in accordance with sound and effective principles of public personnel administration. The Rules provide, among other things:

- (a) For the preparation and maintenance of a position classification plan for all positions in the classified service, based upon a similarity of duties performed and responsibilities assumed, so that the same schedule of pay may be applied to all positions in the same class.
- (b) For the pay plan for all employees in the classified service. The plan shall be composed of salary grades and ranges of pay with minimum and maximum rates of compensation.
- (c) For open competitive and promotional examinations to determine the relative fitness of individuals meeting announced requirements to perform the duties of the positions in the classified service.
- (d) For the establishment of eligible lists for original appointment and promotion, upon which lists shall appear the names of successful candidates in order of their relative performance or ranking in the respective examination.
- (e) For rejection of candidates who fail to meet announced job requirement or who are found lacking in conduct or character; or who have attempted any deception or fraud with respect to an examination or candidacy for appointment, or for any other reason deemed just and applicable.
- (f) New employees shall complete a probationary period before an appointment is complete and regular status is conferred on the probationary employee.
- (g) For a provisional, emergency, temporary, seasonal, and part-time employment within the provisions of these Rules.
- (h) For the preparation and maintenance of individual personnel records of all employees in the classified service
 - (i) For imposition of disciplinary measures such as dismissal, demotion, and suspension without pay; and for provisions for appeal from such actions as set forth in these Rules.
 - (j) For establishing procedures governing layoffs and grievances.
 - (k) For hours of work and holidays; for vacation, sick, and special leave with or without pay.
 - (l) For the examination and certification of public payrolls by the Director to assure adherence to these Rules and regulations.
- (m) For the prohibition of political activity on the part of any employee which is in violation of any law or regulation governing such activity.
- (n) For the establishment and operation of a policy of non-discrimination on the basis of sex, age, race, creed, color, or national origin in recruiting, hiring, promoting, upgrading, training, job assignments, discharge or other disciplinary measures, compensation, or other terms, conditions and privileges of employment.
- (o) For other Rules, regulations, and directives not inconsistent with Act No. 84-578, which shall aid in its effectiveness

1.02 DEFINITIONS

- (a) **The Act** Act number 84-5-78 and Act number 93-696 of the Alabama legislature which establishes a civil service system for Houston County and any amendment that may be made thereto from time to time.
- (b) **Allocation** The assignment of positions to a class on the basis of the nature, difficulty, responsibility and/or work of the positions.
- (c) **Annual Leave** Leave accumulated by regular employees for use by said regular employee for vacation or personal time off.
- (d) **Appointing Authority** The official, department head or board having authority, delegated by the County Commission, to fill vacancies in a specified class, or make other employment decisions as provided by The Rules. The County Commission is the appointing authority in the event that no such delegation has been made, or having made such delegation, has rescinded the authority to make such decisions.
- (e) **The Board** The Personnel Board of Houston County, Alabama
- (f) **Certify, Certified Or Certification** The act of supplying the Appointing Authority with names of applicants deemed eligible for appointment to the class of position to be filled.
- (g) **Class** A position or group of positions that involve similar duties and responsibilities and require similar qualifications and are designated by a single title indicative of the work to be performed.
- (h) **County** Houston County, Alabama
- (i) **County Commission** The Houston County Commission, the duly elected governing body of Houston County, Alabama.
- (j) **Court** The 20th Judicial Circuit Court of Alabama in Houston County, Alabama.
- (k) **Demotion** Change of an employee from a position one class to a position in another class having a lower maximum salary than the position previously occupied.
- (l) **Director** Director of Personnel for Houston County as duly as appointed by The Board.
- (m) **Due Process** Informing an employee of an alleged violation or offense and allowing an opportunity to respond.
- (n) **Eligible List** A list of names of persons who have successfully completed by examination, written and/or oral, arranged in the order of their final ratings, as determined by The Board or its designated representative.

- (o) Employee** A person regularly occupying a position in the classified service or a person who is on authorized leave of absence and whose position is being held for him pending his return.
- (p) Exempt Service** All offices and positions of Houston County, Alabama which do not fall or have not otherwise been lawfully placed within the classified service of the County. The use of the term exempt herein does not relate in any way to or refer to the Fair Labor Standards Act.
- (q) Grievance** A grievance is an alleged wrong ensuing from the Commission or omission of an act by a Houston County supervisor, official, or manager having a significant adverse effect or impact on the employee's career or the terms and conditions of employment.
- (r) Grievant** An employee who files a grievance under these Rules.
- (s) Laid-Off** Separated from the classified service of Houston County because of lack of work or funds or other reason not related to fault, delinquency of misconduct on the part of the employee(s).
- (t) Lay-Off List** The list of names of former regular employees who have been laid-off from a position within the past two years.
- (u) Merit System** "Civil Service System" within the meaning of The Act.
- (v) Original Appointment** The appointment to a position in the classified service of a person who is not being re-employed from the lay off or reinstatement list, nor being promoted from a promotional eligible list and who, except for those in the exempt service and those serving under temporary appointment, is not an employee of Houston County.
- (w) Original Appointment Eligible List** The eligible list of persons qualified for original appointment to a position.
- (x) Position** A group of current duties and responsibilities Assigned or delegated by competent authority and requiring the full or part time service of one employee.
- (y) Probationary Employee** An employee appointed to a full time regularly budgeted position subject to the satisfactory completion of a probationary period. The probationary period shall be regarded as an integral part of the examination process and shall be utilized to evaluate the employee's performance on the job and shall also be utilized for dismissing any employee who in the judgment and discretion of the Appointing Authority does not meet the required standards of performance. A probationary employee has no property interest, due process rights or protections under The Rules.
- (z) Probationary Period** Six (6) months from the date of appointment, with no interruption in service which is used to evaluate the employee's performance on the job and for dismissing any employee who, in the judgment and discretion of the

Appointing Authority, does not meet the required standards of performance. The probationary period may be extended up to six (6) additional months by the Personnel Board upon written request of the Appointing Authority. However, under no circumstances may the probationary period exceed twelve (12) months in duration.

- (aa) Promotion** A change of employment from a position of one class to a position of another class which has a higher maximum salary rate.
- (bb) Promotional List** The list of persons qualified for promotion to a position.
- (cc) Promotional Probationary Employee** A probationary employee who, immediately prior to promotion was a regular employee and who in all respects is a probationary employee except That he/she retains the right to due process under The Rules.
- (dd) Regular Employee** A non probationary full time employee in the County's classified service.
- (ee) Regular Position** A regular budgeted full time position in the County's classified service.
- (ff) Reinstatement List** The list of names of those former employees who resigned or otherwise left Houston County service in good standing at any time within the past two (2) years, who request reinstatement and are recommended by the Appointing Authority.
- (gg) Rules** The rules and regulations of The Board of Houston County, Alabama.
- (hh) Sick Leave** Leave time accumulated by a full time employee for use during illness, and related reasons in accordance with Rule 6.23.
- (ii) Termination** Voluntarily or involuntarily leaving the employment of The County. Terminations for reasons such as retirement and resignation are considered voluntary terminations. Terminations for reasons such as a dismissal are considered involuntary terminations.
- (jj) Vacancy** A position duly created with funds provided by the County Commission for payment of a salary, which is not occupied, or which is occupied by a person serving under a temporary appointment.

1.03 The Personnel Board

The Houston County Personnel Board as created by State Act No. 84-578 and amended by State Act 93-696 shall govern and control The County personnel system established by The Act and these Rules. It shall consist of five members who shall be appointed for terms of six years each. One member each shall be appointed by: The Houston County Commission, the Sheriff of Houston County, the Probate Judge of The County, the Revenue Commissioner of Houston County, and by The County employees who are subject to the provisions of The Act. Vacancies on The Board shall be filled for the unexpired terms in the same manner as original appointments are made.

To qualify for appointment as a Board Member, an individual must possess the following qualifications:

- (a) be of recognized good character and ability
- (b) be an actual resident in and qualified elector of The County
- (c) cannot hold an elective office of or under the state, County, or any city therein, and cannot be a candidate for such elective office.

Each person appointed to The Board, shall, within fifteen days after appointment, qualify by making an oath that he will faithfully execute the duties of the office to the best of his ability and knowledge. The oath shall be recorded as provided by law. The Board shall elect a chairman from among its members, who shall preside at its meetings. Three members shall constitute a quorum for the transaction of any business which may properly come before The Board.

1.04 Duties of the Board

The duties of The Board include those duties set forth elsewhere in The Rules, and specifically include the following:

- (a) The Board is required to hold one (1) regular meeting each month at a time fixed by The Board, and additional meetings as necessary. Additional meetings may be instituted upon the call of the chairman, upon call of three Board members, upon the request of The County Commission, or upon the request of any Appointing Authority. In addition, The Board shall meet as required to hold hearings. The members of The Board shall receive fifty dollars (\$50.00) for each meeting of The Board that they attend, and for each day, or part thereof, for attendance at a hearing; provided however, said amount may be increased at the discretion of The County Commission.
- (b) To promulgate such policies, Rules and Regulations as are necessary to carry out the provisions of the law, and to develop a comprehensive personnel system.
- (c) To hear and render decisions relative to disciplinary and related matters as set forth in the law and these Rules.
- (d) Conduct inquiry and investigation as to the force and effect of these Rules and the operation of the personnel system and program.
- (e) Transact such other business within the purview of this Board and within the intent of the law.
- (f) Appoint a Personnel Director to oversee the proper functioning of the Merit System in accordance with the law.

1.05 Expenses of the Board

The County in its legislative discretion shall in accordance with The Act and in its annual budgeting process, determine and make reasonable and necessary appropriations from the general fund of The County to provide an overall operating budget for The Board and its members for the administration of The County personnel system.

1.06 Legal Services for The Board

The Board may use The County Attorney to render such legal services as it may deem necessary or advisable. In any action in which a conflict of interest may result, The Board may select other legal counsel to provide legal services. Such alternate counsel will be paid at a reasonable rate of pay for legal expenses.

1.07 Director of Personnel

The Board shall appoint a Personnel Director, who is designated as the clerk of The Board and is The Board's executive officer. The Director shall be experienced in the field of personnel administration and shall be responsible for administering an efficient and economical Merit System in accordance with the law and Rules arising there from, and shall carry out the policies established by The Board.

The Director shall be subject to review by The Board. In addition to the duties and responsibilities set forth elsewhere in The Rules, the duties of the Director specifically include:

- (a) attending board meetings, and keeping the minutes and records of The Board
- (b) administering all provisions of the law and Rules not specifically reserved to the Board
- (c) preparation of a classification plan, pay plan, revisions to The Rules and Regulations,
- (d) directives, etc., as are needed to carry out the provisions of the law
- (e) cooperation with The County Commission, Appointing Authorities, department heads, supervisors, and employees to promote and assist in the establishment of programs for the good of the Merit System.

1.08 Status of Present and Future Employees

All offices and positions of Houston County shall be divided into the exempt, and classified services. The provisions of these Rules apply to classified service employees. Classified service and exempt positions are defined as follows:

- (a) **Classified Service** – The classified service comprises all offices and positions of Houston County now existing or hereinafter created, except those which are specifically placed in the exempt service under The Act, or which are removed from the classified service by resolution of the Personnel Board.
- (b) **Exempt Service** – The exempt service shall include the following:
 - a. all elected officials of Houston County,
 - b. voluntary personnel,
 - c. consultants rendering temporary professional services,
 - d. attorneys rendering legal service, unless placed in the classified service as prescribed by The Act,
 - e. the positions of employees not paid exclusively out of the general fund or any other funds of Houston County,
 - f. positions of individuals who come under the State of Alabama Merit System,
 - g. positions held by employees of county boards or commissions; provided, however, such exempt positions may be placed in the classified service as provided by The Act.

At the time of implementation of The Rules, all employees who have acquired regular status shall, subject to provisions of The Act, and The Rules shall be considered regular employees in their present position, so long as such position remains in the classified service. All other employees shall be eligible to become regular employees in their present position, so long as the position remains in the classified service, upon completing six months service in the position. The six months will be computed from the beginning of service rather than from the effective date of The Rules.

In the event that any employees become subject to the provisions of The Act, and these Rules and Regulations, the Personnel Board, in its discretion, may extend or grant regular status to any or all such employees as provided by The Act. In the event that all or a portion of the exempt service shall become a part of the classified service, The Board, at that time shall determine whether or not regular status shall be extended to any or all such employees, taking into consideration the type of work performed, length of service, and related individual factors.

1.09 Calculation of Time

In computing any period of time prescribed or allowed by The Act, or The Rules for notice to be filed or perfection of an appeal to The Board, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a day on which the office of the Personnel Board is not open to the public in which event the period runs until the end of the next day which is not a Saturday, a Sunday or a day on which the office of the Personnel Board is not open to the public. Whenever a party has the right or is required to do some act or take some proceeding within a prescribed period after the service of a notice of other paper upon the party and the notice or paper is served upon the party by mail, three (3) calendar days shall be added to the prescribed period.

1.10 Duties of County Officials

All county officials, Appointing Authorities, supervisors and other administrative personnel, who are subject to the provisions of The Act and The Rules are to assist in the implementation of the provisions of The Act and The Rules and aid in the administration of same.

1.11 Amendments to The Rules

Any Rule, regulation, plan, policy or procedure may be amended, revised or repealed in whole, or in part upon action by The Board. Any such amendments, revisions or repeals shall become effective upon approval by The Board, unless otherwise indicated.

1.12 Departmental Rules and Regulations

Appointing Authorities are authorized to adopt, implement and amend departmental Rules and Regulations for the information and guidance of their respective departments, provided however, such Rules and procedures shall not conflict with these Rules. In the event of any conflict between such departmental rules and regulations and The Rules and Regulations of the Board, the latter shall take precedence.

Rule 2 – The Classification Plan

2.01 Purpose of the Classification Plan

The classification plan provides an inventory of all positions in the classified service and an accurate description of the job duties and specifications for each classification. The plan standardizes titles and indicates a definite range of duties and responsibilities throughout the classified service.

2.02 Composition of the Classification Plan

The classification plan shall consist of:

- (a)** Classifications which represent a group of positions which are approximately equal in difficulty and responsibility, which call for the same general qualifications, and which can be equitably compensated within the same range.
- (b)** Classification titles, which are descriptive of the work of the classification and which identify the classification and which shall be used in all official County records. No person shall be employed in a position in the classified service under a title not included in the classification plan. Working titles used in the course of departmental routine may be used.
- (c)** Written job descriptions for each classification which will consist generally of a descriptive title, a brief overall description of the kind and level of work; examples of typical duties performed by the positions in the classification; qualification requirements setting forth the necessary experience, education, license or other special requirements in order to perform the job duties, and the required knowledge, skills and abilities needed in order to perform the work.
- (d)** An allocation list showing the classification title of each position in the classified service, including the name of the incumbent.

2.03 Uses of the Classification Plan

The classification plan may be used for the following purposes:

- (a)** To provide information for determining lines of promotion;
- (b)** A guide in recruiting and examining candidates for employment;
- (c)** To develop employee training programs;
- (d)** In conjunction with wage surveys, job analysis, and other information to establish salaries to be paid for various types of work;
- (e)** To provide cost information for budgeting purposes;
- (f)** To provide uniform job terminology understandable by all officials, employees and the general public.

2.04 Preparation of the Classification Plan

The Director shall, in consultation with the Appointing Authority(s), prepare or direct the preparation of the classification plan. Upon completion of the plan, the Director will inform the Appointing Authority(s) of the classification title of each position in the department, and shall, upon payment of the established cost thereof, make a copy of the classification description for each position available to the employee or his representative on request.

2.05 Adoption of the Classification Plan

The Director shall submit the classification plan to The Board for its approval and adoption.

2.06 Maintenance of the Classification Plan

The Director shall be charged with the responsibility of maintaining the classification plan so that it will accurately reflect the duties performed by each employee in the classified service. It shall be the duty of the Director to:

- (a)** Recommend the establishment of new classifications and the deletion or revision of existing classifications.
- (b)** Review the duties and responsibilities of each new position established and, allocate the position to the appropriate position classification. It shall be the responsibility of the Appointing Authority to submit to the Director, in writing, a listing of the job duties of each new position established.
- (c)** Make periodic studies of positions in order to determine changes in duties and responsibilities and recommend re-allocation or re-classification of positions. Classification studies may be made at the request of the employee, Appointing Authority, or on the initiative of the Director. (Changes in duty assignments must be more than temporary in nature, and the incumbent must be performing the duties for a minimum of 6 months in order to justify a study.)
- (d)** Provide an opportunity for employees, and Appointing Authorities affected by classification and re-classification to be heard by the Director of Personnel, and The Board.

2.07 Re-Allocation of Positions

When a position is reallocated to a higher position classification, a lower position classification, or a different position classification at the same level, the method of filling the position shall be determined in accordance with The Rules regarding transfers, demotions, or promotions as may be appropriate.

2.08 Procedure for Adding, Deleting, or Revising a Classification

A classification study may be made at the request of the Appointing Authority, or on the initiative of the Director of Personnel. When a classification study is initiated by someone other than the Director of Personnel, it will be necessary to submit to the Director, in writing, a listing of the job duties and any other pertinent information about the position. The Director will review the information provided, and take the appropriate action.

The classification study is a cooperative effort involving the Director, The Board, the Appointing Authority within the Department in which the position is located, and The County Commission. The Director will be responsible for writing a job description, or revising the job description, as necessary. Prior to submitting the job description for approval, the Director will confer with the Appointing Authority and may confer with the job incumbent to assure the correctness of the job

description. When the job description is accurate, the Director will prepare a recommendation of the appropriate salary level, in accordance with procedures in Rule 3.

When the job description and salary recommendation are complete, the Director will provide the information to the appropriate Appointing Authority for submission to the Commission for funding, and the Director will submit the recommendation to The Board for approval. When approval is secured from The Board and funding is provided by the Commission, the classification change will be implemented.

If approval is not secured from The Board or if the Commission does not fund the change, the appropriate action will be taken as follows:

- (a)** If The Board approves the classification and grade, but the Commission does not provide funding, the Appointing Authority will reassign the job duties to a position so that an incumbent is not working outside his or her classification.
- (b)** If The Board approves the classification at a different grade, and the Commission provides funding at the level recommended, the classification will be (1) implemented at the salary level approved by The Board if the level is lower than recommended, or (2) will be referred to the Commission for additional funding if the level is higher than recommended.

Throughout the process, the Director, Appointing Authority, employee, and the Commission will confer and share information to facilitate the process. The Director will assist in making any required adjustment of job duties, however, it will be the responsibility of the Appointing Authority to make final assignments of job duties.

Rule 3 – The Pay Plan

3.01 Purpose of the Pay Plan

The pay plan shall provide the basis of compensation for individuals in the classified service of Houston County. The plan shall be constructed to provide appropriate compensation for all classifications in the classification plan with due regard to such factors as:

- (a) Varying degrees of difficulty and responsibility among the classifications.
- (b) Prevailing rates of pay and fringe benefits for similar employment in private industry and other similarly sized governmental employers' ability to recruit and retain employees, and
- (c) The financial condition of The County.

3.02 Composition of the Pay Plan

The pay plan shall contain:

- (a) Special and specific provisions for administering the plan;
- (b) A basic salary grade for each position classification in the plan;
- (c) A basic salary schedule containing the minimum rate, maximum rate and the intermediate rates of pay for each salary grade;
- (d) The basis of pay, hourly or salaried, indicating the number of weekly work hours in general applicable to classified service or exceptions thereto.

3.03 Preparation of the Pay Plan

The Director of Personnel shall prepare or direct the preparation of the pay plan. Upon completion of the pay plan, it will be submitted to the Personnel Board for approval. Prior to adoption, however, employees and Appointing Authorities will be provided the opportunity to be heard regarding the pay plan.

3.04 Amendments to the Plan

The pay plan may be amended in the following manner:

- (a) The Houston County Commission may raise or lower the basic salary schedule in the pay plan by applying the same percentage increase or decrease to the entire schedule.
- (b) The Board may, upon recommendation of the Director, amend the pay plan when changes in responsibilities of work of classes, availability of labor supply, prevailing rates of pay, or other pertinent economic factors warrant such action.
- (c) The pay plan shall be amended when The Board adds a new classification to the classification plan and fixes the salary grade.

3.05 Administration of the Pay Plan

Each classified employee shall be paid at one of the rates set forth in the pay plan for the Classification in which he serves, in accordance with these Rules and the special provisions for administering the pay plan.

- (a) **MINIMUM RATE:** New appointments to a position within the classified service shall be made at one of the beginning rates (steps 1, 2, or 3) of the salary range for the classification to

which the appointment is made. New appointments will be made at the customary entry level of step one (1) unless approved prior to the appointment being made. New appointments made at step two (2) or step three (3) of the salary grade must be approved by the personnel Director and merited by outstanding credentials (education, experience, or achievement in his or her field) which are documented and provided to the Director or Board. New appointments may be made at a step greater than step three (3), after approval of The Board.

- (b) **SALARY ADVANCEMENT:** Salary advancement within established salary ranges shall be based on performance on the job and shall be in accordance with The Rules. Advancement from the first to the second step in the range shall be allowed a full-time, regular employee after the completion of one (1) year of service, as reflected by a performance evaluation for the period. An employee with continued service each year will be eligible for future annual increases until such time as the maximum rate for the range is reached.
- (c) **SALARY RATE IN PROMOTION, TRANSFER, OR DEMOTION:** In the event a classified employee is promoted, transferred or demoted, his/her rate of pay for the new position shall be determined as follows:
- a. **PROMOTION** A promotion is defined as a change of employment from a position of one classification to a position of another classification which has a higher maximum salary rate. Upon promotion, the incumbent's regular base pay shall determine the rate in the promotional classification. The new rate shall be set to (1) allow a two step increase above the former base rate, or (2) the entrance rate for the promotional classification, whichever is greater.
 - b. **DEMOTION** When an employee is demoted, his compensation shall be reduced to the salary prescribed for the classification and grade to which he is demoted. Upon demotion, the incumbent's regular base pay shall determine the new rate in the demotional classification. The new rate shall be set at no less than a two step decrease below the former base rate. In no event shall his salary be lower than the minimum rate.
 - c. **TRANSFER** Transfer shall mean the movement of an incumbent, who has not retired, resigned, or whose employment has not been otherwise terminated, within a class or between two separate but related classes for which the maximum pay for those classes is equal. When an employee is transferred from one department to another in the same classification, his step in the pay range remains unchanged. All transfers must be approved by the appropriate Appointing Authority and the Director.

Rule 4 – Recruitment, Examination, Certification, and Appointment

4.01 Recruitment

Individuals may be recruited from a geographic area as wide as is necessary to assure the obtaining of well qualified candidates for positions in The County service. Employment, therefore, shall not necessarily be limited to residents of Houston County, Alabama.

4.02 Announcements

The Director may prepare recruiting notices to publicize vacancies and to provide candidates with information regarding the classification and examination process for the public service positions. Announcements will ordinarily set forth the minimum education and experience requirements, type of tests, and periods of application. The minimum periods of time between public notice and closing dates for applications shall not be less than ten (10) days and maximum periods of time shall be at the discretion of the Director taking into consideration the number of positions to be filled, availability of applicants, and the geographical area of recruitment.

4.03 Acceptance of Applications

Applicants for employment or promotion shall apply by completing the required forms and furnishing documentation specified. Completed applications shall be accepted only during the time period stated on the announcement. The Director may extend the application period beyond the stated closing date in order to obtain a sufficient number of applicants to fill a position.

4.04 References

It shall be the duty of the Appointing Authority to conduct pre-employment background checks of eligible candidates. This may include background checks with former supervisors, employers, police, FBI or other law enforcement or appointing agencies as well as references provided by the candidates. As a precaution against obtaining undesirable employees, the Director shall also have discretionary authority to make such pre-employment background checks. Reference checks by a personal or telephone contact shall be documented and made part of the applicant's file. These reference checks may or may not be completed prior to an offer of employment, and the information shall be handled as privileged information.

4.05 Disqualification

The Director may remove from further consideration at any time the application of an applicant who:

- (a) does not possess the minimum qualifications;
- (b) based on the reference check has established an unsatisfactory employment or personnel record of such a nature as to demonstrate unsuitability for employment;
- (c) has made false statement of any material fact or practiced deception or fraud in the application, examination, medical history, or any phase of the employment process;
- (d) is proven, as described in the Houston County Drug and Alcohol Abuse Policy, to be a user of illegal drugs or to be addicted to or a habitual user of legal intoxicants which may unreasonably subject others to the risk of harm or danger and/or which may unreasonably subject property to risk or damage;
- (e) has applied for a law enforcement position and who would not meet the minimum qualifications for certification as a law enforcement officer by the state certifying agency;

- (f) has applied for a position and has been convicted of a felony or misdemeanor (pursuant to State or Federal law) that when evaluated along with other employment factors is, in the discretion of the Director or Appointing Authority, found to be unsuitable for employment;
- (g) has an unsatisfactory driving record as evidenced by a pattern, frequency and/or severity of traffic violations where driving is an essential job function of the position applied for;
- (h) has refused or failed to report for any interview after certification to an Appointing Authority;
- (i) has failed to report for duty at the time and place designated after appointment;
- (j) has failed to respond to any official notice or phone call from the Director or Appointing Authority;
- (k) has failed to notify the Personnel Board or postal authorities of a change of address;
- (l) has been certified and rejected for employment three (3) or more times;
- (m) and for any other good cause not inconsistent with the intent of this Act.

4.06 Competitive Examinations

Appointments in the classified service, either at entrance level or promotional level, shall be made upon the basis of merit, efficiency and fitness of applicants for the position. All announcements and examinations shall be prepared and weighted under the supervision of the Director.

4.07 Type of Examinations

Examinations may be Open Competitive, Promotional Competitive, a combination of Promotional and Open Competitive, or Qualifying.

- (a) **OPEN COMPETITIVE:** Any examination in which competition is open to all applicants meeting the announced requirements for admission to the examination.
- (b) **PROMOTIONAL:** Any examination in which competition is limited to present employees. Such examinations shall customarily be restricted to regular and/or promotional probationary employees serving in lower, related classifications. However, the Director in consultation with the Appointing Authority, may determine that additional training, education and/or experience is required.
- (c) **QUALIFYING:** For certain classes of work, where competition is impractical and/or the needs of the service are such to render competition impractical, The Board may provide for qualifying examinations. Such examinations may be limited to employees of Houston County and may consist of an evaluation of the candidate's qualifications based upon efficiency rating and physical fitness to perform the work or such other methods as may be determined by the Director, which are not inconsistent with the intent of The Act and the needs of The County.

4.08 Contents and Rating of Examinations

Examinations will be designed to fairly test the abilities and aptitudes of applicants to perform the job duties of the classification for which the examination is being used. Sound measurement techniques and procedures will be used in the development, administration, and scoring of tests and in determining the relative ranking of candidates. Prior to administering an examination, candidates will be provided information regarding the type of test to be used. No applicant with a final score of less than 70 shall be placed on the eligible register.

4.09 The Tie Breaking of Ratings

Whenever two or more applicants have the same final score, their rank will be the same.

4.10 Notification of Examination Results

Each person who takes an examination shall be notified by mail of his passing or failing grade.

4.11 Fraud

If, during an examination, an applicant is found to be using, without permission, any extraneous information such as other candidate's papers, memoranda, crib notes, pamphlets and/or books of any kind, his/her test papers shall be taken and the Director shall have them graded with a zero (0) and noted on the test papers the reason for such marking. Such applicant shall be barred from taking any future examinations.

4.12 Cancellation of Examination

The Director may cancel, postpone, reschedule or re-announce any examination for any reason deemed in the best interest of Houston County. All such incidents shall be reported to The Board and appear in the minutes with the reason for such action.

4.13 Eligible List

The Director shall establish and maintain such eligible and/or employment registers for the various classes of positions as deemed necessary to meet the needs of Houston County. Names of eligible individuals shall be placed on the lists in the order of their examination grades ranked from highest to lowest.

- (a) ORIGINAL APPOINTMENT LISTS: Such lists shall contain the names and final grades in order of rank for those applicants attaining a minimum passing score on the entrance and/or open competitive examination. Duration of such lists will generally be for a period of one (1) year from the date of approval by The Board unless the list is depleted or extended.
- (b) PROMOTIONAL LISTS: Such lists shall contain the names and final grades in order of rank for employees attaining qualifying grades on promotional competitive examinations.
- (c) LAYOFF LISTS: Such lists contain the names of former regular employees who were separated from various classes because of a lack of either work and/or funds, or whose positions were abolished as a result of departmental reorganization or for some other appropriate reason. The names of such former employees shall be placed on the list in the order of seniority. Duration of such lists shall be for a period of two (2) years. Probationary employees shall have their names reinstated to the appropriate eligible list based upon their examination score.

When there are two (2) or more employees who are equal in seniority, they shall be placed on the layoff list in the order of their efficiency records or performance appraisals.

The method defining layoff procedures shall be determined by the Director.

- (d) RE-INSTATEMENT LISTS: Such lists shall contain the names of former regular employees who requests reinstatement and who resigned or otherwise left The County service in good standing within the past two (2) years, and are recommended by the Appointing Authority for re-employment.

4.14 Consolidation of Names on Eligible Lists

The Director may order a new recruitment when:

- (a) Four or fewer names remain on an eligible list, or
- (b) An existing list will provide an inadequate number of candidates to meet a specific employment need. Existing eligible candidates will be notified of the new recruitment and be given an opportunity to reapply for the examination procedures.

4.15 Removal of Names From Eligible Lists

Individuals shall be removed from eligibility lists:

- (a) Upon employment,
- (b) Upon disqualification,
- (c) One (1) year from the date they are placed on an open continuous eligibility list.
- (d) Upon the expiration date of the eligibility list.

4.16 Re-employment

Any former regular employee who has been separated from a classified position in good standing may, within two (2) years from the date of resignation or separation, apply to the Director to have his name entered on the re-instatement list for re-employment in a position of the same class or grade as formerly held. Such request shall be made in writing to the Director, who will obtain a recommendation from the Appointing Authority and shall submit documents along with his recommendation to The Board for final approval. Upon approval by The Board, the name of the former employee shall be placed on the appropriate re-instatement list. A former employee appointed as a result of re-instatement shall re-enter at the beginning rate for the class, unless determined otherwise by The Board, and shall serve a probationary period of six (6) months. In addition to the foregoing conditions, the applicant for re-employment must meet the physical standards and other requirements for the classification for which re-employment is approved.

4.17 Certification

For the purpose of The Rules, a "rank" shall include the name or names of all applicants from an eligible register whose final scores are the same. Based on the receipt of a written request to fill a vacancy from an Appointing Authority, the Director shall certify the names of eligible candidates from the appropriate eligible lists in the following priority and manner:

- (a) from the laid-off person on the lay-off list;
- (b) from the promotional list;
- (c) from the original appointment list;
- (d) and, from the re-instatement list composed of former employees for said vacancy.

The lists will have priority one over the other in the order named. Names will be certified by The Board in the order in which they have been ranked on the appropriate list.

4.18 Appointments

Vacancies and new classified positions shall be filled by transfer, promotion, original appointment, re-employment or demotion.

The Director shall provide a certification list after receiving a written request to fill a vacancy from an Appointing Authority. The request shall provide, at a minimum, a statement of duties that the position performs and any additional information known about the position.

The Appointing Authority may make an appointment from the list, request disqualification of applicants for cause, or request replacement names for applicants that decline interviews or offers of employment.

4.19 Types of Appointments

Appointments to a classified position shall be one of the following types:

- (a) **PROBATIONAL APPOINTMENT:** Appointment to a full-time regularly budgeted position made from a Certified Eligible List shall be a probationary appointment subject to the completion of a satisfactory probationary period. The probationary period shall be regarded as an integral part of the examination process and shall be utilized to evaluate the employee's performance on the job, and shall also be utilized for dismissing any employee who, in the judgment and discretion of the Appointing Authority, does not meet the required standards of performance. The duration of such probationary period shall be for six (6) months from the date of appointment, with no interruption in service.

The probationary period may be extended up to six (6) additional months by the Personnel Board upon written request of the Appointing Authority. However, under no circumstances may any probationary employee's probationary period exceed twelve (12) months in duration.

A probationary employee may be discharged without the right of appeal to The Board; provided however, a promotional probationary employee who was previously a regular employee shall at all times herein be afforded due process under The Rules.

- (b) **REGULAR EMPLOYEE APPOINTMENT:** Probationary employees who have satisfactorily completed the probationary period shall be appointed as regular employees.
- (c) **TEMPORARY ASSIGNMENT:** In the absence of a list, The Board may authorize the filling of a vacancy by temporary assignment. Any such candidate for temporary assignment must meet educational, experience and related requirements set forth by the Director. Temporary assignments shall be for a period of not more than four (4) months, (120 days). No temporary assignments shall be continued for more than ten (10) days after the establishment of an eligible list for the class. Any temporary employee failing to qualify by examination shall be separated from the position after the appropriate list is certified. The temporary assignment of any individual shall not confer on the appointee any rights of status, appeal, due process or related rights set forth under The Rules.
- (d) **OTHER TYPES OF APPOINTMENTS:** To fill positions of a seasonal, part-time, temporary, B.O.E. student, and/or intern nature, the following appointments may be made. Such appointments will confer no due process rights or status in the classified service, right of appeals or related rights given to regular employees who otherwise have a property interest in their employment.
- a. **SEASONAL APPOINTMENTS:** These appointments may be granted for work which is seasonal in nature. No such appointment shall extend beyond four (4) months or the work season in question. All candidates to be considered shall meet the requirements set by the Director.
 - b. **PART-TIME:** These appointments may be granted for work which requires the service of an employee for less than the number of hours of a full-time or typical forty hour work week. Candidates for appointment shall meet the requirements set by the Director.
 - c. **B.O.E. STUDENTS AND INTERNS:** Student appointments have the purpose of affording students of public administration and other career areas an opportunity to gain actual work experience in the public service. Such appointments are viewed as intermittent employment for a definite period of time; not to exceed the designated number of months required for a student to graduate. Candidates for appointment shall meet the requirements set by the Director.
 - d. **INTERIM APPOINTMENTS:** Interim appointments may be granted for positions in departments where employees are incapacitated or in departments in which workloads may fluctuate and require services of some employees on a full time basis up to, but not over six months duration. Candidates for interim appointments shall meet the requirements recommended by the Director and approved by The Board.
 - e. **LIMITED TENURE:** During a war or nationally declared emergency period, the Director may, in the absence of any appropriate eligible list, authorize a limited tenure appointment(s) without examination. Such appointment shall be for not longer than the duration of the emergency, plus six (6) months and shall give persons so appointed no status or rights in the Classified Service by reason of such duration of appointment.

- f. EMERGENCY APPOINTMENTS: An emergency as used herein means an unforeseen condition which is likely to cause loss of life, loss of or damage to property, the stoppage of service or serious inconvenience to the public. Upon receipt of a request from an Appointing Authority citing such emergency condition(s), the Director may authorize an emergency appointment not to exceed thirty (30) days. The manner of appointment and rate of compensation shall be set by the Director.
 - g. WAR TIME APPOINTMENTS: During a war emergency period, the Director, with The Board's approval, may authorize temporary appointments to positions for which there are no appropriate eligible registers. Such appointments shall not confer any status or seniority in the classified service merit system or any rights under The Rules to persons so appointed. Such appointments shall not continue for a period longer than the duration of the war emergency period plus six (6) months. A regular employee appointed to a higher classification pursuant to this Rule shall not obtain any rights or claims to the higher classification but shall retain all rights previously accrued, so seniority shall accrue as if the war time appointment had not occurred.
- (e) TEMPORARY APPOINTMENTS MADE PERMANENT: An individual granted a temporary appointment may be granted regular status in the classified service by The Board provided the following conditions are met:
- a. the individual has served in the position for at least twelve (12) months; and
 - b. the individual has passed the selection examination; and
 - c. the Appointing Authority certifies in writing that the individual's performance has been satisfactory during the period of work; and
 - d. at the time of the action by The Board to grant permanent status, an eligibility list has not been established by The Board to fill the vacancy.

4.20 Approval of Appointments

No supervisor, Appointing Authority or employee of any department shall make or approve any payment for personal services to any person holding a position in the classified service unless approved by the Director. Personnel action forms relating to any and all employment matters requiring special action and/or approval by the Director and/or The Board under these Rules shall be received prior to the effective date of the action in order to assure that there is ample time for review to determine the correctness of the action.

4.21 Conditions of Employment

Effective October 1, 2003 the Houston County Commission adopted a policy requiring as a condition of employment with Houston County that all county employees be required to participate in the Local Government Health Insurance Program unless they can submit acceptable proof of coverage of other group health insurance and sign a Declination of Coverage Form (LG604).

Rule 5 – Transfers, Assignments, Promotions, Demotions and Layoffs

5.01 Promotions

The change of an employee from a position in one class to a position in another class for which the maximum salary rate is higher shall be deemed a promotion. Vacancies in positions above the lowest rank in any category in the classified service may be filled by the promotion of employees in the service as provided by The Rules. Promotions in every case must involve a definite increase in duties and responsibility.

5.02 Demotions

The change of an employee from a position in a class to a position in another class for which the maximum rate is lower is a demotion. Demotions may be voluntary or non-voluntary and shall be effected in accordance with The Rules. All demotions must receive the approval of the Director and the Appointing Authority.

An employee may be demoted to a position of a lower grade for which he is qualified for any of the following reasons:

- (a) When an employee would otherwise be laid off because his position is being abolished, reclassified to a higher grade or a lower grade; lack of work; lack of funds; or because of the return to work from an authorized leave of another employee to such a position in accordance with The Rules regarding leave,
- (b) When an employee does not demonstrate the ability to render satisfactory service in the position he/she holds,
- (c) When a promoted employee is demoted during the promotional probationary period,
- (d) When an employee voluntarily requests such demotion,
- (e) As a disciplinary action, for but not limited to, any violation of the provisions of The Act or The Rules or whenever the good of The County service will be served thereby.

For all demotions, except those made for disciplinary reasons, written notification stating the reason(s) and the effective date of the demotion will be provided to the employee at least seven (7) calendar days prior to the effective date of the demotion. The notification will be signed by the Appointing Authority. A copy of this notification will be provided to The Board for inclusion in the employee's personnel file.

5.03 Inter-Departmental Transfers

An Appointing Authority with approval of the Director may at any time assign a regular employee under his department from one position to another in the same class regardless of the shift, location, hours of work or other consideration as long as the work week basis remains the same. Such transfers shall be made with the retention of all of seniority, vacation, sick leave, and overtime as the employee may have accrued.

5.04 Transfers between Departments

The Director may authorize the transfer of any regular employee who has not retired, resigned, or whose employment has not been otherwise terminated to any other department, providing the consent of both Appointing Authorities involved has been received. An employee desiring a transfer will complete a **Transfer Request Form (Personnel Form T-1)** and submit it for all relevant approvals. Prior to the consent of the Appointing Authorities and as a condition precedent to authorization by the Director, the Appointing Authority which desires to receive the prospective transfer employee must submit to the Director a request to fill a position.

The Director shall then certify and/or refer the names of eligibles to such Appointing Authority desiring the transfer in accordance with The Rules. This list of eligibles shall be in addition to the prospective regular employee to be transferred. All transfers must be consistent with The Rules and must be approved by the Director prior to the effective date. Such transfer shall be with all rights of seniority, vacation, sick leave, and overtime leave as the employees may have accrued.

5.05 Assignments

An Appointing Authority may assign any employee in the classified service in his department to any duties so long as such duties are within the same classification. No employee in the classified service may be assigned duties of a different class for a period in excess of thirty (30) days without the approval of the Director. Any and all such assignments outside the classification must be immediately reported to the Director.

In addition an employee may be placed on temporary assignment for such purposes as training, accomplishing special projects, or filling temporary vacancies. The employee's pay will remain the same as his/her regular pay if the temporary assignment does not exceed thirty (30) continuous days. However, if the employee remains in the temporary assignment for more than thirty (30) continuous days and the temporary assignment is to a job that has a higher grade and/or step, his/her pay will be adjusted to the pay grade of the temporary job assignment for the remainder of the assignment. The adjusted pay will be at least two steps above the pay for his/her current grade and step, or step 1 of the pay grade of the temporary job, whichever is greater. Such temporary assignment will not exceed one hundred twenty (120) continuous calendar days.

5.06 Reduction in Force

In the event that it becomes necessary because of lack of work, lack of funds, or is advisable in the interest of The County to reduce staff, the following procedure shall govern the layoff:

- (a)** The reason for such layoff shall be reported in writing and shall stipulate the number of positions and classifications to be affected.
- (b)** The Director shall determine in consultation with the Appointing Authority(s) the organizational units to be affected by the layoff.
- (c)** If such reduction is departmental, then the layoff shall be made by first laying off the employee(s) in the classification to be affected by the layoff that are interim, temporary, seasonal, part-time and probationary, if any. From that point, the layoff shall be of regular employees in the classification on the basis of their relative seniority. In the event there are two or more employees who would be affected by the layoff, and they have equal seniority, the employee who stands lowest on the efficiency or performance ratings last regularly filed with the Director shall be laid off first.
- (d)** If such reduction is of a general nature, the Director, after consultation with the Appointing Authority(s), shall determine the manner of layoff, taking into consideration the number and classification of positions to be reduced. In all instances, seniority shall govern except in the case of two or more employees having equal seniority; in this event, efficiency or performance ratings shall be applied as provided in subsection (c) of this Rule.
- (e)** When an employee is laid off in a department which has other classifications or grades lower than the classification or grade from which he is laid off, he shall have the option of working in any other lower classification or grade in the same department, provided the Director in consultation with the Appointing Authority finds that he is qualified to perform the duties of such lower classification or grade, such option being subject, however, to subsections (f), (g), and (h) following.
- (f)** Where an employee so laid off elects to drop to a lower classification or grade, and where the Appointing Authority reduces the number of employees in such lower classification or grade, the reduction shall be made in the manner in which it is herein provided layoffs shall be made, except that such reduction shall in no case cause the layoff of any regular employee in such lower classification or grade who has more seniority in the department than the employee laid off from the higher classification or grade. A person laid off from a

classification or grade shall have the right, so long as he is in the service or on the layoff list, to return to the position from which he or she is laid off in the event such position is refilled.

- (g)** The duties performed by the employee or employees so laid off may be assigned to any other regular Classified Service Employee or employees in the department or office who, in the opinions of the Director of Personnel, in consultation with the Appointing Authority, are qualified to perform such duties regardless of the specific classification or grade to which such employees are allocated.
- (h)** Any employee to be affected by layoffs shall be given a minimum of fifteen (15) days notice.

TRANSFER REQUEST FORM

Name _____ Social Security Number _____ - _____ - _____

This is to request to transfer **from**:

Department _____ Classification _____

Pay Grade _____ Step _____ Pay Rate _____

To:

Department _____ Classification _____

Pay Grade _____ Step _____ Pay Rate _____

Effective Date: _____

Leave Balances: _____ Vacation Hours _____ Sick Hours

_____ Compensatory Time Hours (Paid/Carried)

Request submitted by _____
Employee Signature _____ Date _____

Approvals:

Current Appointing Authority _____ Date _____

Proposed Appointing Authority _____ Date _____

Personnel Director _____ Date _____

Note: This request should be completed and all approvals obtained prior to the effective date.

Rule 6 – Attendance and Leave of Absence

6.01 Hours of Work

Houston County offices will be open for business as established by the Houston County Commission in coordination with the Houston County Appointing Authorities.

- (a) Individual Appointing Authorities will establish the actual work schedule for their employees in accordance with the needs of The County and the employees concerned. In all instances, equal treatment of all employees doing the kind of work will be given.
- (b) Normally, classified service and temporary appointment employees will work a forty (40) hour work week. In those departments where the Fair Labor Standards Act (FLSA) allows for the establishment of an extended work period, the number of regular hours to be worked in the work period will be established in accordance with the FLSA. Overtime pay and compensatory time off will be provided when required by the FLSA.
- (c) The hours to be worked during the work week by all seasonal/part-time service employees will be established by The Board in coordination with The County Commission and the Appointing Authority at the time of approval of such positions. Seasonal/part-time service employees will be paid by the hour for those hours they actually work each pay period. Seasonal/part-time service employees are eligible to receive overtime pay, if the total hours they work during a work week period meet the requirements of the FLSA, as amended.
- (d) The Appointing Authority will provide a time and attendance report to the Director for all employees under his or her authority. The report will include all time worked, approved leave and overtime for each employee. The Appointing Authority will certify the accuracy of the report, and may establish additional procedures for records that are necessary to verify the information contained in said report.

6.02 Overtime

Employees who work in FLSA non-exempt jobs will be paid overtime pay or given compensatory time leave for those hours worked in excess of the established regular hours for the work week/ work period. Overtime will not be paid until the employee exceeds the established regular hours for the work week/work period as required by the FLSA. (For Rules governing overtime see section 6.04 of these Rules and Regulations.) A non-exempt employee who responds to a call to perform County services after normal working hours, as authorized by his/her department head, is on Call-Out Status. An employee shall be paid at overtime rates for all calls (i.e. Call-Out Status) to which he/she responds. An employee shall be guaranteed a minimum of two (2) hours overtime for each time he/she is called out on Call-Out Status. Such time shall be computed from the time the employee leaves his non-job site and returns to that non-job site or to the employee's residence.

6.03 Overtime Authorization

All overtime work must be authorized and approved by the Appointing Authority prior to the work being accomplished.

6.04 Overtime Computation

All overtime pay will be computed at one and one-half (1 1/2) of the employee's regular rate of pay in accordance with the provisions of the FLSA and/or state law.

The employee's overtime hours worked will be reported on the department's time and attendance reports in accordance with procedures established by the Personnel Board. Those records required by the FLSA for hours worked and wages paid will be maintained by the Personnel Board.

6.05 Overtime Exemption

Employees who work in jobs that have been determined by The County Commission and/or Board to be specifically exempt from the overtime requirements of the FLSA will not be paid overtime pay for overtime worked.

6.06 Types of Leave

The following types of leave are officially established: holidays, vacation leave, sick leave, compensatory time leave, military service leave, jury leave, leave for special meetings and examinations, administrative leave, and leave without pay.

6.07 Attendance and Leave Report

The absence of an employee from duty shall be reported to the Personnel Department by the Appointing Authority or department head. Absences shall be reported on the forms prescribed by the Director and shall be forwarded immediately to the Director when the employee returns to duty, or at the close of the payroll period if the employee has not returned to duty. The Director shall maintain attendance and leave records on all classified employees.

6.08 Absence without Leave

An employee who is absent without leave shall be subject to the provisions of Rule 8 governing suspensions and dismissals.

6.09 Seasonal, Temporary, and Part-time Employees

Under no circumstances shall seasonal, temporary, and part-time employees be allowed to earn or use annual leave, sick leave or military leave unless provided for in The Rules.

6.10 Transfers

A regular employee, who has not retired, resigned, or whose employment has not been otherwise terminated who transfers from one department to another within the classified service shall carry his accumulated annual and sick leave with him into the new position. Compensatory time leave may either be transferred or paid at the option of the Appointing Authority receiving the employee.

6.11 No Advance Leave

Annual leave, sick leave, and compensatory time leave shall not be allowed in advance of being earned. If an employee has insufficient leave to cover a period of absence, no allowance shall be posted in advance or in anticipation of future leave credits. In such cases, payroll deductions for the time lost shall be made for the pay period in which the absence occurred.

6.12 Holidays

The Board, in coordination with The County Commission, shall fix by resolution the holidays that employees shall observe at the beginning of each calendar year. Employees on non-pay status, such as leave of absence (e.g. FMLA LEAVE), or in paid military leave shall not earn additional time for holidays. All employees shall receive the same number of holiday hours. Houston County employees shall be compensated in accordance with the following provisions:

- (a)** Holiday pay for seasonal and part-time service employees will not exceed the hours the employees would have worked if the day had not been a holiday.
- (b)** When an authorized paid holiday falls on a Saturday, the holiday will be observed on the previously scheduled workday before the holiday. When an authorized paid holiday falls on a Sunday, the holiday will be observed on the Monday after the holiday.
- (c)** An Appointing Authority will designate the work day that will be observed as a paid holiday for those eligible employees whose work week is other than Monday through Friday.

- (d) An employee who is eligible for holiday pay and is required by his/her Appointing Authority to work on the authorized paid holiday will be paid as follows. He/she will be paid at one and one-half his/her regular rate of pay or scheduled to take time off equivalent to one and one-half the amount of hours he/she worked on that holiday. The decision regarding payment will be made by the Appointing Authority.
- (e) To be entitled to receive holiday pay for an authorized paid holiday an eligible employee must be present at work, or on approved leave with pay, his/her scheduled work days immediately preceding and following the paid holiday. If an absence is unauthorized for either of these days, holiday pay will not be paid.
- (f) Eligible employees will be paid holiday pay at their normal hourly rate of pay for each authorized paid holiday not worked. A paid holiday will not be counted as hours worked during a work week or work period unless an employee actually works on that day. If the time worked for a paid holiday causes the employee's total hours worked to exceed the established regular hours of work for the work week or work period, as specified by the FLSA, the overtime pay or compensatory time earned will be calculated at one and one-half (1 ½) hour for each hour worked that exceeds the regular hours for the established work week or work period.
- (g) An employee shall be paid the amount of holiday pay equivalent to one work day. For example, an employee normally scheduled to work a ten hour shift each day shall be paid ten hours for each observed holiday.
- (h) In accordance with authorization or authority given by the Commission or Personnel Board, the Appointing Authority may approve flex or floating holidays in certain situations. If the Appointing Authority deems it necessary to work on a County or Personnel Board approved holiday, the Appointing Authority may substitute a floating holiday to be taken in lieu of the holiday worked. These holidays must be preapproved by the Appointing Authority to be taken at the Appointing Authority's discretion. Floating holidays cannot be taken until after the holiday has occurred and they must be taken within 3 months.

6.13 Annual Leave

Annual leave is time accumulated by employees who have completed six months of service. It may be used by said employees for vacation or personal time off.

Upon completion of six (6) months of service, all employees shall be allowed to earn and accrue annual leave time with pay. Annual leave time will be charged in 15-minute units for all eligible employees.

6.14 Eligibility for Annual Leave

Upon completion of six (6) months service an employee shall be eligible to use annual leave time upon the accrual of same. The use of such annual leave time shall be determined by the Appointing Authority with due consideration to seniority, length of service, and request of the employee.

6.15 Earning of Annual Leave

Annual leave time accruals shall be based upon a twenty-six (26) pay periods per year basis. An employee holding a regular position shall earn annual leave time in accordance with his longevity of service as follows:

Length of Service:	Amount Earned:
6 months to 10 years	3.08 hours per pay period (two weeks per year)
10 to 20 years	4.62 hours per pay period (three weeks per year)
Over 20 years	6.16 hours per pay period (four weeks per year)

6.16 Accumulation of Annual Leave

Annual leave time earned but not used during the calendar year may be accumulated up to a maximum of 240 hours. Annual leave time earned in excess of the maximum accumulation

stipulated must be used by the last pay period in the calendar year. For calculation purposes the annual leave time year will run from the first full pay period in January through the end of the pay period which includes December 31. After this time any unused balance in excess of 240 hours shall be forfeited.

Bonus annual leave will be added to an eligible employee's regular annual leave as follows:

- (a) An employee who does not use any sick leave for a period of one (1) year (first complete pay period in January through the last complete pay period in December) and who has a balance of 480 hours of sick leave at the end of year will have 32 hours of bonus annual leave added to his/her regular annual leave earned for the year. Use of sick leave for bereavement only shall not exclude additional bonus hours from being awarded.
- (b) An employee who does not use sick leave for a period of one (1) year (first complete pay period in January through the last complete pay period in December) and who has less than 480 hours of sick leave at the end of the year will have 24 hours of bonus annual leave added to his/her regular annual leave time earned for the year. Use of sick leave for bereavement only shall not exclude additional bonus hours from being awarded.

6.17 Restrictions of Annual Leave

Annual leave time shall be subjected to the following restrictions:

- (a) An employee shall not earn annual leave time during a leave of absence without pay, a suspension without pay, or when the employee is otherwise in a non-pay status for one complete pay period.
- (b) An Appointing Authority shall not require an employee to forfeit his earned annual leave time as punishment under The Rules; provided however, an employee who is terminated or does not otherwise leave or separate from the County service in good standing, shall not receive pay for their accrued annual leave.
- (c) Employees serving an initial probationary period will not earn annual leave during the first six months of service.

6.18 Sick Leave

Sick leave is leave time accumulated by a full time employee for use in accordance with The Rules. All employees holding regular positions shall be allowed to earn and accrue sick leave time. Sick leave time is not a right for which employees may make demand but a privilege granted in accordance with prescribed Rules and Regulations, which may be changed from time to time as the best interest of The County.

6.19 Eligibility for Sick Leave

An employee holding a regular non-probationary full time position in the classified service shall be eligible to use any sick leave time earned.

6.20 Computation and Accumulation of Sick Leave

Sick leave time accruals shall be based upon a twenty-six (26) pay periods per year basis and earned at the rate of 3.69 hours per pay period. Sick leave earned during the calendar year but not used will be continuously accumulated, however, a maximum of 960 hours carried forward from one year to the next.

6.21 Notification

The employee must notify his/her supervisor within two (2) hours of his/her usual reporting time, or as soon as possible, thereafter, of his/her inability to report to work. Failure to do so may be cause for denial of sick leave time for the period of absence. Denial of sick leave will result in the employee being charged with annual leave, leave without pay, or absent without leave, at the discretion of the Appointing Authority.

6.22 Use of Sick Leave

- (a) personal illness of the employee, injury incurred off duty, including inability to work due to pregnancy, childbirth, or related medical conditions; or
- (b) personal physician and dental appointments; or
- (c) when an employee's presence may endanger the health of the employee or fellow employees; or
- (d) for the employee to receive treatment, care and/or counseling, as either an inpatient or as an outpatient, for substance abuse at a duly licensed treatment facility; or
- (e) illness in the employee's immediate family and said illness requires the employee's personal care, which necessitates his absence from work. In this case "immediate family" shall be defined as the employee's spouse, employee's or employee's spouse's children, parents and parents-in-law; or
- (f) bereavement due to the death of the employee's immediate family. For bereavement only, in addition to definition listed in part (e) above, "immediate family" may also include the employee's or employee's spouse's siblings, grandparents, or grandchildren. Each such leave will not exceed three (3) consecutive calendar days in length. A one day Bereavement leave for brothers/sisters-in-law, daughters/sons-in-law, aunt/uncle or niece/nephew will be granted for the day of the funeral only. The employee will be paid only for those days scheduled to work. Each such leave does not count against sick time accrual. In the event additional time is needed, any accrued leave other than sick leave may be used as approved by the Appointing Authority. Proof of family relationship to the deceased may be required.
- (g) at the request of the employee, any accrued annual leave time or compensatory time may be used for an illness as though it were sick leave time.

6.23 Sick Leave Certification

An employee who is absent on sick leave continuously for a period three (3) work days or more may, at the discretion of their Appointing Authority, be required to submit a medical certificate signed by a licensed physician or other written evidence to substantiate the sick leave usage. Sick Leave Certification shall include:

- (a) a confirmation that the condition renders the employee incapacitated to perform position duties, and
- (b) the probable period of such incapacitation. However, the Appointing Authority or Director may require such certification to substantiate sick leave claims of less than three (3) days.

If an Appointing Authority or other supervisor observes a pattern of sick leave usage that may be indicative of abuse, the matter should be discussed with the employee. The employee should be advised as to what is expected of him or her and should be given an opportunity within a reasonable time frame to correct the problem. The employee should also be informed that, if the problem is not corrected as discussed, he/she will be required to provide documentation, as indicated above, in all instances of absence due to illness. A written summary of the discussion should be provided to the employee and maintained in the employee's file and a copy should be forwarded to the Director.

If correction is not forthcoming within the specified time frame, another discussion should take place in which the employee is informed that the Appointing Authority's expectations have not been met. This discussion should include information regarding the reason abuse is suspected; what, if any, progress was made during the initial period; whether or not documentation will be required (within what period of time); and whether or not more severe action may be contemplated should the employee's leave and attendance not improve.

In instances where sick leave is required under Rule 6.22 (e), documentation may be required for any time period. Documentation shall include information concerning the necessity for the employee's absence from work. It is not necessary to divulge any confidential information concerning the family member to comply with this requirement.

6.24 Restrictions of Sick Leave

Sick leave shall be subject to the following:

- (a) An employee shall not earn sick leave time during a leave of absence without pay, a suspension, or when the employee is otherwise in a non-pay status for one complete pay period.
- (b) Sick leave shall not be granted an employee whose absence from duty is a result of his own misconduct. Absence for such cause shall be reported as absence without leave and shall subject the employee to disciplinary action.
- (c) Sick leave shall not be granted an employee whose absence from duty is caused by injury or disability sustained as a result of his engaging in employment outside the classified service of the County.
- (d) Employees who separate from service and who do not qualify for retirement under the State Retirement System shall forfeit any accumulated sick leave. Employees who do qualify for retirement under the State Retirement System will be eligible to convert their accumulated sick leave, not to exceed the maximum limit of 960 hours, to service time at the time of retirement. The conversion table will be the one adopted by the State of Alabama. Those employees who were hired into classified or unclassified positions before March 1, 1987 and who qualify for retirement under the State Retirement System and upon retirement have an accumulated balance of at least 480 hours accumulated of sick leave will be eligible to elect to be paid payment for one half (1/2) of that accumulated balance up to a maximum of 240 hours pay at the time of retirement or in the alternative may elect to convert their accumulated sick leave, not to exceed the maximum limit of 960 hours, to service time at the time of retirement. The conversion table will be the one adopted by the State of Alabama. Pursuant to ALA. CODE § 36-26-36.1, no employee shall receive both service credit provided by this section and payment or partial payment for accrued sick leave pursuant to any other provision of law.
- (e) Any unjustifiable or fraudulent claim for sick leave time, upon discovering, may be punished by loss of pay, charged as annual leave time, or disciplinary action up to and including termination of employment.
- (f) When a County paid holiday occurs during the period an employee is on sick leave, the employee will receive his/her regular holiday pay and that day will not be charged against his/her sick leave time.
- (g) When an employee is absent due to an injury for which compensation is provided under the worker's compensation law of Alabama, benefits will be paid in accordance with such law. Sick leave may not be taken when an employee is receiving worker's compensation benefits.

SICK LEAVE ELECTION FORM

Policy: Those employees who were hired into classified or unclassified positions before **March 1, 1987**, and who qualify for retirement under the State Retirement System and upon retirement have an accumulated balance of at least 480 hours of Sick Leave accumulated will be eligible to elect payment for one half (1/2) of that accumulated balance up to a maximum of 240 hours pay at the time of retirement or be eligible to convert their accumulated Sick Leave, not to exceed the maximum limit of 960 hours, to service time at the time of retirement. The conversion table will be the one adopted by the State of Alabama.

Name: _____ Social Security Number: _____

Retirement Date: _____

Number of accumulated hours at time of retirement: _____

SELECT ONE:

Payment for one-half (1/2) of accumulated balance of Sick Leave (240 hours maximum)

Conversion of accumulated Sick Leave to service time (maximum 960 hours)

Signature

Date

Department

6.25 Compensatory Leave Time

Employees who work in Fair Labor Standards Act (FLSA) non-exempt jobs will be paid overtime pay, or given compensatory leave time, for those hours worked in excess of the established regular hours for the work week/work period. The use of compensatory leave shall be determined by the Appointing Authority with due consideration to the request of the employee.

6.26 Computation of Compensatory Leave Time

Compensatory time off will be computed at one and one-half (1 ½) hours for each hour of work that meets the overtime requirements of the Fair Labor Standards Act. For pay purposes, an employee may accumulate a maximum of eighty (80) compensatory hours. Any hours earned which would cause accumulated hours to exceed 80 will be paid in the pay period in which it was earned. For accounting purposes, compensatory time shall accrue from January 1 through December 31, and an employee may carry forward into the next year a maximum of eighty (80) compensatory hours. Those records required by the FLSA for hours worked and compensatory leave time earned and taken will be maintained by the Personnel Board. When an eligible employee who has accrued compensatory time is separated, he/she will be either given time off prior to the separation or paid at his/her regular rate of pay for the accrued compensatory time at the discretion of the Appointing Authority.

6.27 Other Benefits

- (a) Worker's Compensation – Employees who sustain a job related injury may be eligible for Worker's Compensation benefits in accordance with Alabama law. When an injury occurs, the following actions are required:
- a. Employees must notify a supervisor, Appointing Authority or other authorized representative of The County immediately of such injury.
 - b. The employee and/or supervisor will complete a First Report of Injury Form and forward it to the Director.
 - c. The Director will file a report of each injury with the designated insurance carrier.
 - d. Benefits and eligibility in each case shall be determined in accordance with Alabama Worker's Compensation Law.
 - e. An employee cannot receive Worker's Compensation benefits while receiving any other compensation from The County, except that an employee may continue group health and dental insurance. When an employee is on Worker's Compensation leave, Houston County will pay the employee's portion for group health insurance for the employee's individual coverage.
- (b) Houston County offers other benefits such as health and life insurance to employees in accordance with provisions established by The County Commission. Such benefits change periodically based on agreements between The County Commission and the provider. Employees will be notified of the availability and cost of benefits, changes to benefit programs, and given sufficient time to make participation decisions.

6.28 Military Service Leave, Differential Pay and Reinstatement for Active Duty

This Section 6.28 of the Rules shall not apply to normal National Guard and Reserve weekend drill, annual training, and required schools as described in 32 U.S.C. Section 502 (a) through (e) inclusive and other similar or related activities.

- (a) **Regular Employees.** Upon application to the Director, a regular employee who enters into the military service or armed forces of the United States Government, the National Guard or public health service, whether drafted, activated, or by voluntary enlistment shall be granted a leave of absence from the classified service in accordance with the restrictions identified under subsection a.

a. **Leave Restrictions:**

- i. **Active Duty:** Leave of absence shall not exceed four (4) years, unless the military service is extended by Federal Act or Presidential Decree.

b. **Re-employment Status:**

No loss of rights or status shall occur, and **except as provided herein for probationary status employees**, the employee shall be given credit for the time spent in the Armed Forces of the United States as actual service rendered in the classified service as though his or her employment had not been interrupted, provided the employee shall present himself or herself to the Director for re-employment and instatement in accordance with the following guidelines:

- i. **For service of less than 31 days – the next regular scheduled shift on the day following release, safe travel time, and eight hours of rest**
- ii. **For service of 31 through 180 days – within 14 days following release**
- iii. **For service of 181 days or more – within 90 days following release**

The benefits provided by this Rule shall not include any employee who has received a dishonorable discharge from the service, a court martial, commutation of a court martial sentence or who has been dropped from the military rolls for serving time in a federal or state prison. Failure to apply for reinstatement within the allotted time period will constitute waiver of said rights.

c. **Re-employment Conditions:** Re-employment as provided herein is also contingent on whether the employee is still qualified to perform the duties of the position; if so, the employee shall be restored to such position or to a position of like seniority, status and pay. If not qualified to perform the duties of such position by reason of disability sustained during military service, the Director shall determine what classification is most consistent with the circumstances in his or her case.

- i. **Probationary Employees.** The provisions concerning regular employees shall also apply to probationary employees, provided **however, that employees called to active duty while serving a probationary period cannot complete the probation until they return to work. The probationary period is considered “frozen” until the employee returns to work from active duty.**
- ii. **Differential Pay.** Requests for pay differential based on these Rules must be made in accordance with the following guidelines:
 1. **For service of less than 31 days – the next regular scheduled shift on the day following release, safe travel time, and eight hours of rest**
 2. **For service of 31 through 180 days – within 14 days following release**
 3. **For service of 181 days or more – within 90 days following release**
 4. **The Alabama Legislature in 2002 passed Act No. 2002-430, which became effective July 1, 2002 and is retroactive to September 11, 2001. This Act provides that Houston County, Alabama, may provide for any public employee of the County who is called into active service in the armed forces of the United States during the war on terrorism, compensation in an amount which is equal to the difference between the lower active duty military pay and the higher public employment salary, which he or she would have received if not called to active service. As a result, the Director is authorized to grant additional pay to any employee, subject to the adoption and funding of the implementation of this Rule by the Houston County Commission, any employee, who is called into active**

service in any of the armed forces of the United States during the war on terrorism in accordance with Ala. Code § 31-12-6, as amended. Said additional pay, or "Differential Pay," shall be equal to the difference between the lower active duty military pay plus all military allowances and the higher County base pay. Payment to qualifying employees shall be retroactive to February 1, 2003, and shall be provided to employees on a claims made basis supported by documentation acceptable to the Director showing the amount of the pay differential. In all instances, the differential pay provided for herein shall be provided for a period not to exceed sixteen (16) months and shall not begin until the employee has exhausted his or her 168 hours of military leave in accordance with Section 6.29 of these rules.

5. Subject to the limitation of these Rules, the amount of differential pay required to be paid to an employee called into active service under this Section 6.28 shall be paid as provided in Section 6.28 (a) c. ii. 4., for an employee's active military service, the length of which shall be determined by the Director based upon information or certification provided by the Adjutant General of the Alabama National Guard, from the date of the employee's activation and shall be paid from funds appropriated by the Houston County Commission for employees' salaries/pay.
6. For an employee who is eligible for the differential pay, the employee shall request payment in writing by completing a Houston County Differential Pay Request Form. This form, along with a copy of the military orders and the related payroll leave and earnings statements is submitted to the Director. After the Adjutant General certifies that the duty performed was for the War on Terrorism and the employee served 30 or more consecutive days, all documents will be returned to the Director.
7. The Director shall then calculate the additional pay, or differential pay, which shall be equal to the difference between the lower active duty military pay plus all military allowances and the higher County base pay.

6.29 Temporary Leave for National Guard and Armed Forces Reserved Training

- (a) An employee in the classified service who by reason of membership in the National Guard or Armed Forces Reserve of the United States is ordered by appropriate authority to field or coast defense, or to attend a training period, or to serve AS ordered under the provisions of the National Defense Act, or under the federal laws governing the United States Reserves, shall, upon presentation of official orders, be paid for no more than one hundred sixty eight (168) hours military leave per calendar year. Absent compelling circumstances, an employee must notify his/her Appointing Authority of such duty at least ten (10) working days prior to the commencement of such leave or as soon as the employee becomes aware of his/her projected dates of service.
- (b) In the event an employee of the classified service who by reason of membership in the Alabama National Guard is called to duty in the active service of the state by the Governor of the State of Alabama, said employee shall be entitled to be paid for no more than one hundred sixty eight (168) working hours at any one time for said duty ordered by the Governor of Alabama.
- (c) Seniority, annual leave, sick leave and other related benefits arising from employment in the Civil Service System for employees ordered to attend training periods or who are called to duty in the active service of the State or County by the Governor or the President of the United States shall be the same as those prescribed by Rule 6.29(a).
- (d) For purposes of this provision, temporary shall be defined as a period of three (3) months or less. The one hundred sixty eight (168) working hours payment provision shall not be deemed to be a limitation to the maximum allowable leave time and Rule 6.29(a) shall be

applied in conjunction with this Rule in all situations involving a time period of greater than three (3) months.

- (e) An eligible employee who wishes to be granted military leave must submit a copy of his/her military orders with his/her leave request. Such request will be submitted as soon as the employee becomes aware of his/her projected dates of service.

6.30 Pre-Induction Physical Examination Leave

An employee in the classified service shall be allowed up to one (1) full day for the purpose of taking a pre-induction physical examination when such examination is ordered by the Selective Service Board of the United States Armed Services. Absent compelling circumstances, an employee must provide appropriate documentation to his/her Appointing Authority requesting such leave at least ten (10) working days prior to the commencement of such leave or as soon as the employee becomes aware of his/her projected date for said pre-induction physical examination.

6.31 Civil/Legal Leave

Upon submission of a request with appropriate documentation, an employee shall be granted leave with pay as indicated below:

- (a) An employee summoned for jury duty shall be granted leave with pay for the time necessary to comply with the jury summons.
- (b) An employee summoned as a witness in a proceeding which was not brought by the employee and to which the employee is not a party shall be granted leave with pay.
- (c) Voting. The length of time granted for voting, at the discretion of The Appointing Authority, shall be the reasonable time necessary to vote, and will normally be granted at the start or end of a workday.

Attendance in court by employees in an official capacity will not be considered civil/legal leave but as regular work time.

The provisions of any law or department rule that require any fee provided an employee who is attending court in an official capacity to be turned into The County will be observed. In other situations any fees paid the employee may be retained by the employee in addition to his/her civil/legal leave pay.

6.32 Hazardous Weather Leave

- (a) When considered necessary for the safety of the county employees, The County Commission may authorize a late arrival time or an early departure time due to hazardous weather conditions. Such time will be reported on department attendance reports as hazardous weather leave.
- (b) When a hazardous weather situation occurs, employees who are required to perform essential County operations may be required to report to work. Such employees will be contacted by their supervisors when their attendance for work is required.

6.33 Leave for Special Meetings and Examinations

Whenever it is deemed by the Appointing Authority to be in the best interest of the classified service, an employee may be granted leave with pay by the Appointing Authority to attend professional or technical institutes, conferences, or such other meetings. Time off with pay shall be granted to an employee for the purpose of and as necessary for the taking of examinations administered by the Personnel Board of Houston County.

6.34 Administrative Leave

All employees in the classified service are eligible for administrative leave.

Definition: There is hereby created a leave status entitled "Administrative Leave." An employee in the classified service may be placed on administrative leave, with or without pay.

While on administrative leave with pay, an employee shall be entitled to the compensation and benefits earned and accrued to his classification at the time he is placed on administrative leave; however, said employee shall not perform any of the responsibilities, assignments, and specifications of his job during said time he is on administrative leave.

(a) Administrative Leave With Pay

- a. As Authorized by Appointing Authority. An Appointing Authority is authorized to place a classified employee in the category of administrative leave with pay for a period of time not to exceed ten (10) working days, provided however, an Appointing Authority must first forward to the Director in writing the reason(s) why the employee is being placed on administrative leave with pay.
- b. As Authorized by The Board. If an Appointing Authority desires to keep a classified employee on administrative leave with pay beyond the period of ten (10) working days, the Appointing Authority shall present a written request to The Board which shall include the reasons for the request. The Director shall submit his recommendation in writing to The Board relative to said request, and The Board shall either approve or deny said request. Under no circumstances shall The Board extend administrative leave with pay for a classified employee beyond an additional thirty (30) working days.

(b) Administrative Leave Without Pay

A regular employee may be eligible for up to a maximum of one (1) year of unpaid administrative leave, with the approval of the Appointing Authority and The Board. An employee who is either ineligible for, or has previously exhausted the maximum amount of paid or unpaid leave under The Rules, may request said leave. In addition, the Appointing Authority may place an employee on administrative leave for up to one (1) year without pay if it is deemed to be in the best interest of The County service. Any such decision by the Appointing Authority is subject to appeal as provided by The Rules.

6.35 Leave of Absence without Pay

(a) Eligibility For and Types of Unpaid Leave of Absence

Requests for leaves of absence without pay shall be submitted in writing to the employee's Appointing Authority and shall state the purpose of the leave, and the dates the leave is to begin and end. Any approved leave of absence without pay shall not be considered in calculating an employee's seniority status, compensation or benefits of any type that are otherwise calculated and determined by length of classified service. Upon approval of the Appointing Authority, such leave shall be allowed in the following categories:

- a. Family Medical Leave Act (FMLA): An employee occupying a regular, full time position who is temporarily incapacitated to perform duties, and who is not drawing any form of disability compensation or worker's compensation from a jurisdiction may be granted unpaid medical leave of absence for no more than twelve weeks within a "rolling" twelve (12) month period measured backward from the date an employee uses any Family and Medical Leave Act leave; provided that the employee submit with such application a doctor's certificate which shall include (a) the diagnosis, (b) a confirmation that the diagnosed condition renders the employee incapacitated to perform position duties, and (c) the probable period of such incapacitation.

- i. Employees who have worked for The County service for at least twelve months and at least 1,250 hours during the prior twelve (12) months may take up to twelve (12) weeks of unpaid leave (FMLA Leave) for the following reasons:
 - 1. Birth and/or care of a child of the employee;
 - 2. Placement of a dependent into the employee's family by adoption or by a foster care arrangement;
 - 3. Care of the employee's spouse, child or parent who has a serious health condition;
 - 4. Inability of the employee to perform the essential functions of his/her position due to a serious health condition.
- ii. Any Family & Medical Leave Act Leave taken by an employee during the preceding twelve (12) month period will be used to determine the amount of available unpaid leave pursuant to the Family Medical Leave Act.
- iii. The right to Family & Medical Leave Act Leave for the birth, care and/or placement of a child into an employee's family may only be taken within the twelve (12) months after the date of the birth or placement of the child.
- iv. When the necessity of said leave is foreseeable due to the expected birth or placement of a child, the employee must provide his/her Appointing Authority at least thirty (30) days notice of the employee's intention to take leave or as much notice as practical.
- v. Any request for leave based on the serious health condition of an employee or family member must be supported by certification from a healthcare provider. The certification must contain:
 - 1. The date the serious health condition began,
 - 2. The predicted duration of the condition,
 - 3. The appropriate medical facts regarding the condition,
 - 4. Statement of information from a healthcare provider stating the employee's need to care for a family member and expected length of time,
 - 5. Statement of information from a healthcare provider stating the employee is unable to perform the essential functions of his/her job
- vi. The Personnel Director may require an employee on FMLA leave to provide a status report periodically and also to provide periodic re-certification from a healthcare provider of the medical condition of the employee.
- b. Personal Leave: A regular employee with permanent status may be granted a leave of absence for not more than one (1) year for any good reason as determined by the Appointing Authority subject to the approval of the Personnel Board.

At the time of approval of any personal leave without pay such as a non Family and Medical Leave Act leave of absence, the Appointing Authority shall designate whether the employee's name shall be placed on the re-instatement List.

6.36 Resignation or Retirement

(a) Resignation without retirement benefits

An employee with regular status who wishes to resign from his position in the classified service in good standing shall submit his notice in writing to the Appointing Authority not less than fourteen (14) calendar days prior to the effective date. Under unusual conditions, the

Appointing Authority may, with the approval of the Director, reduce the required number of days notice. A regular employee separating from The County service in good standing shall receive pay for his accrued annual leave.

(b) Resignation involving retirement or retirement benefits

An employee with regular status (regular employee) who wishes to resign and retire from his position in the classified service in good standing shall submit his notice in writing to the Appointing Authority and The Director not less than thirty (30) calendar days prior to the effective date. Under unusual conditions, the Appointing Authority may, with the approval of the Director, reduce the required number of days notice. A regular employee separating from The County service in good standing shall receive pay for his accrued annual leave.

REQUEST FOR LEAVE OF ABSENCE

Name _____ Social Security Number _____

Department _____ Classification _____

I hereby request an unpaid Leave of Absence from _____ to _____
Date

_____ of the following type:
Date

- Medical** (Submit statement from your physician which includes the diagnosis, confirmation that the condition(s) render you unable to perform your job duties, and the probable period of incapacitation.)
- Personal** (State Reason) _____
 - Career Development (explain benefit to County) _____
 - Assistance to another governmental agency
 - To care for child, parent, spouse, etc.
 - Other (provide explanation) _____
- Military** (Attach required documentation)
- FMLA** – I understand that this leave *will* *will not* count toward any leave which is provided under the Family Medical Leave Act.

Employee Signature Date

Approved _____
Authorized Signature Date

Not Approved _____
Authorized Signature Date

NOTICE OF INTENT TO RETIRE

Name: _____

SSN: _____

Date: _____

Pursuant to Section 6.36 (b) of the Rules and Regulations of the Personnel Board of Houston County, this letter is to give notice that it is my intention to retire effective _____
(Date)

Signature

To: Appointing Authority
Personnel Department

6.37 Sick Leave Donation Guidelines

The Policy:

It is the policy of Houston County that employees may voluntarily donate sick or annual leave to other employees who have exhausted all of their sick and annual leave and, because of a medical emergency or condition for themselves or a member of their immediate family, are in need of additional sick leave. Medical certification is required from the attending physician and must be received before donation or receipt of donation is approved.

This program applies to all employees of Houston County who earn or accrue annual or sick leave. When sick leave is donated by one employee to another, a credit is transferred for the amount of time that an employee may take as sick leave.

Donations:

The following types of donations of sick leave by eligible full-time employees are allowed:

- (a) Employee to employee donation, regardless of employee pay grade, unless the donor is a direct report of the recipient.
- (b) Employee to supervisor, regardless of employee pay grade or supervisor rank, unless the donor is a direct report of the recipient.
- (c) Supervisor to employee donation, regardless of supervisor rank or employee pay grade.

Guidelines:

- (a) Must provide medical documentation certifying that the employee has a serious medical condition or his/her immediate family member has a serious medical condition that requires the employee's presence.
- (b) An employee may donate any number of sick leave days (not to exceed a total lifetime donation of 480 hours) as long as the donating employee maintains at least 160 hours of accrued sick leave in his or her personal account.
- (c) Donations must be given in hourly increments.
- (d) Sick leave time may not be donated to an employee who is in an employment category which does not accrue sick leave time. Employees must also be out of the initial probation period and be a regular status employee.
- (e) The department head of the employee donating the sick leave time must agree to have the sick leave time transferred to the recipient's department.
- (f) The department head of the employee receiving the donation of sick leave must agree to have the sick leave time transferred to the recipient in their department because the additional sick leave will mean additional time away from work.
- (g) Use of donated leave will be controlled in the Personnel Department. Please do not submit hours for donated leave on payroll sheets.
- (h) Whether the donated sick leave days are used or not, the donation of the sick leave days is irrevocable as of the date the donation form is fully executed (that is approved and signed off on by the Personnel Department).
- (i) Employees terminating from the County may not donate sick leave time (see retiring employees).
- (j) Retiring employees may donate a maximum of 80 hours. This donation should be made in conjunction with the application for retirement.

- (k) Must not have been counseled or disciplined for an attendance violation within the past year.
- (l) The condition (if the person with the serious medical condition is an employee) is not job related.
- (m) Must have a current or future need. No retroactive considerations will be made.
- (n) The employee receiving the sick leave donation is eligible to receive a (total lifetime) donation of up to a maximum of 600 leave hours. The donation may come from more than one eligible employee but may not exceed 600 leave hours total.

Additional Requirements and Guidelines:

The "Sick Leave Donation Form" attached to this policy must be completed and submitted to the Personnel Department. Once the donation form has been received by the Personnel Department, medical certification will then be verified.

The request form must be signed by both department heads and approved by the Personnel Department prior to use of the donated sick leave time.

SICK LEAVE DONATION REQUEST FORM

April 1, 2007

Recipient Employee Information

Donor Employee Information

1. Employee Name

2. Department

3. Job Title

4. Salary Basis (Salary/Hourly)

5. Dates donated sick leave will be used: From To Total hours being donated: _____

6. Certification of Recipient Employee.

Explanation of catastrophic illness/injury and expected length of absence: (Attach relevant medical documentation)

Attending Physician's Signature _____ Date _____

I do hereby certify that I have secured permission from my Department to use donated sick leave pursuant to policy. This request is due to the above-referenced catastrophic illness/injury and will be used during the dates listed above in order to continue my compensation because my other sick leave, vacation time, and personal holidays will have been exhausted prior to this request.

Have you applied for, or do you plan to apply for, Retirement Due to Disability? Yes No

Recipient Employee's Signature _____ Date _____

7. Certification of Donating Employee:

I do hereby certify in making this voluntary request that my Department has permission to transfer the above-listed hours of my sick leave to the Recipient Employee listed above. I understand that my sick leave balance will be reduced by this specified number of hours.

Donating Employee's Signature _____ Date _____

8. Certification of Recipient's Department/Unit Head

I do hereby certify for the Recipient Department listed above that this request meets the guidelines for donating sick leave pursuant to policy and established procedures. I authorize Personnel Management and/or the Recipient's Department to add the total hours donated above to the Recipient Employee's sick leave records.

Recipient's Department/Unit Head _____ Date _____

9. Certification of Donor's Department/Unit Head

I certify that the donating employee's information listed above is correct and that this request meets the requirements of the policy.

Donor's Department/Unit Head _____ Date _____

10. Approved/Denied:

Date _____

Office of Personnel Management - Records Administration

Date Accruals Entered:

Rule 7 – Grievances

7.01 Overview

The most effective accomplishment of the work of the various departments requires prompt consideration and equitable adjustment of employee grievances. It is the desire of all parties to adjust grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be grievances which will be resolved only after a formal appeal and review. A grievance shall be properly commenced by submitting it on an official form, signed by the grievant, within the time limit set out below. A grievance so filed shall be processed in accordance with the provisions of this Rule.

Within the time limits allowed for the pending step or action, any request for extension of any time limit herein may be granted by the Director (whose decision may be appealed to the Personnel Board) or by the Personnel Board when the pending matter involves The Board directly.

7.02 Definition of Grievance

A grievance is an alleged wrong ensuing from the commission or omission of an act by a Houston County supervisor, official, or manager having a significant adverse effect or impact on the employee's career or the terms and conditions of employment. It shall be the burden of the employee to provide sufficient proof of any allegations made against management. Such proof need only be presented in summary or outline form within the statements made on the grievance forms and shall not require submission of documentation in the form of affidavits, or other legal documents.

In order to be adjusted under the provisions set forth in this Rule, the employee's complaint shall cite the details (such as dates, locations, times of day, witnesses, etc.) concerning the particular incident with sufficient specificity to enable the department to adequately prepare a response. No employee shall be penalized in any way for exercising his/her rights under these grievance procedures. Any verifiable act of retaliation committed by management against an employee for having filed a grievance shall be eligible for adjustment under this Rule.

The Personnel Director shall resolve any question as to what constitutes a grievance or what should be processed as a matter subject to these Rules and Regulations. Either party to the grievance may appeal the Director's determination to the Personnel Board within fourteen (14) calendar days from the date of the receipt of the Director's decision. Matters dealing with classification, pay, compensation, examination, leave, discipline, and related actions specifically set forth in the Personnel Rules and Regulations, shall be adjusted in accordance with the provisions set forth in the applicable Rule. In no event will the following topics constitute grounds for a grievance or be admitted for adjustment under this Rule:

- (a) To resolve differences between/among employees of like rank
- (b) Behavior where no possibility of public humiliation existed
- (c) Loss or absence of premium pay or pay reductions which are part of a general County plan to reduce salaries or wages as an economic measure, when such measures are prorated to all employees
- (d) For an oral and/or written reprimand or informal performance evaluation, where the employee disagrees with the contents of such reprimand or evaluation, unless the employee has filed with the Appointing Authority a written reply to such reprimand or evaluation in writing on a Form G-1 within five (5) working days of receiving said reprimand or evaluation
- (e) Assignment related matters such as changes in duties within class, off-days, shift and vacation scheduling, except those assignments which are alleged to be disciplinary. The mere allegation of assignment with a punitive motive shall not be sufficient to allow adjustment under this Rule.

- (f) Matters relating to established departmental policy and Rules, and accepted management practice that are applied consistently to all employees, and for which there exists no conflict with Personnel Board Rules and Regulations and the Law.

7.03 Scope of Grievance Procedure

All regular employees shall have the right to file a grievance in accordance with the grievance provisions contained in this Rule. Probationary employees and seasonal/part time service employees are excluded from grievance provisions.

7.04 Grievance Procedure

Any regular, full-time employee may file a grievance. Employees are assured of freedom from restraint, interference, discrimination or reprisal for presenting a grievance. The grievant may be represented by counsel or other persons of his choosing through the grievance process. A grievance may be withdrawn by an employee at any step within the grievance procedure process without prejudice. Failure of the grievant to take the complaint to STEP TWO within the established time parameters shall be deemed to mean that the grievance has been resolved.

STEP ONE:

- (a) A grievance shall be properly commenced by submitting it on an **Employee Grievance Complaint Form (Personnel Form G1)**, signed by the grievant, and submitted within the specified time limit. The grievance must be submitted to the Appointing Authority within five (5) working days of the incident, or five (5) working days after an employee knows or should have known, of an alleged violation or misapplication of a Houston County Rule, regulation or procedure. A copy of the **Employee Grievance Complaint Form (Personnel Form G1)** must be filed with the Personnel Board. All such complaints shall cite with specificity the reason and nature of the complaint.
- (b) Within five (5) working days of receipt of the **Employee Grievance Complaint Form (Personnel Form G1)**, the Appointing Authority shall reply to the grievant employee in writing on a **Response to Employee Grievance Complaint Form (Personnel Form G2)**. The Appointing Authority must furnish a copy of the reply (**Personnel Form G2**) along with all pertinent facts, to the Personnel Board. Discussions of the grievance between the aggrieved employee, his supervisor and Appointing Authority are encouraged; however, discussions do not eliminate the written replies required under this section.
- (c) Should the supervisor and/or department head not return an answer on official forms within the established time limits, the grievant may proceed to file at the next step, if filed within thirty (30) days from the date of the **Employee Grievance Complaint Form (Personnel Form G1)**.

STEP TWO:

- (a) If the grievant is not satisfied at STEP ONE, the grievant may submit an appeal within seven (7) calendar days from the date of the Appointing Authority's response, or non-response on its due date, whichever occurs first. The grievance appeal to the Houston County Personnel Board must be submitted on an **Employee Appeal for Personnel Board Hearing Form (Personnel Form G3)** which must be signed by the grievant. The Personnel Board will provide a copy of the employee's **Personnel Form G3** to the Appointing Authority.
- (b) The appeal must contain, at a minimum, the following information:
 - a. The grievant's name and department;
 - b. A statement of The Rules, regulations or procedures that have been violated, or misapplied, with the dates and descriptions of such violation(s) or misapplication. This statement should be specific and make reference to or identify handbook section violated if applicable.
 - c. The specific remedy or desired outcome being sought;

- d. Previous supervisory decisions, if applicable to grievance;
 - e. A notice of appeal of those decisions, if applicable, and a request for a hearing by the Personnel Board.
- (c) Upon receiving an **Employee Appeal for Personnel Board Hearing Form (Personnel Form G3)** from the employee, the Chairman of the Personnel Board shall call a meeting of The Board to hear the appeal made by the employee. The appeal hearing will be held within thirty (30) calendar days of receiving the **Personnel Form G3**. Notification of the Appeal Hearing date will be sent to the employee and the Appointing Authority.
- (d) At the hearing, the employee and his/her Appointing Authority shall each have the right to be represented by counsel. The Board may be represented by its attorney or an attorney designated by the Personnel Board, and said attorney may perform such duties as The Board may direct and require.
- (e) Such hearing shall be conducted informally and governed by Rules of practice and procedure adopted by The Board, and in conducting such hearing, The Board shall not be bound by the technical Rules of evidence. No informality of procedure in the conduct of such hearing shall invalidate any decision made by The Board.
- (f) Within three (3) days of the conclusion of the hearing, The Board shall render a decision regarding the grievance.
- (g) A copy of The Board's decision shall be filed with the clerk of the Personnel Board and such decision shall become effective immediately upon such filing.

7.05 Other Provisions

- (a) The Board shall have the authority to continue the hearing from time to time as may be necessary.
- (b) In preparing for and conducting such hearing, the Chairman of The Board and the Director shall each have the power to administer oaths, and to subpoena and require the attendance of witnesses and the production of records, documents and accounts pertaining to the subject under investigation.
- (c) Subpoenas issued as herein provided shall be served (and the fees and allowances for the service thereof shall be the same) as is provided by law for the service of subpoena issued by the Circuit Court of Houston County, Alabama.
- (d) In the event any person is duly summoned to appear and testify or produce evidence, or both, before The Board, and such person refuses to attend or testify or produce such evidence, or any of them, in obedience to such summons, The Board shall have the right to invoke the aid of the Circuit Court at law. In addition, any employee of Houston County who fails to obey any of such orders or subpoenas may be disciplined as provided in Section 17 of State Act No. 84-578 and the Houston County Personnel System.
- (e) Decisions of the Personnel Board may be enforced by mandamus, injunction, or other appropriate Court proceedings in accordance with State Act No. 84-578.
- (f) Any act or perception of retaliation made by a supervisor toward the grievant should be reported to the Director for appropriate action.

SUMMARY OF THE GRIEVANCE PROCEDURE

(NOTE: Employees are referred to Rule 7 of the Rules and Regulations for details of the procedure and relevant time frames)

Step One: The employee will submit a Personnel Form G-1 "Employee Grievance Complaint Form" to the Appointing Authority within five (5) working days of the incident or alleged violation, and file a copy with the Personnel Board of Houston County. The Appointing Authority will within five (5) working days after receiving the Personnel Form G-1, reply to the employee by providing a Personnel Form G-2 "Response to Employee Grievance Complaint Form" to the employee and by filing a copy with the Personnel Board of Houston County.

Should the Appointing Authority fail to provide the employee a written answer within the allotted time frame, the employee may proceed to the next step and complete a Personnel Form G-3 "Employee Appeal for Personnel Board Hearing Form," requesting a Personnel Board Hearing. In this instance, the form must be submitted within thirty (30) days from the date of the Personnel Form G-1.

Step Two: If the Grievant Employee is not satisfied with the Appointing Authority's response, the employee may within seven (7) days, complete and file a Personnel Form G-3 "Employee Appeal for Personnel Board Hearing" with the Personnel Board of Houston County. The Personnel Board will notify the Appointing Authority and employee of the date, time and place of the hearing.

In no event will the following topics constitute grounds for a grievance or be admitted for adjustment under this rule:

- (a) To resolve differences between/among employees of like rank
- (b) Behavior where no possibility of public humiliation existed
- (c) Loss or absence of premium pay or pay reductions which are part of a general County plan to reduce salaries or wages as an economic measure, when such measures are prorated to all employees.
- (d) For an oral and/or written reprimand or informal performance evaluation, where the employee disagrees with the contents of an oral or written reprimand or evaluation, unless the employee has filed with the Appointing Authority a written reply to such reprimand or evaluation in writing on Personnel Form G-1 within five (5) working days.
- (e) Assignment related matters such as changes in duties within a class, off-days, shift and vacation scheduling, except those assignments, which are alleged to be disciplinary. The mere allegation of assignment with a punitive motive shall not be sufficient to allow adjustment under this rule. The employee shall provide a reasonable basis for making such allegation, including a summary of the information that would be offered in support of such charge.
- (f) Matters relating to established departmental policy and Rules, and accepted management practice that are applied consistently to all employees, and for which there exists no conflict with Personnel Board Rules and Regulations and the Law.

QUESTIONS? Contact the Houston County Personnel Department at 677-4777.

Rule 8 – Disciplinary Actions and Appeals

8.01 Disciplinary Policy

The tenure of every employee in the classified service shall be conditioned on the satisfactory conduct of the employee and continued, efficient performance of assigned duties and responsibilities. Employees serving in a probationary period may be disciplined or dismissed by an Appointing Authority without right of appeal unless such employee had regular status in some other position at the time he or she was appointed to his or her present position. The reasons for such disciplinary action shall be furnished in writing to the employee and Director of Personnel. A regular employee may be dismissed, demoted, or suspended for cause or for any other reason deemed to be in the best interest of the service of Houston County and shall be afforded due process and have the right of appeal as set forth in the following provisions. Normally, disciplinary actions will be administered uniformly and in accordance with the principles of progressive discipline. All discipline will be fair, prompt, and certain and will be given in order to correct any employee's deviant performance and/or behavior.

8.02 General Information

- (a)** For rule violations an employee will be subject to progressive disciplinary action in accordance with the seriousness of the infraction as stated below. Any disciplinary action, whether verbal or otherwise, should be documented and made part of the employee's personnel file. Verbal warnings are documented as such and do not necessarily require an employee's signature.
- (b)** All disciplinary actions will be taken by the appointing authority, but may be recommended by an employee's supervisor, or department head. All disciplinary actions, to include verbal counseling, will be recorded. In all cases the Personnel Board will be provided a copy of any disciplinary action taken.
- (c)** When a disciplinary action involves a deprivation of an employee's rights, such as demotion, suspension without pay, or involuntary dismissal, the appointing authority will comply with all required due process procedures. Due process disciplinary hearings shall be conducted by the respective Appointing Authority, or the individual designated as acting Appointing Authority if the Appointing Authority is absent.

At a minimum, the Appointing Authority will inform an employee in writing of the contemplated disciplinary action. The notice will include (a) the reason(s) for the proposed discipline, (b) the types of disciplinary actions that may be taken, and (c) the date, time and place of employee's response. The employee will have a minimum of three (3) working days in which to respond to this notice. The response may be oral, in writing, or both.

If the employee fails to respond to the notice of contemplated disciplinary action, a second notice specifying the type, effective date of disciplinary action, and appeal rights will be prepared. If the employee does respond to the initial notice, the employee's written response will become part of the record of the personnel board's investigation, if the employee chooses to appeal the disciplinary action. Following the due process hearing and receipt of the employee's response, a second notice will be prepared. It should contain certain information contained in the first and will provide specific information about the disciplinary action taken and appeal rights.

- (d)** In the event of a particularly violent action or intolerable offense on the part of an employee, e.g., fighting, destruction of county property, gross insubordination, etc., the employee may be placed on administrative leave with pay pending completion of the due process hearing. Administrative leave with pay generally cannot exceed ten (10) days (See Rule 6.39). The employee's administrative leave will be recorded on the department's time and attendance report.

8.03 Types of Disciplinary Actions

Progressive discipline is a system of administering more severe discipline if undesirable behaviors are not corrected. Initial disciplinary action should reflect the severity of the undesirable behavior. Examples of offenses for which the initial disciplinary action should be verbal counseling or written warning are provided in Rule 8.05 (a). Examples of offenses for which the initial disciplinary action should be suspension or discharge are provided in Rule 8.05 (b). In deciding the appropriate discipline, the appointing authority must consider the seriousness of the infraction. Listed below are the types of disciplinary action along with a description of each and the general procedures for each. More detailed information regarding due process and appeals are contained in rules which address those aspects of the disciplinary process. The types of discipline are listed in order to severity, beginning with the least severe type.

(a) Verbal Counseling

This is often the first step in the progressive discipline process for group one offenses, and is the least severe type of discipline. Verbal counseling is a formal conversation between a supervisor, department head, or Appointing Authority and an employee about a behavior and/or a performance problem. The official should discuss the situation with the employee, explain the exact nature of the offense(s), listen to the employee's perspective and comments, and instruct the employee on how to correct the problem. The employee's comments and suggestions should be considered in formulating a solution to the problem.

A verbal counseling report must be prepared and signed by the appointing authority to document the above conversation. The employee should be requested to sign the original, and he or she should be given a copy of the report. The original must be submitted to the Personnel Department for filing in the employee's personnel record.

(b) Written Warning

This is the second step in the progressive discipline process, and may be the first or second step for group one offenses. A written warning is a formal warning that follows a meeting in which the employee is advised of offense(s), and that continued offenses will result in more severe disciplinary action. The meeting is conducted by the supervisor, department head, or Appointing Authority. The official should discuss the situation with the employee, explain the exact nature of the offense(s), listen to the employee's perspective and comments, and instruct the employee on how to correct the problem. The employee's comments and suggestions should be considered in formulating a solution to the problem. In addition, the employee should be informed that further violations will result in additional disciplinary action which may include suspension without pay or dismissal.

A written warning report must be prepared and signed by the Appointing Authority to document the above conversation. It should clearly indicate that it is a written warning and that further violations would result in more severe discipline. The employee should be requested to sign the original, and he or she should be given a copy of the report. The original must be submitted to the Personnel Department for filing in the employee's personnel record.

(c) Suspension

A suspension is a serious disciplinary action in which an employee is not allowed to report to work for a specific time period, and for which he or she is not paid. This is often the first step in the disciplinary process for group two offenses, and an employee must be given due process prior to the decision to suspend. An Appointing Authority cannot suspend an employee without pay for more than eighty (80) work hours at any one time or for more than eighty (80) work hours during a calendar year.

For offenses which may result in a suspension, a written notice of contemplated disciplinary action should be prepared. The notice should contain specific information about the offense which prompted this action along with the employee's disciplinary history. A meeting time should be specified in which the Appointing Authority will allow the employee an opportunity to respond to the notice.

Following the meeting, the Appointing Authority must prepare a decision regarding the contemplated disciplinary action. The decision should contain all of the information contained

in the first notice plus any relevant information from the meeting, including the employee's response, and the decision. The notice should provide sufficient information and rationale to support the decision. Finally, the notice should inform the employee of appeal rights and action necessary to appeal the decision.

(d) Demotion

A disciplinary demotion is the involuntary change of an employee from a position in a classification to a position in another classification for which the maximum rate is lower. This may be the first step in the disciplinary process for a serious offense, or below standard performance of job duties, and an employee must be given due process prior to the decision to demote.

For offenses which may result in a demotion, a written notice of contemplated disciplinary action should be prepared. The notice should contain specific information about the offense which prompted this action along with the employee's disciplinary history. A meeting time should be specified in which the Appointing Authority will allow the employee an opportunity to respond to the notice.

Following the meeting, the Appointing Authority must prepare a decision regarding the contemplated disciplinary action. The decision should contain all of the information contained in the first notice plus any relevant information from the meeting, including the employee's response, and the decision. The notice should provide sufficient information and rationale to support the decision. Finally, the notice should inform the employee of appeal rights and action necessary to appeal the decision.

However, no employee should have a pay decrease of more than two steps on the Houston County pay plan, or five percent (5%) of salary, whichever is less. For more information regarding demotions see section 5.02 of these Rules and Regulations.

(e) Discharge

This is the most severe disciplinary action that may be taken against an employee. It severs the employer-employee relationship and is usually not the first step in the progressive discipline process. It would be the first step only for the most serious offense.

For offenses which may result in discharge, a written notice of contemplated disciplinary action should be prepared. The notice should contain specific information about the offense which prompted this action along with the employee's disciplinary history. A meeting time should be specified in which the Appointing Authority will allow the employee an opportunity to respond to the notice.

Following the meeting, the Appointing Authority must prepare a decision regarding the contemplated disciplinary action. The decision should contain all of the information contained in the first notice plus any relevant information from the meeting, including the employee's response, and the decision. The notice should provide sufficient information and rationale to support the decision. Finally, the notice should inform the employee of appeal rights and action necessary to appeal the decision.

8.04 Causes for Disciplinary Action

This section provides examples and guidance regarding the appropriate actions for various types of offenses. Group I offenses are less severe than Group II offenses. Generally the first Group I offense should result in verbal counseling or a written warning, and the first Group II offense should result in a suspension or dismissal. The sections below list examples of offenses and outline the course of discipline, assuming the least severe option is utilized for an initial violation. In situations in which there are multiple violations, the appointing authority must decide the appropriate course of action. The Personnel Director may be consulted for advice on the appropriate course of action.

GROUP ONE OFFENSES

(a) Group I – OFFENSES

Such offenses include but are not limited to the situations listed below:

- a. Stopping work before time specified, tardiness, failure to be at work site at the predetermined starting time, or loitering
- b. Violation of normal safety rules and practices to include accident proneness and negligent or careless use of County property.
- c. Failure to give proper notice of an absence which could be anticipated
- d. Unexcused absences, irregular attendance and/or excessive absenteeism, or leaving work early.
- e. Creating or contributing to unsafe conditions
- f. Unsatisfactory performance of job duties
- g. Misconduct to include lack of cooperation, contravention of civil or criminal law, and any disgraceful conduct which reflects unfavorably on The County as an employer.
- h. Political activities during work time
- i. Willful and/or repeated failure to honor court judgments
- j. Promiscuous behavior as related to job duties
- k. Inattention to job duties during work time
- l. Excessive inefficiency to include waste, loafing, and defective workmanship.

Group I – Disciplinary Actions

Disciplinary actions for group one offenses:

- a. First Offense – Verbal Counseling
- b. Second Offense – Written Warning
- c. Third Offense – Suspension without pay not to exceed ten days of demotion to lower grade job. More than three offenses within a twenty-four (24) month period will constitute justification for dismissal.
- d. Fourth Offense – Dismissal

Due process procedures as established by federal law and the County's personnel system will be strictly adhered to whenever any disciplinary action will result in suspension, demotion, or dismissal of a regular employee. (See Section 8.06 of this Rule)

GROUP TWO OFFENSES

(b) Group II - OFFENSES

Such offenses include but are not limited to the situations listed below:

- a. Gross insubordination, including refusal to accept a job assignment or refusal or willful failure to follow instructions issued by supervisor, department head or Appointing Authority;
- b. Sleeping on the job;
- c. Intentionally destroying, damaging, misusing, or defacing of equipment, machines, tools or other County property or the property of others;
- d. Deliberate falsification of records such as application for employment or other data requested or required by The County including falsification of time records or permitting falsification of time records by another person; or fraudulent misrepresentation in securing an appointment or promotion in The County service;
- e. Deliberate misrepresentation of statements given to a supervisor, official, the public, or the Personnel Board;
- f. Theft or attempted theft of County property or the property of another employee or assisting in such theft or attempt;
- g. Dangerous horseplay such as fighting on the job, except when the employee is the victim of an unwarranted assault;
- h. Unauthorized possession of a firearm while on the job or use of a deadly weapon and/or force on County property (employees other than law enforcement personnel in the line of duty);

- i. Possessing, consuming or being under the influence of intoxicating substances, such as alcohol, use of illegal or un-prescribed dangerous drugs, or misuse/addiction to drug substances as defined in the Houston County Drug and Alcohol Abuse Policy; intoxication while on duty or public intoxication while off duty;
- j. Driving a County vehicle while under the influence of intoxicants such as alcohol, un-prescribed dangerous drugs, and/or prescribed drugs, which induce an unsafe mental and/or physical state;
- k. Loss of driver's licenses and/or driving privileges by due process of law, when the employee's job requires the operation of a motor vehicle in the performance of his or her duties;
- l. Conviction of an illegal act, criminal offense or misdemeanor involving moral turpitude;
- m. Failure to report a work related accident or injury;
- n. Engaged in horseplay or other types of improper unsafe conduct;
- o. Threatening, intimidating, coercing or interfering with work performance of fellow employee, to include offensive personal habits, which interfere with efficient job performance;
- p. Job Abandonment – leaving the work area without permission;
- q. Three consecutive days of absence without proper notification or prior management approval;
- r. Refusal of employee to testify or answer any questions before any board or any body authorized to conduct any hearing concerning the affairs of government or the conduct of any office or employee, on the grounds his testimony would tend to incriminate him or refusal to waive immunity from prosecution;
- s. Serious violation of County administrative regulations, department Rules, lawful orders or directions made or given by a supervisor;
- t. Sexual harassment, as defined in the Houston County Sexual Harassment Policy;
- u. Incompetence or repeated inefficiency in the performance of duties.

Group II – Disciplinary Actions

Disciplinary actions for group two offenses:

- a. First Offense – Suspension without pay and may constitute justification for dismissal
- b. Second Offense – Discharge

Due process procedures as established by federal law and the County's personnel system will be strictly adhered to whenever any disciplinary action will result in suspension, demotion, or dismissal of a regular employee.

8.05 “Due Process”

Due process is informing an employee of a violation or offense and providing the employee an opportunity to respond. An employee must receive “Due Process” in accordance with legal precedents, whenever disciplinary action could result in suspension, demotion, or termination of a regular employee.

8.06 Notification of Contemplated Disciplinary Action and Due Process Hearing

The Appointing Authority shall complete a Personnel Form (DP-1) **Notification of Contemplated Disciplinary Action and Due Process Hearing**. Notification must take place prior to an employee's deprivation of rights, such as suspension without pay or dismissal. Notification must be in writing and contain the following elements:

- (a) Specific charges against the employee including all relevant information about the incident or behavior leading to the need for discipline.
- (b) Statement indicating the method of response (oral or written or both) and that the hearing is non-adversarial in nature.
- (c) Specific time, date and place for hearing.

The notice shall be served by hand, by personal service or by Certified mail, to the affected employee at least seventy two (72) hours prior to the date of the hearing.

8.07 The Due Process Hearing

- (a) The Personnel Director or Personnel Director's designated representative may be present at the hearing to assure that procedures are followed.
- (b) The hearing is held usually no sooner than seventy two (72) hours after service and no later than ten (10) days following service of the notice of disciplinary hearing.
- (c) **Continuance** – The employee may request a continuance of the hearing. Usually, a continuance should be granted except for frivolous or harassing delays. The request should be in writing and state reasonable grounds therefore.
- (d) **Representation** – The employee may be allowed to be accompanied by anyone of his or her choosing at the hearing. However, the nature of the hearing will be non-adversarial and witnesses will not be allowed.
- (e) **Procedure** – The fundamental purpose for the hearing is to afford the employee an opportunity to, in effect, tell the Appointing Authority what happened, and to deny or rebut the charges. To achieve this purpose the Appointing Authority should review hearing procedure and check list with the employee to assure that the employee understands the charges, possible results, and his/her right to respond to the charges.
- (f) **Waiver of Disciplinary Hearing** – The employee may waive his/her right to a due process hearing after notice. All waivers must be in writing.

8.08 Disciplinary Decision

- (a) Within three (3) working days after the hearing is conducted, the Appointing Authority shall render a decision based on the facts in the case, and Notification of the Decision Form (DP-3) shall be served by hand, by personal service or by Certified mail, by the Appointing Authority to the affected employee.

The decision should include:

- a. The results of the hearing and the discipline to be administered should be stated in detail. Also, if the decision includes suspension, the decision must include the specific number of days or shifts for which the employee will be suspended without pay and state the specific dates on which a suspension shall start and end.
- b. Appeal – Should the hearing decision be one of disciplinary action, the employee must be advised of the appeal procedures available to him.
- c. Service – The same procedures for serving the notification of disciplinary hearing should be taken for the decision rendered at the disciplinary hearing.

8.09 Disciplinary Appeals

A regular employee shall have the right to appeal disciplinary action of dismissal, demotion or suspension. An employee desiring to appeal shall, within not less than seven (7) calendar days and not more than thirty **(30) calendar days** from the date of the Appointing Authority's decision, submit an **Appeal for Personnel Board Hearing Form (Form DP-4)** which must be signed by the employee. The Personnel Board will provide a copy of the employee's appeal **(Form DP-4)** to the Appointing Authority.

- (a) The appeal must contain, as a minimum, the following information:
 - a. The employee's name and department;
 - b. The disciplinary action that is being appealed; this statement should be specific and make reference to or identify handbook section violated, if applicable.
 - c. The specific remedy or desired outcome being sought;

- d. The reason for the disciplinary action, dismissal, demotion, or suspension;
- e. An admission or denial of guilt;
- f. Reasons why the dismissal, demotion, or suspension should not take effect;
- g. And, a request for a hearing by the Personnel Board.

Upon receipt of the appeal, the Director shall forward a copy thereof to the Appointing Authority concerned.

- (b) Within fourteen (14) calendar days after receipt of the **Appeal for Personnel Board Hearing Form (Form DP-4)** the Appointing Authority must file with the Chairman of the Personnel Board and mail to the employee by Certified mail, a **Statement of Charges Form (Form DP-5)** specifying the charges made against the employee on which the disciplinary action was based.
- (c) Upon receiving a **Statement of Charges Form (Form DP-5)** from the Appointing Authority, the Chairman of the Personnel Board shall call a meeting of The Board to hear the appeal made by the employee. The appeal hearing will be held within thirty (30) calendar days "upon the filing of such charges." Notification of the Appeal Hearing will be sent to the Appointing Authority and by Certified mail to the employee.
- (d) At the hearing, the employee and the Appointing Authority shall each have the right to be represented by counsel. The Personnel Board may be represented by its attorney or an attorney designated by the Personnel Board, and said attorney may perform such duties as The Board may direct and require.
- (e) Such hearing shall be conducted informally and governed by Rules of practice and procedure adopted by The Board. In conducting such hearing, The Board shall not be bound by the technical Rules of evidence. No informality of procedure in the conduct of such hearing shall invalidate any decision made by The Board.
- (f) Within three days of the conclusion of the hearing, The Board shall render a decision to:
 - a. Affirming the disciplinary action taken if it is reasonably satisfied from the evidence offered at the hearing; that the disciplinary action taken was lawful or was not too severe; or
 - b. Reversing the action of the Appointing Authority if it is reasonably satisfied from such evidence that the disciplinary action taken was not lawful; or
 - c. Modifying the disciplinary action and prescribing the proper penalty if it is reasonably satisfied from such evidence that the employee was subject to disciplinary action, but that the penalty imposed was too severe.
- (g) A copy of The Board's decision shall be filed with the clerk of the Personnel Board and such decision shall become effective immediately upon such filing, and it shall become final seven (7) days thereafter unless reversed or modified as hereinafter provided.

8.10 General Appeal Provisions

- (a) The Board shall have the authority to continue the hearing from time to time as may be necessary.
- (b) In preparing for and conducting such hearing, the chairman and secretary-treasurer of The Board shall each have the power to administer oaths, and to subpoena and require the attendance of witnesses and the production of books, documents and accounts pertaining to the subject under investigation.
- (c) Subpoenas issued as herein provided shall be served (and the fees and allowances for the service thereof shall be the same) as is provided by law for the service of subpoena issued by the Circuit Court of Houston County, Alabama.

- (d) In the event any person is duly summoned to appear and testify or produce evidence, or both, before The Board, and such person refuses to attend or testify or produce such evidence, or any of them, in obedience to such summons, The Board shall have the right to invoke the aid of the Circuit Court at law. In addition, any employee of Houston County who fails to obey any of such orders or subpoenas may be disciplined as provided in Section 17 of State Act No. 84-578 and the Houston County Personnel system.
- (e) Decisions of the Personnel Board may be enforced by mandamus, injunction, or other appropriate Court proceedings in accordance with State Act No. 84-578.

8.11 Appeal of Personnel Board Decisions

The employee, the Appointing Authority, or the governing body may, within twenty-one (21) days after the decision of the Personnel Board is rendered, appeal to the Circuit Court of Houston County for relief from any decision of the Personnel Board by filing notice of such appeal with the Court and causing a copy of such notice to be served on other parties to the Personnel Board's decision and any member of the Personnel Board. Upon receipt of such notice of appeal, the Personnel Board will file with the Court a certified record of the proceedings with respect to the employee's appeal and its decision on the matter.

In connection with the preceding, a due process hearing has been scheduled. The hearing shall be held on _____, the _____ of _____, at _____ o'clock _____ at _____.

Day of the week Date Month

Year Time PM / AM Location

The hearing will be conducted by the Appointing Authority. At the hearing, on the above referenced date, you will be given an opportunity to respond to the above charge(s) orally, in writing, or both. This hearing will be of a non-adversarial nature and no examination of witnesses will be permitted.

Following the hearing, you will be notified of the decision in writing, within three (3) working days after the hearing. In the event disciplinary action is taken against you, the procedures for review or appeal will be provided in the notice informing you of the decision.

APPOINTING AUTHORITY

CERTIFICATION OF SERVICE

This is to Certify that I have served a copy of this notice upon

_____, the Employee above named on the _____
EMPLOYEE

_____ day of _____, _____
DATE MONTH YEAR

SIGNATURE of Person Serving Notice

Served By: _____

Date and Time of service: _____

Signature of Employee: _____

Date Received: _____

Personnel Form (DP-2)
PERSONNEL BOARD OF HOUSTON COUNTY
Due Process Procedure

STATE OF ALABAMA

Houston County

vs.

EMPLOYEE

HEARING CHECKLIST

On the date and time specified in the Notification of Disciplinary Action against the above named Employee, the following questions are to be asked to said Employee at the commencement of said hearing.

1. Do you acknowledge your notification of this disciplinary hearing? ___ Yes ___ No
2. Do you have specific questions regarding this procedure? ___ Yes ___ No
3. Do you understand that you do not have to reply to the charges? ___ Yes ___ No
4. Do you understand you have the right to reply orally and/or in writing if you wish to reply to these charges ___ Yes ___ No
5. Do you understand that you may request a reasonable opportunity to reply in writing if you wish to make such a reply, or that you may submit sworn affidavits in reply to these charges if you so elect? ___ Yes ___ No
6. Do you have any reason at this time why this procedure should not begin? ___ Yes ___ No

Certification of Service

I, _____, Certify that on the _____ day of
APPOINTING AUTHORITY DATE

_____, _____ asked the preceding questions to the above named
MONTH YEAR

Employee and received the answers as noted above.

WITNESS

Personnel Form (DP-3)
PERSONNEL BOARD OF HOUSTON COUNTY
Due Process Procedure

STATE OF ALABAMA

Houston County

vs.

EMPLOYEE

DECISION FOLLOWING DUE PROCESS HEARING

You are hereby notified that as a result of the due process hearing held on the _____ day of _____, _____, the following decision was made concerning disciplinary action, to wit: (Provide background information, information resulting from the hearing, and the decision)

If you are dissatisfied with the decision of discipline, you may request a hearing with the Personnel Board of Houston County to appeal the decision in accordance with the procedures for review or appeal provided by Rule 8 of the Policies and Procedures of Houston County.

Appointing Authority

Date

Date Received: _____

INSTRUCTIONS FOR APPEALING DISCIPLINARY DECISION

Step One: If an employee is not satisfied with the Appointing Authority's disciplinary decision which has resulted in a deprivation of rights, the employee may within thirty (30) days, complete and file a Form DP-4 "Appeal for Personnel Board Hearing" with the Personnel Board of Houston County.

Step Two: Once the Appointing Authority receives notification of the appeal from the Personnel Board, the Appointing Authority must within fourteen (14) days, file a Form DP-5 "Statement of Charges Form" with the Personnel Board, and send a copy Certified mail to the employee. The Personnel Board will notify the Appointing Authority and employee of the date, time and place of the hearing.

QUESTIONS? Contact the Houston County Personnel Department at 677-4777.

Rule 9 – Sexual Harassment

9.01 Sexual Harassment Policy

(a) PURPOSE

To define the policy of The Board for all County Employees, that all employees have the right to work in an environment free from discrimination and conduct which can be considered harassing, coercive or disruptive, including sexual harassment.

The position of The Board is that sexual harassment is a form of misconduct that undermines the integrity of the employment relationship. No employee – either male or female – should be subject to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. Sexual harassment DOES not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that debilitates morale, and that, therefore, interferes with work effectiveness. Any such harassing behavior may result in disciplinary action up to and including dismissal.

(b) COVERAGE

Covers all employees of The County.

(c) MANAGEMENT RESPONSIBILITY

Sexual harassment, whether committed by supervisory or non-supervisory personnel, is specifically prohibited as unlawful and against stated Board policy. In addition, management is responsible for taking action against acts of sexual harassment by non-supervisory personnel or others, regardless of whether the specific acts complained of were sanctioned or specifically forbidden and regardless of the manner in which The Board becomes aware of the conduct. Supervisors and department heads are specifically prohibited from having romantic or dating relationships with their subordinates.

(d) LEGAL DEFINITIONS AND GUIDELINES

Unwelcome sexual advances (either verbal or physical), requests for favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a. Submission to such conduct is either an explicit or implicit term or condition of employment (e.g., promotion, training, time keeping or overtime assignments, etc.); or
- b. Submission to or rejection of the conduct is used as a basis for making employment decisions; or
- c. The conduct has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile or offensive work environment.

(e) POLICY IMPLEMENTATION

- a. It is the responsibility of all employees to assist the management of The County and The Board in ensuring that all departments are in full compliance with this policy.
- b. It is the responsibility of department supervisor employees to continuously monitor their work environment and to:
 - i. Orient new employees on this policy.
 - ii. Observe workplace behavior.
 - iii. If possible, resolve any potential problems through employee counseling.
 - iv. Report all violations or suspected violations to the Director at once, whether or not a complaint was made.

- c. It is the responsibility of the Director and The Board to provide guidance, implement training programs, implement complaint procedures, provide for the investigation of allegations and coordinate disciplinary action. A committee (hereinafter referred to as Investigatory Committee) consisting of the Director, The County Administrator and one other department head (which shall be chosen by the Director and County Administrator on a case by case basis) from a department other than the one out of which the complaint arises is hereby appointed to thoroughly investigate all complaints by a complaining employee. If there is insufficient evidence to justify action on the part of the Investigatory Committee and Appointing Authority, each accused employee should be warned that if evidence of harassment had been or is subsequently produced, he or she would have been or will be effectively disciplined. All complaints brought to the attention of the Director, even if a complaining employee has not presented sufficient evidence to justify action on the part of the Investigatory Committee and Appointing Authority, shall be documented and a record of said maintained by the Director and Board.

Said Investigatory Committee designated by The Board, after investigating all complaints of sexual harassment that are reduced to writing by the claimant, shall make a recommendation to the accused employee's Appointing Authority as to whether sufficient facts exist to warrant disciplinary action by said Appointing Authority. If disciplinary action is recommended, the Investigatory Committee shall make a recommendation to the offender's Appointing Authority as to the appropriate discipline that should be imposed. At the conclusion of the investigation, notwithstanding the recommendation of the Investigatory Committee or the discipline imposed, either the disciplined employee or the complaining employee has the right to appeal any disciplinary action taken or imposed by the Appointing Authority to the Personnel Board pursuant to the appeal procedures established and set forth in The Rules. The Director shall assist either party concerning the procedures and requirements for filing of an appeal or request for a hearing before The Board.

- d. It is the responsibility of the employee to report to the Director any offensive conduct. An employee may, but is not required to, report such conduct to said employee's supervisor, Appointing Authority, or the Director.
- e. This policy expressly prohibits all external indicia of harassment such as graffiti, sexually explicit jokes and remarks, sexually explicit pictures, drawings and cartoons, sexually orientated calendars and literature, and other potentially offensive written, pictorial and verbal communications.

(f) NON-RETALIATION

This policy also prohibits retaliation against employees who bring sexual harassment charges or assist in investigating said charges. Any employee bringing a sexual harassment complaint, assisting in the investigation of such a complaint or expressing reasonable and good faith opposition to an unlawful employment practice will not be adversely affected in the terms and conditions of their employment, nor discriminated against or discharged because of the complaint. If this non-retaliation paragraph is violated, the violating party shall be subject to the same disciplinary procedures and actions just as if said violating party is guilty of actual harassment under this policy.

(g) ENFORCEMENT

Any and all complaints regarding sexual harassment, any other type of harassment and/or retaliation for bringing a sexual harassment complaint, assisting in the investigation of said complaint or expressing reasonable and good faith opposition to an unlawful employment practice should be directed to the Director. Said complaints will be reviewed and investigated according to procedures established by this policy. If such complaint is found to be valid it shall result in disciplinary action up to and including dismissal.

(h) CONFIDENTIALITY

All complaints of harassment made pursuant to this policy shall be confidential except as may be necessary for investigation, warnings to employees or supervisors as provided for here and due process disciplinary proceedings or other reasonable measures to enforce this policy.

(i) NOTICE OF POLICY

In addition to the other provisions herein relative to informing or notifying personnel, this Policy as made a part of The Rules, shall be separate and apart from The Rules posted in a conspicuous place within each Department of The County and a copy of same given to each employee along with their next paycheck following the adoption of same by The Board.

Rule 10 – Additional Prohibited Activities

10.01 Purpose

To establish guidelines for all employees regarding activities which are prohibited in accordance with The Act.

10.02 Additional Prohibited Activities

(a) Conflict of Interest

In order to avoid a conflict of interest, an Appointing Authority may require that a classified employee who wishes to engage in any outside work or activity for personal profit file a written request setting out the nature of such outside employment.

Reasons for rejection of the request shall be limited to whether or not such employment could cause a conflict of interest, is incompatible with or may interfere with an employee's position in the classified service.

(b) Political Activities

- a. No person in The County service may seek, or attempt to use, any political endorsement in connection with any appointment to a position in The County service.
- b. No person in The County service may use, or promise to use, any official authority or influence to secure or attempt to secure for any person an appointment, or advantage in an appointment, to a position in The County service or an increase in pay, or other advantage in employment, in any such position for the purpose of influencing the vote or political action of any person or for any consideration.
- c. No person in The County service may either be a candidate for nomination or election to any public office or take part in any political campaign in support of, or opposition to, the election of any candidate for a County elective office, except to exercise his/her right as a citizen privately or to express his/her opinion and/or cast his/her vote, unless on authorized leave of absence for such purpose.
- d. No person in The County service may be denied the right to participate in city, county, state and national political activities to the same extent as any other citizen of the State of Alabama, including endorsing candidates and contributing to campaigns of their own choosing.
- e. Any person in The County service who violates any of these political provisions may be disciplined in accordance with The Act and these Rules.
- f. All persons in the employment of The County shall have the right to join local political clubs and organizations and state or national political parties.
- g. Any employee shall be on approved leave to engage in such political action, or the employee shall be on personal time before or after work and on holidays. No employee shall solicit any type of political campaign contributions from other employees who work for said employee in a subordinate capacity. No employee shall coerce in any political campaigns or cause.

(c) Nepotism Policy

- a. Houston County does not restrict the hiring of relatives of personnel already employed by Houston County provided that said relatives meet the requisite standards for the job for which they are applying. However, a relative cannot exercise any control over the

selection of the person, cannot supervise the person, nor can the relative initiate or participate in decisions involving a direct benefit to the relative.

Relative as described above refers to any of the following relationships: parent or child of the employee, grandparent, grandchild, brother, or sister of the employee, great grandparent, great grandchild, aunt, uncle, niece, or nephew of the employee. Relative also includes a spouse or a parent or child of the spouse of an employee, grandparent, grandchild, sister or brother of the spouse of an employee.

Step relations will be considered the same as relative described above.

(d) Employee Computer and Internet Use Policy

- a. **Acceptable use.** Employees of Houston County, Alabama (“County”) shall be required to follow this policy. The policy defines the boundaries for the “acceptable use” of the County’s electronic resources, including software, hardware devices, the internet and network systems. Hardware devices, software programs, internet access, and network systems purchased and provided by the County are to be used only for creating, researching, and processing County work-related materials. By using County hardware, software, internet access, and network systems, employees assume personal responsibility for their appropriate use and agree to comply with this policy and other applicable County policies, as well as city, state and federal laws and regulations.
- b. **World wide web and e-mail monitoring.** All employees are hereby notified that the County monitors the world wide web sites visited by employees for the purpose of ascertaining compliance with this policy. This is not intended to violate the privacy of employees, but rather to help assure that county resources are being properly used. Each department head may be periodically furnished a list of world wide web sites visited by each employee. An employee who objects to such monitoring should discontinue use of the world wide web immediately.

Also, all e-mails are monitored to determine if they contain computer viruses or other malicious attachments. E-mails may also be monitored to assure they do not contain improper content such as sexual references, chain letters or other prohibited matter. This monitor may occur electronically without specific notice to the employee who sends or receives the e-mail.

- c. **E-mail, internet, and network use.** E-mail may be used primarily only for communications that are related to county business. Personal e-mail messages will be allowed subject to the same standards as the use of telephones: any excessive number or length of personal communications are prohibited. Individual department heads may establish more restrictive rules regarding e-mail usage including a complete ban on personal e-mails.

E-mail may not be used to convey messages that contain any of the following: comments that improperly disparage any person or any race, religion, gender, national origin, or other similar characteristics; sexual references or content; harassing communications; chain letters; threats; or a communication that is prohibited by any separate County policy or by any federal, state or local law.

- i. Use of world wide web and any other internet resources during work hours may be used only for creating, researching, and processing the County work-related materials. No employee may use the internet or any County computer network to access computers, programs, computer files, computer folders, or other electronic resources unless the employee has proper authorization for such access.
- d. **Software.** All software acquired for or on behalf of the County or developed by the County employees or contract personnel on behalf of the County is the property of the County. All such software must be used in compliance with applicable licenses, notices, contracts, and agreements. No software may be modified, altered, or upgraded, without express written permission from the information technology department.
- i. **Licensing.** No software may be installed on the County computers without the permission of the information technology department. Each employee is individually responsible for providing the information systems department all applicable licenses, notices, contracts, and agreements for software that he or she uses or seeks to use on

the County computers. Unless otherwise provided in the applicable license, notice, contact or agreement, any duplication of copyrighted software, except for backup and archival purposes, may be a violation of federal and state law. In addition to violating such laws, unauthorized duplication of software is a violation of this policy.

- ii. **Software.** All software installed on County computers must be approved in writing by the Department Head of the Information Technology Department and the County Administrator. Although the internet offers many opportunities to download “free” software, such downloads and subsequent installation of this software will be considered a violation of this policy unless the software in question is approved in writing by the Department Head of the Information Technology Department and the County Administrator.
- e. **Hardware.** All hardware devices acquired for or on behalf of the County or developed by the County employees or contract personnel on behalf of the County is and shall be deemed the County’s property. All such hardware devices must be used in compliance with applicable licenses, notices, contracts and agreements. No one shall modify, alter, or upgrade any computer hardware without express written permission from the information technology department.
 - i. **Outside equipment.** No outside equipment or networks may be connected into, or accessed in any way, the County’s network without the written permission of the information technology department’s written permission.
- f. **Violation and penalties.** Penalties for violating the County computer and internet use policy will vary depending on the nature and severity of the specific violation. Any employee who violates the policy may be subject to:
 - i. Disciplinary action including but not limited to reprimand, suspension, and/or termination of employment.
 - ii. Possible civil or criminal prosecution under federal and/or state law.
 - iii. Denial of access to the County computers and/or the County’s computer network.
- g. **Acknowledgement of policy by employees.** No employee shall be allowed to utilize county computer and internet resources unless the employee executes an acknowledgement form to be supplied by the Director stating that the employee will abide by this policy. The acknowledgement form shall substantially read as follows:

Acknowledgement of the County Computer and Internet Use Policy

(This form is used to acknowledge receipt of and compliance with the County's Computer and Internet Use Policy.)

By signing below, I agree to the following terms:

- (a) I have received and read a copy of the County's Computer and Internet Use Policy and understand and agree to the same. I have been made aware of the Alabama Computer Crime Act that is codified in ALA. CODE Section 13A-8-100, et, seq., as amended.
- (b) I consent to the County's monitoring my e-mail and access to the internet in accordance with the policy.
- (c) I understand and agree that any software and hardware devices provided to me by the County remain the property of the County.
- (d) I understand and agree that since the software and hardware are the property of the County, the County has the right to access and monitor the computer, software and inspect any files thereon.
- (e) I understand and agree that I am not to modify, alter, or upgrade any software programs or hardware devices provided to me by the organization without the permission of the information technology department.
- (f) I understand and agree that I shall not access computers, programs, or files if I do not have authorization to do so.
- (g) I understand and agree that I shall not copy, duplicate (except for backup purposes as part of my job), or allow anyone else to copy or duplicate any software.
- (h) I understand and agree that if I leave the County for any reason, I shall immediately return to the County the original and copies of any and all software or computer equipment that I may have received from the County that is either in my possession or otherwise directly or indirectly under my control.
- (i) I understand and agree I must make reasonable efforts to protect all County-provided software and hardware devices from theft and physical damage.

Employee Signature

Date

Employee Printed Name

Supervisor Signature

Date

Supervisor's Printed Name

Department Head's Signature

Date

Department Head's Printed Name

Rule 11 – Equal Opportunity and Harassment Policy

11.01 Purpose

Houston County is committed to maintaining a professional and congenial work environment that is free from unlawful harassment and/or discrimination. Employees are expected to treat each other with courtesy and consideration in order to maintain a pleasant working environment for all who work here. This policy prohibits harassment and discrimination and discourages inappropriate behavior, remarks, slurs and jokes.

Unlawful harassment and/or discrimination is intentional harassment or discrimination that results in a material adverse employment action or creates a workplace permeated with discriminatory intimidation, ridicule, and insult which alters the conditions of employment and creates an abusive working environment because of race, color, religion, sex, national origin, age or disability. Unlawful harassment and/or discrimination is a violation of Title VII as found in the United States Code and the case law interpretive thereof. Title VII does not prohibit genuine but innocuous differences in the way men and women routinely interact with members of the same sex and of the opposite sex.

Termination of employment, a demotion evidenced by a decrease in wage or salary, a less distinguished title, a material loss of benefits or significantly diminished responsibilities are examples of material adverse employment actions. Simple teasing, offhand comments, and isolated incidents, unless extremely serious, generally do not amount to discriminatory changes in the terms and conditions of employment. Also, the mere utterance of an ethnic or racial epithet which engenders offensive feelings in an employee may not sufficiently alter terms and conditions of employment to violate Title VII. Discourtesy, rudeness, or a lack of racial or gender sensitivity should not be confused with harassment and, while these behaviors are discouraged, may not be actionable under this rule. The ordinary tribulations of the workplace, such as the sporadic use of abusive language, gender-related jokes, and occasional teasing must be extreme to amount to a change in the terms and conditions of employment.

11.02 Policy

(a) Equal Opportunity

Houston County provides equal opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, disability, or status as a disabled veteran in accordance with all applicable Federal laws. In addition, Houston County complies with any applicable state laws governing non-discrimination in employment. This policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absences, compensation and training.

(b) Harassment

Houston County expressly forbids any form of unlawful employee harassment including that based on race, color, religion, sex, national origin, age, disability or status as a disabled veteran. Improper interference with the ability of any Houston County employee to perform his or her expected job duties is not tolerated. Offensive comments, jokes or innuendoes with respect to race, color, religion, sex, national origin, age or disability are strictly forbidden.

(c) Enforcement

- a. Each member of management/supervision is responsible for creating and maintaining an atmosphere free of unlawful discrimination and harassment, sexual or otherwise.
- b. Employees are responsible for respecting the rights of their co-workers.
- c. All employees are expected to cooperate in the investigation of complaints brought under this rule.

11.03 Complaint Procedure

- (a) If an employee experiences unlawful job related harassment based on his/her race, color, religion, sex, national origin, age, disability or other factors, or believes that he/she has been treated in an unlawfully, discriminatory manner such that said discrimination or harassment alters the employee's compensation, terms, conditions or privileges of employment, it is his/her responsibility to promptly report the incident to his/her supervisor and/or the Director, who will investigate the matter and take appropriate action. If an employee believes it would be inappropriate or uncomfortable to discuss the matter with his or her supervisor, he/she should report it directly to the Appointing Authority, and/or Director to immediately initiate an investigation.
- (b) Each member of management/supervision is responsible for reporting any claim of discrimination and/or harassment, sexual or otherwise, to the Appointing Authority for appropriate action.
- (c) Any employee complaints will be kept confidential to the maximum extent possible. However, any investigation of a complaint will require a loss of confidentiality necessary for the investigation.

11.04 Disciplinary Action

If, after investigation, it is determined that an employee subject to these rules, regardless of position, is guilty of harassing another employee, appropriate disciplinary action will be taken by the Director.

11.05 Retaliation

Houston County strictly forbids any form of retaliation against any employee by any other employee, regardless of position or status, for filing a bona fide complaint under this policy or for assisting in the investigation of a complaint.

Rule 12 – Drug and Alcohol Abuse Policy

12.01 Objective

The County recognizes that its greatest asset is its employees. The County's goal is to provide the citizens of The County, with the highest level of service and employees are the key to the achievement of that goal. Increased awareness of the cost of alcohol and drug use and abuse in the work place has compelled The County to define ITS stand on employee alcohol and drug abuse.

The policy objectives are as follows:

- (a) To create and maintain a safe, drug free working environment for all employees.
- (b) Reduce the likelihood of incidents of accidental personal injury and/or damage to County property.
- (c) Reduce problems of absenteeism, tardiness, carelessness and/or other unsatisfactory matters related to job performance.

12.02 Definitions

- (a) **“County”** means Houston County, Alabama, who for purposes of the adoption of this personnel policy relative to County employees pursuant to Act No. 84-578 of the Legislature of the State of Alabama, is the Personnel Board of Houston County, Alabama. It may also mean an approving authority or other designated representation of The County.
- (b) **“County Premises”** includes all property owned, leased, used or under the control of Houston County, including but not limited to, the job site of any employee, structures, building offices, facilities, vehicles and equipment, or transportation to and from those locations while in the course and scope of County employment.
- (c) **“Employee”** means any and all employees of The County subject to Act No. 84-578 of Legislature of the State of Alabama.
- (d) **“Eligible Position”** means those positions and classifications with The County whose negligent performance can cause harm to the employee, co-employees or the public at large. Eligible positions with The County include the following:
 - a. Dispatchers
 - b. Emergency Management Agency personnel if their job duties involve notifications of natural disasters, and other public safety warnings and clean ups
 - c. Persons who operate heavy equipment
 - d. E-911 dispatchers, operators, and other persons who assist the public with reported emergencies
 - e. All persons employed at the Houston County Jail other than corrections officers or certified deputies.
 - f. Persons who operate or drive a vehicle as a precondition to the adequate performance of their job duties or those persons for which driving constitutes a substantial portion of their job duties
 - g. Employees who work in the Houston County Road & Bridge Department and who assist with traffic control and warning duties; including flagging.

- h. Persons who are required to have a Commercial Drivers License (CDL) to perform the duties of their job position. CDL drivers must not only abide by County regulations, but are also to submit to testing requirements as mandated by the Federal Highway Administration (FHWA) and the Department of Transportation (DOT) pursuant to the Omnibus Transportation Employee Testing Act of 1991. See 49 C.F.R. Part 40.
 - i. All persons employed by The County for whom Houston County, Alabama has a compelling interest in ensuring that said persons are physically fit or ensuring that said persons have unimpeachable integrity and judgment, including but not limited to those persons working as Juvenile Probation Officers, Assistant Director(s) of Juvenile Services, Director and Chief Juvenile Probation Officer, or any other person who works closely with or regularly transport juveniles under the jurisdiction of the Juvenile Court or Juvenile Court Services of Houston County, Alabama, and includes but is not limited to, all employees of the Houston County Pre-trial Release/Work Release Department including but not limited to the Community Corrections Officer(s) and any other employee in the Pre-trial Release/Work Release Department who regularly perform duties similar to said positions.
 - j. All persons employed by The County, whose work, if performed under the influence of drugs or alcohol, may endanger themselves or others such as (and for example purposes ONLY) automobile drivers, operators of potentially dangerous equipment, construction or maintenance workers, flagmen, etc.
- (e) **“Alcohol”** means distilled or fermented beverage containing ethyl alcohol, including but not limited to beer, wine and liquor.
 - (f) **“Controlled Substance”** means any substance defined or classified as a controlled substance according to law. Title II of the Comprehensive Drug Abuse Prevention Act of 1970 (Controlled Substance Act), as it is amended from time to time, provides a basic standard. Controlled substances include, but are not limited to, any and all forms of marijuana, stimulants or hallucinogens whose sale, purchase, transfer, use or possession are prohibited or restricted by law.
 - (g) **“Illegal/Unauthorized Drug”** means any drug (a) which is legally obtainable but has not been legally obtained, or (b) illegal/unauthorized drugs, prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes.
 - (h) **“Legal Drug”** means prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they have been prescribed by an employee’s treating physician.
 - (i) **“Possession”** means actual or constructive care, custody, control or immediate access.
 - (j) **“Accident”** means any on the job accident. “Accident” includes vehicular accidents, acts or omissions causing an accident or injury to any person, or damage to equipment or property. However, if an accident falls within the jurisdiction of the DOT guidelines, 49 CFR Part 40, all testing related thereto shall be conducted as set forth in said DOT guidelines.
 - (k) **“Collection Site”** means a place designated by County where employees present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of specified controlled substance and alcohol. The site will possess necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and the transportation or shipment of the samples to a Department of Health and Human Services certified laboratory.
 - (l) **“Administrator”** means the person or entity who implements drug testing on employees and/or applicants.
 - (m) **“Collector”** means a person who instructs and assists tested employees and applicants for eligible positions at a collection site and who receives and makes an initial examination of the urine specimens. The collector shall have successfully completed training to carry out this function or shall be a licensed medical professional or technician who shall be provided instructions for collection under this procedure and certifies completion as required herein. In

any case, where a collection is observed or monitored by a non-medical personnel, the collector shall be a person of the same gender as the employee or applicant.

- (n) **“Medical Review Officer”** (MRO) means a licensed physician (medical doctor) responsible for receiving laboratory results generated by an employer’s drug testing program. The MRO shall have knowledge of substance abuse disorders and have appropriate medical training to interpret and evaluate an individual’s confirmed positive test result, together with his/her medical history and any other relevant biomedical information.
- (o) **“Chain of Custody”** means procedures to account for the integrity of each urine specimen by tracking its handling and storage from the point of specimen collection to final disposition of the specimen. These procedures include an appropriate drug testing chain of custody form to be used from time of collection to receipt by the testing laboratory. The laboratory shall implement a chain of custody form to account for the sample within the laboratory. Chain of custody forms shall document the date and purpose each time a specimen is handled or transferred and shall identify every individual in the chain of custody.
- (p) **“Random Selection Process”** means that drug tests are unannounced and that employees of The County who hold eligible positions will be subjected to tests conducted monthly.
- (q) **“Reasonable Cause”** means that The County believes the actions or appearance or conduct of an employee on duty are indicative of the use of a controlled substance or alcohol.

12.03 Policy

- (a) It is the policy of The County, to foster a work environment free from the effects of both the illegal use of controlled substances and the use of alcoholic beverages. The use of drugs and alcohol impairs employees’ judgment, which may result in increased safety risks, hazards to the public, employee injuries, faulty decision making, and reduced productivity.
- (b) The County requires all employees to report to work without alcohol (in excess of .019 percent by weight in his or her blood) or illegal, or mind altering substances in their systems. In addition, all employees are required to refrain from alcohol use for a minimum of four (4) hours prior to commencing their job duties and must be in a state of mind and physical condition free from the influence of drugs and alcohol, and fit to complete their assigned duties safely and competently during work hours.
- (c) This prohibition also covers all legal or prescription drugs which impair an employee’s ability to perform his/her job safely. As a result employees must inform their supervisor when they are legitimately taking medication which may affect their ability to work in order to avoid any safety hazards or violations, to prevent committing errors, and to avoid violating the alcohol and drug policies established herein.
- (d) It is also the policy of The County to prohibit the use, possession, transportation, dispensing or manufacture of illegal drugs on its premises or while at work.
- (e) Job applicants shall not be hired if they test positive for illegal drug or alcohol in their system or blood.
- (f) An employee arrested for off-the-job sale, distribution, dispensation, manufacture, use or possession of illegal controlled substance may be placed on administrative leave with pay suspended pending an investigation by The Appointing Authority. Appointing Authority’s investigation may result in disciplinary action in the discretion of the Appointing Authority up to and including termination.
- (g) An employee convicted for off-the-job sale, distribution, dispensation, manufacture, use or possession of illegal controlled substances shall be placed on administrative leave with pay until an investigation and a due process hearing can be conducted by The County. If, after a due process hearing, it is determined that said employee was involved in off-the-job sale, distribution, dispensation, manufacture, use or possession of illegal controlled substance, said employee shall be terminated from employment with The County.

- (h) Any employee/applicant who refuses to be tested, refuses to sign a consent form, or refuses to cooperate in the completion of documentation in accordance with the provisions of this policy and procedure, shall be terminated from employment with The County.

Violation of these Rules, including a positive drug test under this policy, shall result in violating employee's termination from employment with Houston County. Refusal to cooperate with The County in any test or investigation will also result in said employee's termination from employment with Houston County.

Any termination provided herein shall be in accordance with and comply with the terms and conditions of these Rules including those related to disciplinary actions and appeals.

12.04 Drug Testing

In order to alleviate concerns regarding the safety of our employees and the public, The County hereby reserves the right to require all employees holding eligible positions with The County to submit, at any time, to random, reasonable suspicion, or post-accident drug/alcohol tests, to determine the presence of prohibited substances. All other employees may be subject to drug testing requirements if they qualify under specific conditions as set forth in Section 12.05 of this policy.

12.05 Types of Testing:

- (a) **PRE-EMPLOYMENT TESTING.** A pre-employment drug test will be scheduled prior to the hiring of any applicant applying for eligible positions listed in Part 1 of this policy. In the alternative, any such applicant may be hired conditioned upon satisfactory completion of a drug test. In either event, the submission to a drug test will be used as a pre-qualifying condition of employment with The County for applicants who are applying for eligible positions with The County. Testing may be done by urine sample, blood test or hair analysis.
- (b) **RANDOM TESTING.** All employees holding eligible positions will be subject to testing on a random basis without advanced notice to them. The selected employee shall cease performance of their job, in a manner consistent with safety, and report immediately to the testing facility accompanied by a supervisor or designee.
- (c) **REASONABLE CAUSE TESTING.** The County may schedule a drug/alcohol test when behavioral observations indicate to the employee's supervisor OR Appointing Authority that any employee may be involved in illegal use of a controlled substance, use of alcohol, or abuse of legal drugs. Before testing the employee, the employee's supervisor shall either (a) contact another supervisor to observe the employee's behavior and to concur with the decision to test the employee, or (b) review the employee's behavior with another supervisor to obtain concurrence with the decision to test the employee. The employee shall be immediately, in a manner consistent with safety, escorted to the collection site for testing by the employee's supervisor or designee.²

Employees arrested or convicted for the off-the job use or possession of illegal or controlled substances shall undergo testing to assist The County in determining fitness for duty. If the employee tests positive, The County shall discharge/terminate the employee from employment with The County in accordance with the terms and conditions of the Rules.

¹ When a test is performed, you should immediately notify each individual of the test results. If a test is positive, the individual should be notified not only of the test results of the test, but also notified of what drug or alcohol is indicated by the test.

All testing results should be maintained in a separate file which shall be deemed confidential. All testing results should include the name of the individual, the date of the test, the location of the test, the identity of the collector, and the results.

² It is recommended that prior to any screening based upon suspicion that the administrator realize that the law allows testing when suspicions are "reasonable." It is recommended that the alleged behavior which caused concern of drug/alcohol use be documented and signed by witnesses to the behavior within twenty-four (24) hours of the observed behavior or before the results of the tests are released, which is earlier.

(d) RETURN TO DUTY TESTING

Each employee holding an eligible position shall be required to undergo a return to duty alcohol and/or drug test before returning to duty when he/she has tested positive on any drug tests administered pursuant hereto.

Employees who return to work following rehabilitation will be required to undergo unannounced follow up testing for a period of up to sixty (60) months to assist The County in determining fitness for duty. This testing will be in addition to the random testing requirements performed by The County on employees IN eligible positions.

(e) POST ACCIDENT TESTING

All employees are required to report all injury or damage related accidents to their supervisor immediately. The employee shall submit to a post accident drug/alcohol test as soon as possible after an accident, but not to exceed thirty two (32) hours after an accident for drug testing and eight (8) hours after an accident for blood alcohol level testing. Each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident shall be subject to testing. The employee's supervisor or his designee shall schedule the drug screening test immediately following a reportable incident or accident.

The purpose of any drug testing which is conducted by The County pursuant to this policy is not to identify the existence of a disability.

12.06 Testing Procedures

- (a)** Testing may be performed either on or off site.
- (b)** All CDL drivers will be tested in accordance with Federal Highway Administration (FHWA) requirements.
- (c)** Random testing of regular employees of eligible positions may be conducted on unannounced days established by the Personnel Director or Appointing Authority. Random testing of probationary employees of eligible positions may be conducted more frequently than for regular employees.
- (d)** All testing procedures, including collections, will be performed by certified technicians and/or laboratories.
- (e)** Upon arrival at the collection site, the employee must provide proof of identification. The employee will be required to read and sign the controlled substance testing consent form provided by The County. The signature shall be witnessed by the collector. Acceptable proof of identification shall be a current driver's license, with photo, other form of picture identification acceptable to the Medical Review Officer or administrator, or identification by a County representative.
- (f)** The employee shall complete a drug testing custody and control form.
- (g)** A licensed physician designated by the collection site as the Medical Review Officer (MRO) or the MRO's designee shall notify the employee directly of the results of any positive drug test in order to give the employee an opportunity to challenge the findings. The MRO or the MRO's designee shall report the results of the test to the appropriate company representative.
- (h)** Urine drug tests must follow split sample procedures. Under this provision, an employee whose urine sample has tested positive for a controlled substance has the option of having the other portion of the split sample tested at another Department of Health and Human Services certified laboratory at his/her expense. The employee must notify the Medical Review Officer of this decision within 72 hours after notification of a positive sample.
- (i)** If a split sample test produces a negative result or if the second portion is not available the test is considered canceled and no sanctions will be imposed.

- (j) All persons who receive information by The County regarding drug tests shall maintain this information on a confidential basis.
- (k) Drug testing using blood samples or hair analysis may be used for any diluted urine samples.

12.07 Reasonable Cause Testing Procedures

- (a) Before testing the employee, another supervisor shall be contacted to observe the employee's behavior and to concur with the decision to test the employee, or the observing supervisor will review the employee's behavior with another supervisor either face to face or via telephone, to obtain concurrence with the decision to test the employee.
- (b) The documentation of the employee's conduct shall be prepared and signed by witnesses within twenty-four (24) hours of the observed behavior or before the results of the test are released, whichever is earlier.
- (c) Once the decision is made to test the employee, The County shall ensure that the employee is transported immediately to a collection site for the collection of a urine and/or breath alcohol sample.
- (d) The employee shall be counseled not to drive a vehicle, and supervisor shall provide transportation for the employee to the collection site.
- (e) The County shall ensure, to the extent practicable, that all department head supervisors shall provide transportation for the employee to the collection site.
- (f) The County shall ensure, to the extent practicable, that persons designated to determine whether reasonable suspicion exists to require an employee to undergo testing under this provision receive at least sixty (60) minutes of training relative to alcohol abuse and sixty (60) minutes of training relative to controlled substance use. The training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

12.08 Post Accident Testing Requirements

- (a) All employees shall notify The County immediately after any accident.
- (b) Each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to an accident shall provide a urine specimen to be tested for the use of controlled substances and/or alcohol as soon as possible after the accident, but in no case later than thirty two (32) hours after an accident for drug testing and eight (8) hours after an accident for blood alcohol level testing.
- (c) After notification of any accident, The County will arrange for the employee to be taken as soon as practicable to a collection site designated by The County.
- (d) The supervisor or designee will schedule the employee and assure that he/she is tested the same day as the reportable accident, if possible.
- (e) If an employee is medically incapacitated or otherwise unable to evidence consent to the drug/alcohol test, the employee will not be tested. A supervisor can elect not to test under these circumstances, but such decision must be made based upon information received as a result of an investigation of the accident and investigation of the employee's medical condition.
- (f) Nothing in this document should be construed to require the delay of necessary medical attention for injured persons following an accident, or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

- (g) Any employee subject to post-accident testing must refrain from consuming alcohol for eight (8) hours following an accident, or until he/she submits to an alcohol test, whichever comes first.
- (h) An employee who is subject to post-accident testing must remain available, or The County may consider the employee to have refused to submit to testing.

12.09 Reporting Procedures

- (a) The County, by and through its designated representative(s), shall notify an employee of any positive results of any random, post-accident, reasonable cause or post rehabilitation controlled substance test conducted. The employee shall also be advised what drug or alcohol was indicated by the test.
- (b) The County, by and through its designated representative(s), shall notify any applicant if he/she is rejected on the basis of a positive result of a drug or alcohol test.
- (c) The County, by and through its designated representative(s) shall maintain all records relating to the administration and results of drug or alcohol testing of its employees.
- (d) All drug screen reports and other documentation shall be stored in a physically secure location. No laboratory result shall appear in a personnel folder. A notation or marker in the personnel folder may show that this information is contained elsewhere.
- (e) All records and documentation relating to the taking or results of a drug and/or alcohol test(s) shall be stored in a physically secure location and reasonable measures shall be taken to strictly control access to these records.
- (f) Other than as provided for herein elsewhere or as may be required by appropriate court order after hearing, no person may obtain the individual test results of any employee retained by The County nor will The County release any individual test results without first obtaining written authorization from the tested employee.
- (g) The County shall disclose all testing procedures and test results of employees who maintain commercial driver's license to the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over The County or any of its drivers.
- (h) The County may disclose testing procedures and test results of employees who register a grievance, complaint, or other proceeding initiated by or on behalf of the employee against The County. Such actions include, but are not limited to, Board hearings, unemployment compensation hearings, worker's compensation claims and actions and other claims of litigation brought by the individual.
- (i) All records and documentation of drug and/or alcohol testing results will be maintained by the Director or some other person authorized by The County.
- (j) Any employee may request the opportunity to discuss a positive drug test with The County or its designated Medical Review Officer at the time the test results are revealed.
- (k) A Medical Review Officer designated by The County shall review all positive test results to verify the positive test results.

12.10 Rehabilitation

The United States Department of Transportation (DOT) has very specific requirements for maintaining records of both positive and negative results, testing procedures, and other paperwork. Therefore, these procedures shall be followed by employees.

- (a) Any employee who voluntarily identifies himself or herself to his/her supervisor, Appointing Authority, or the Director as being in need of drug and/or alcohol rehabilitation, prior to being identified through other means or before an incident of suspected violation of this policy or

before selection to submit to a random drug/alcohol test, will not be disciplined if he/she meets all of the following criteria:

- a. Obtains counseling and successfully completes a drug and/or alcohol rehabilitation program.
 - b. Agrees to follow up drug and alcohol testing for a period of up to sixty months after the successful completion of a drug and alcohol rehabilitation program and return to work.
 - c. Thereafter, refrains from using illegal drugs or otherwise being in violation of this Drug and Alcohol Policy.
- (b) Until the rehabilitation program is completed, the employee shall be placed on sick leave, annual leave, or leave without pay until they have been certified by The County Medical Review Officer that they are fit to return to duty.
- (c) In no event may a supervisor allow an employee who has tested positive to return to work for any reason without a "Return to Work Authorization" from either a County medical consultant and/or The County Medical Review Officer.
- (d) All the evaluation and rehabilitation, addressed by this policy, will be at the expense of the employee. Employees who return to work following rehabilitation will be tested as described in Section 12.05.

12.11 General Information

- (a) The County hereby reserves the authority to amend, modify and/or change this Drug and Alcohol Policy at any time it is deemed necessary.
- (b) To the extent that any portion or provision of this policy and procedure conflicts with any applicable federal or state laws or regulations, such federal or state laws or regulations will be controlling.
- (c) This Drug and Alcohol Policy shall not be construed to confer to any employee and/or applicant any property interest in such employee's continued employment or, in the case of an applicant, employment with The County.
- (d) Violation of this policy by an employee shall result in termination of employment of said employee. Said termination shall be in accordance with the terms and conditions set forth in the Rules.

12.12 Special Notice

Alabama Code 25-5-51 provides that employees who are injured at the workplace or in the course of employment may be denied benefits for the following reasons:

- (a) Willful misconduct.
- (b) Intention to bring about the injury or death of himself/herself or of another.
- (c) Willful failure or willful refusal to use safety appliances provided by the employer.
- (d) A positive drug/alcohol test (see Warning statement below).
- (e) Misrepresentation as to pre-existing physical or mental conditions.

WARNING

The County hereby gives the WARNING that a **"positive drug test conducted and evaluated pursuant to standards adopted for drug testing by the United States Department of Transportation in 49CFR part 40, shall be a conclusive presumption of impairment resulting from the use of illegal drugs. No compensation shall be allowed if the employee refuses to submit or to cooperate with a blood or urine test as set forth after the accident after being warned in writing by the employer that such refusal would forfeit the employee's right to recover benefits under this chapter."**

Rule 13 – Employee Workplace Health and Safety Policies

13.01 Purpose

Houston County, Alabama is committed to insuring that all functions in every department are conducted in a safe and efficient manner. This policy addresses specific responsibilities of employees to familiarize themselves with workplace health and safety and its requirements, to include workers' compensation, disciplinary actions and drug testing requirements. Additional safety policies regarding specific situations are addressed in the Safety Manual. Employees are also responsible for being aware and following individual department rules and regulations, and workplace practices.

13.02 Workers' Compensation

(d) Purpose and Conditions

The purpose of workers' compensation is to provide prompt and necessary medical treatment, and wage replacement for employees who are injured or killed from an accident arising out of and in the course of employment with the County.

Houston County has a self-insured workers' compensation program that pays medical costs and provides wage replacement benefits where certain conditions are met. There are well-defined provisions established by state law that must be met to ensure that employees qualify for workers' compensation benefits. In providing workers' compensation to employees, the County adheres to the provisions of Code of Alabama, Title 25, Chapter 5, Workers' Compensation, and as amended.

In general, the following conditions must exist to entitle an injured employee to benefits under the Alabama Workers' Compensation Law:

- a. The employee must work for an employer covered by the law.
- b. The injury must result from an accident. Injury by accident arising out of and in the course of the employment, and not a disease in any form, except an occupational disease or when a disease results naturally and unavoidably from the accident. Injury shall include physical injury covered either by carpal tunnel syndrome or other cumulative trauma disorder and breakage or damage to eyeglasses, hearing aids, dentures or other prosthetic devices when injury to them is caused by an on-the-job injury to the body. Injury does not include a mental disorder or mental injury unless caused by some physical injury to the body.
- c. The accident must arise out of and in the course of employment.
- d. Proper notice of the accident and injury must be given to the employer.

No workers' compensation benefits will be paid for treatment of or lost time due to any work-related injury where that injury has not been immediately reported in writing using the Accident Investigation Form (page 13-10). The injury must be immediately reported (within twenty-four (24) hours of the injury) to the employee's supervisor and to the Personnel Department. All claims are subject to review and investigation. When facts cannot be verified, the claim may be denied.

No workers' compensation benefits will be paid for any claim for an injury caused by an employee's willful misconduct (by the act of a third person or fellow employee for personal reasons and not directed against him/her as an employee or because of his/her employment, by the employee's intention to bring about the injury or death of himself or herself or of another, by the employee's intoxication from alcohol or use of illegal drugs, by failure or willful refusal to use safety appliances provided by the County, by an accident that occurs during the employee's voluntary participation in any off-duty recreational, social or athletic activity sponsored by the County or by the employee's willful breach of a reasonable rule or regulation of the County, of which rule or regulation the employee has knowledge).

No workers' compensation benefits will be paid if the employee refuses to submit to or cooperate with a urine drug test or where a positive drug test is reported that has been conducted in accordance with the U.S. Department of Transportation 49 C.F.R. Part 40.

At the time Houston County makes an unconditional offer of employment the employer shall provide the employee in BOLD-typed print the following information: **Misrepresentation as to pre-existing physical or mental conditions may void your worker's compensation benefits.** By statute, this must be provided in BOLD print.

Workers' compensation fraud is a felony, punishable by fines and/or jail time. The County may prosecute any individual found to be claiming a work-related injury fraudulently, Code of Alabama, 1975, §13A-11-124.

No workers' compensation benefit will be paid if, at the time of or in the course, of entering into employment with the County the employee knowingly and falsely misrepresents in writing a physical or mental condition and that condition is aggravated or re-injured in an accident arising out of or in the course of the employee's employment with the County.

The County will select the initial treating physician and other treating physicians for an injured employee. Any treatment other than that approved by the authorized treating physician will not be paid. The injured employee must submit to medical examinations arranged by the County at all reasonable times. If the employee requests another physician, they will be allowed a one time opportunity to select another provider from an approved list provided by our Workers' Compensation insurance carrier.

(e) Types of Benefits

There are generally three types of workers' compensation benefits available to an employee with a work-related injury: medical, vocational retraining and wage replacement benefits.

Medical benefits include all services, treatment or equipment provided by an authorized provider. Providers generally include medical clinics, pharmacists, dentists, psychologists, podiatrists, physical therapists, pharmaceutical supply companies, rehabilitation services or facilities at which treatment is provided. Medical treatment must be medically necessary and appropriate for the treatment of injury or illness and must be provided by an authorized physician.

Wage replacement benefits begin on the 4th day the employee is unable to work (temporarily disabled), as determined by the treating provider, due to an injury arising out of or in the course of employment with the County. If the employee is unable to work for a period over twenty-one (21) days, the County's third party administrator for workers' compensation will go back and pay the wage replacement benefits for the first three days.

Wage replacement benefits equal $66 \frac{2}{3}$ of the employee's average weekly earnings (up to the maximum weekly wage as determined by the Director of the Alabama Department of Industrial Relations) for the 52-week period immediately preceding the date of injury.

The wage replacement benefit check will be released to the injured employee by the Personnel Department upon presentation of identification and signed receipt.

Wage replacement benefits are not subject to employment tax, are not included in earned compensation for retirement benefit calculation purposes or included in creditable service for retirement purposes.

(f) Use of Accrued Paid Leave

The employee will be paid regularly scheduled time for the day of the injury. Employees may utilize accrued paid leave to provide income protection for the first three (3) days of temporary disability due to an injury arising out of or in the course of employment with the County. No paid leave will be advanced to an employee. Employees cannot use accrued paid leave to supplement wage replacement benefits.

(g) Voluntary Payroll Deductions

Employees are responsible for making arrangements with the payroll coordinator to continue any voluntary payroll deductions during any period of leave for which no payable hours are due. Employees with dependent County group health and/or dental insurance coverage will be billed by the County for any missed employee premium payments while on payroll with no payable hours. If payments are not submitted in a timely manner, benefit coverages are subject to cancellation.

(h) Certain Fringe Benefits Continued

During a period of lost time resulting from a workers' compensation injury arising out of or in the course of employment with the County and for which proper notice has been given by the employee to the County, the County will continue to pay the employer portion of health and life insurance premiums.

(f) Temporary Modified or Alternative Duty

An employee who chooses not to return to regular duty, temporary modified or alternative duty suitable to his or her medically determined functional capacity on the date released to full or modified duty by the attending physician is not entitled to receive any workers' compensation wage replacement benefits from that date. Any recovering employee who is offered a physician-approved, modified duty job will be required to accept the offer; otherwise, such a refusal will be considered job abandonment.

An employee who fails to return to work on the date released to full or modified duty by the treating physician will be considered to have voluntarily resigned their employment with the County and will be subject to termination.

The County does not guarantee the availability of temporary modified or alternative duty in the department, division or work location to which the employee is normally assigned. The County reserves the right to place an employee on appropriate temporary modified or alternative duty in any department or work location in the County. Temporary accommodations of this nature are not permanent, do not create a new position and do not confer a property interest in the temporary modified or alternative work assignment. Being placed on temporary modified or alternative duty does not excuse an employee from following all workplace rules and regulations and work performance standards.

Temporary modified or alternative duty as determined by the medical restrictions documented on the work status report from the treating physician will be available to an employee at their present rate of pay until maximum medical improvement has been reached, as determined by the treating physician.

(g) Reporting and Receiving Treatment (Refer to Forms on pages 13-9 through 13-11)

Any employee reporting an on-the-job injury will receive immediate and appropriate medical treatment. All applicable federal, state and local laws or regulations pertaining to occupational injuries will be followed and complied with at all times.

It is the responsibility of all employees to report immediately to their supervisor all on-the-job injuries regardless of how insignificant or minor the injury may appear at the time. An Accident Investigation Form (page 13-10) is provided for this purpose and may be obtained from any supervisor, the Personnel Department, the Personnel Website or Safety Director. This form should be completed jointly by the employee and supervisor within twenty-four (24) hours of the injury. (A completed form must be sent to the Personnel Director and to the Safety Director.) With all on the job injuries, the supervisor or the designated person must call the Personnel Department with a briefing on the injury, except in cases of emergency. The Personnel Department will then notify the healthcare provider and the safety director that the employee is enroute.

For injuries that require off site medical treatment, employees, accompanied by a supervisor, must report to Houston County's designated healthcare provider. They will provide services for all workers' compensation injury care and drug/alcohol screens. Inform the medical staff that you are a Houston County employee with an on-the-job injury.

For injuries that require immediate emergency treatment, the employee's supervisor should take the employee to the nearest emergency medical treatment facility (emergency room) or contact emergency medical services by calling 911. Inform the emergency room or EMS staff that you are a Houston County employee with an on-the-job injury.

Failure to report an injury as required by state law or this policy can result in loss of compensation benefits and possibly lead to corrective action up to and including termination under a progressive discipline policy for failure to follow workplace health and safety policies.

(h) Post Accident Drug and Alcohol Testing

When an employee sustains an injury that requires outside medical treatment, the employee is required to undergo post accident drug and alcohol testing.

If the injury occurs during the County's designated healthcare providers operating hours, the employee is to be transported to the healthcare provider by a supervisor, or a co-worker if a supervisor is not available, for the post accident drug and alcohol testing. Under no circumstance is an injured employee to be allowed to drive him/herself for post accident drug and alcohol testing. If the injury occurs before or after the healthcare provider operating hours and the employee receives medical treatment at an outside treatment facility, it is the employee's responsibility to inform the treatment facility personnel of the County's accident drug and alcohol testing requirement. If the employee is unable to speak or act on his or her own behalf, the employee's supervisor or co-worker, if a supervisor is not available, will be responsible for informing the treatment facility personnel of this requirement.

When an employee is traveling on official County business, and has been authorized to drive a County vehicle out of the County, all drug/alcohol testing rules shall apply if an accident occurs. The employee or any individual involved in an accident that requires off site medical attention, receives a traffic violation due to the accident, or if the vehicle(s) had to be towed, is required to have a drug/alcohol test performed at a local hospital or medical facility that has a qualified lab to perform these tests and analyze the results. The employee is required to notify their supervisor of an accident and the supervisor is then responsible for retrieving the vehicle and transporting the employee back to the County and placing the employee on paid administrative leave until the test results are received.

If an employee is on paid County time to travel both in and out of the County to do business on behalf of the County and is approved to drive their personal vehicles, these rules would still apply. For example, during the time the County is paying the employee on travel during normal work hours, the County expects the employee to abide by all Personnel Rules when on official County business. Therefore, if there is an accident in their personal vehicle while on official County business during normal working hours and, if the accident requires off site medical attention for anyone involved, results in a traffic violation due to the accident, or if the vehicle(s) is towed, the employee is subject to drug and alcohol testing.

Refusal to submit to a post accident drug and alcohol test shall be grounds for termination, after due process.

Failure to follow this policy in regard to post accident drug and alcohol testing policy can result in loss of compensation benefits and may lead to corrective action up to and including termination under a progressive discipline policy for failure to follow workplace health and safety policies.

Under state law, a positive result on a post accident drug or alcohol test will result in loss of wage replacement compensation. Under County policy, a positive result on a post accident drug or alcohol test will result in termination, after due process.

(i) Follow-Up Medical Treatment

No employee is to be allowed to return to duty without proper medical clearance. The employee must present the Work Status form received from the healthcare provider to the Personnel Department. The decision to allow the employee to return to work will be based on restrictive duty guidelines, job description and requirements. Both the employee and the employee's supervisory chain of command are responsible for following any restricted duty instructions documented on the Work Status form.

Once the employee is released to duty by the authorized healthcare provider, no additional workers' compensation wage benefits will be paid. Released to duty includes normal, unrestricted work status, as well as restricted, light, alternative or modified work status unless alternative or modified work cannot be provided by the employer.

(k) Compensation on the Day of Injury and for Follow-Up Medical Treatment

In the event the injury is of the nature that requires outside medical treatment, employees will be paid their regular rate of pay for that time spent away from work during normal work hours seeking and/or receiving medical treatment. No compensation will be paid for time spent outside normal work hours for the employee.

Employees are to schedule any follow-up medical treatment during non-work hours if possible, or at a time that minimizes time away from work. Employees are authorized to receive their regular rate of pay for hours used for follow-up visits, provided that proper documentation is received by the healthcare provider. Any additional time will be charged to an employee's accrued leave, beginning with sick leave, followed by vacation leave, then accrued holiday. If there is not sufficient accrued leave to cover the period of absence from work, the employee will not be paid.

13.03 Employee Safety Committee Policy

(a) Purpose

The Houston County Employee Safety Committee is established to assist departments in reducing employee injuries, vehicle incidents and providing a safe operating environment for all County employees.

(b) Responsibilities

- a. The committee will review all vehicle accidents and lost time workers' compensation injuries. The Safety Director shall determine the cause of these accidents, determine chargeability and make recommendations to the department heads and safety committee for the prevention of these accidents in the future.
- b. Committee members will assist the Safety Director in conducting accident investigations if it occurs in their departments.
- c. The committee will assist in the development and review of safety policies for the various county operations.
- d. The committee will review safety training and prepare recommendations to insure that all employees receive adequate safety training for their particular work environment.
- e. The committee will make recommendations to the Safety Director, Personnel Board and department heads for resolving safety issues, establishment of safety programs and other issues as required or directed to insure that the employees of Houston County are provided a safe work environment.

(c) Composition of the Employee Safety Committee

- a. Members of the committee will consist of the Personnel Director, the Safety Director and one primary and one alternate member from each department. Should the primary member be unable to attend a meeting then it shall be the responsibility of the alternate member to attend in their place.
- b. The Safety Director will serve as the chairperson for the committee and be responsible for all administrative matters of the committee.
- c. If the Department Head chooses not to serve as the primary member, the member will be appointed in writing by the department head and will serve until replaced by the Department Head or Safety Director.

(d) Review of Workers' Compensation Accidents

- a. All lost time workers' compensation accidents are reviewed by the Employee Safety Committee. It is the responsibility of the Safety Director to determine the cause of the incident and develop recommendations to prevent accidents from recurring.
- b. After reviewing all the facts, the Safety Director shall present to the Department Head and the Personnel Director a determination of the true cause of the accident. Based on those findings, appropriate disciplinary action will be recommended.

(e) Reporting Responsibilities

The Safety Director shall report to the department head its recommendation and recommendations for preventative measures. The department head shall report back to the director within 30 days on what actions have been taken regarding the recommendations.

13.04 Motor Vehicle Operations Policy

(a) Purpose

Houston County is committed to insuring that its fleet operations are conducted in a safe and efficient manner. This policy addresses specific responsibilities of those employees whose job duties require that they operate county vehicles and equipment and applies to Houston County employees of all categories. It is the responsibility of these employees to familiarize themselves with this policy and its requirements. Employees are expected to remain knowledgeable and to comply with all Federal, State and County motor vehicles laws and regulations. If an employee is on paid County time to travel both in and out of the County to do business on behalf of the County and is approved to drive their personal vehicles, these rules would still apply. For example, during the time the County is paying the employee on travel during normal work hours, the County expects the employee to abide by all Personnel Rules when on official County business. Therefore, if there is an accident in their personal vehicle while on official County business during normal working hours and, if the accident requires off site medical attention for anyone involved, results in a traffic violation due to the accident, or if the vehicle(s) is towed, the employee is subject to drug and alcohol testing.

(b) Definition of County Vehicle

A county vehicle is any vehicle or equipment that is owned, leased, rented or loaned to Houston County.

(c) Definition of Vehicle Operator

Only Houston County employees with a valid state driver license are authorized or shall be permitted to operate a county owned vehicle. Under special circumstances, the County Administrative Officer may authorize a non-employee to operate a county owned vehicle. Only employees properly licensed and/or trained may operate vehicles/equipment assigned to them.

(d) Driver License Requirements

- a. Prospective and current employees whose job duties include the operation of a county vehicle must be in possession of a valid and current driver license to include the appropriate class of commercial license for the vehicle being operated. Under no circumstance shall a county employee whose license has been cancelled, revoked, suspended, expired or who has accumulated eight (8) or more points against his/her license in the immediate past two (2) year period, be allowed to operate a county vehicle. Medical certification for a Commercial Driver License is required at the time of employment or promotion to a position requiring a CDL. In compliance with USDOT Federal Motor Carrier Safety Administration part 49CFR-390.3(f) (2), medical certification does not have to be carried with the driver. Houston County reserves the right to require medical certification at the employee's expense for any CDL licensed driver operating a County vehicle when it is deemed in the best interest of the employee and/or the County.
- b. Any employee whose job duties include the operation of a county vehicle shall, within 24 hours, notify his/her department head of any change in the status of their driver license. Failure to immediately report a change in the status of a license shall result in disciplinary action. Furthermore, any moving violations received by an employee must be self disclosed to the employee's supervisor within three (3) business days of the violation. (Form MVS 1 / page 13-13)
- c. If an employee's driver's license or privilege to drive is canceled, suspended, revoked, or an employee is otherwise prohibited from driving a motor vehicle by a court of competent jurisdiction or the Alabama Department of Public Safety and, if the Appointing Authority/Department Head determines that the employee's job requires driving a County vehicle or that a driver license is a minimum requirement of the job, the affected employee may be subject to reassignment, demotion, suspension without pay or termination.

(e) Seat Belt Use Requirements

Seat belt use in County vehicles is mandatory for all drivers and passengers in County vehicles. Failure to utilize seat belts shall result in disciplinary action. These offenses shall be treated as a Group I Offense (b.) in accordance with Rule 8, Disciplinary Action and Appeals.

(f) Motor Vehicle Record (MVR) Requirements

- a. Applicants for positions with Houston County that require driving a county vehicle will have his/her current MVR reviewed **prior to being employed**. If the MVR has greater than 8 points in the preceding 24-month period listed for traffic violations or a conviction or pending charge for driving under the influence during that period, that applicant will be disqualified from consideration.
- b. All employees whose job requires a driver license shall have an MVR check done annually. This review shall be the responsibility of the Personnel Department. Supervisors shall be responsible for verifying that all other employees have a valid driver license prior to operating a County vehicle (Form MVS-2).
- c. Anytime an MVR for a current employee whose job duties include the operation of a county vehicle is found to have received more than 8 points in the preceding 24 months according to the points scale for the State of Alabama UTC offense codes, that employee shall be required to attend a County approved defensive driving course at their expense. The employee will have two weeks to present a certificate of completion to their department head or their driving privileges will be suspended until such certification is presented.

(g) Vehicle Maintenance and Inspection

- a. Each driver is responsible for insuring that their vehicle is in proper working condition prior to being placed in operation. This includes the following equipment at a minimum:
 - ❖ Brakes
 - ❖ Tires and wheels
 - ❖ Steering
 - ❖ Lights and reflectors
 - ❖ Horns
 - ❖ Windshield wipers
 - ❖ Mirrors
- b. Each department will develop inspection checklists for their large (any vehicle or equipment other than car, SUV or pickup truck) vehicles and specialized equipment that the operator will be responsible for using on a daily basis. Should any defects be discovered during these checks, it is the driver's responsibility to have the problem corrected.

(h) Accident Reporting

- a. Any driver involved in a vehicular accident will be expected to do the following unless injuries or other circumstances prevent them from doing so:
 - ❖ Immediately stop your vehicle. Do not leave the accident scene.
 - ❖ Take whatever steps may safely be taken to prevent another accident from occurring.
 - ❖ Render any assistance possible to those who are injured.
 - ❖ Notify your supervisor immediately.
- b. Employees and supervisors who fail to report accidents involving county vehicles shall be subject to disciplinary action. These offenses shall be treated as a Group II Offense in accordance with the Houston County Employee Handbook.
- c. No vehicle will be repaired for wreck damage until the Chief Administrative Officer has been notified and has authorized repairs to be made.
- d. All personal injuries to an employee shall be reported immediately to the supervisor, Personnel Department, and the Safety Director following the procedures outlined in the Handling Employee Injuries Summary Sheet on page 13-10.
- e. Any injury to the public on County owned property or damage to County property by the public will be handled using the same procedures as for traumatic injuries outlined in the Handling Employee Injuries Summary Sheet on page 13-10.

- f. Property damage involving private vehicles on county owned property will be handled by calling the nearest Police department with jurisdiction and then follow notification procedures for traumatic injuries outlined in the Handling Employee Injuries Summary Sheet on page 13-10.

(i) Review of Vehicle Incidents

- a. All vehicular incidents involving county vehicles will be reviewed by the Employee Safety Committee. It is the responsibility of the Safety Director to determine the cause of the incident, make disciplinary recommendations and develop recommendations to prevent incidents from recurring.
- b. After reviewing all the facts, the Safety Director shall determine the true cause of the incident.
- c. A serious incident is one in which:
 - Damages to all vehicles involved exceed \$10,000, or
 - Injuries which require outside medical treatment were sustained by the occupants of any vehicle involved, or
 - Speeding in excess of 15 mph, or
 - As determined by the committee, the driver operated the vehicle in a dangerous or flagrant manner.
- d. Preventable backing incidents will be categorized and have points assessed as follows:
 - Minor category, where property damage is minimal as determined by the Safety Director or the Safety Committee (1 point), or
 - Major category, where injuries result or where property damage is significant or where the driver operated the vehicle in a dangerous or flagrant manner as determined by the Safety Director or Safety Committee (2 points).
- e. The minimum recommended disciplinary action will be as follows for points accumulated in a three-year period.
- f.
 - 1 point verbal counseling
 - 2 points written reprimand
 - 3 points suspension for 1 day without pay
 - 4 points suspension for 3 days without pay
 - 5 points suspension for 5 days without pay
 - Over 5 points termination
- g. The Safety Director shall report to the department head and the Personnel Director its disciplinary recommendations and its recommendations for preventative measures. The department head shall report back to the committee within 30 days on what actions have been taken regarding the recommendations. The Safety Director shall report to the Personnel Director the results of all recommendations on a monthly basis.
- h. Should the department head disagree with the recommendations of the Safety Director, the department head shall review the Safety Director's recommendations with the Personnel Director prior to determining final action.
- i. An employee who attends a National Safety Council certified Defensive Driver Training Course or a certified Defensive Driving Training Course approved by the Safety Director (minimum of 8 hour course) at his/her own expense and presents proof of completion to the Safety Director will have one (1) point deducted from the total points accumulated to date against his/her Houston County driving record. This provision shall not reduce, alter, override or supersede any disciplinary action(s) already taken under this policy. This provision will be available only once during any three (3) year period.

(j) Consequences for Violation of this Policy

Employees found in violation of this policy shall be subject to disciplinary action up to and including termination pursuant to the County's disciplinary procedures.

Handling an Employee Injury

Employee reports injury to their Supervisor.

Supervisor notifies the Personnel Director or Safety Director of the injury and discusses treatment options.

“Record Only”

- Incident does not require treatment at that time but the employee wants to report it in case of future problems
- Supervisor fills out an Accident/Incident Report and forwards it to Personnel (Debbie Hussey) or the Sheriff's Office (Steve Flemister). They will fill out a First Report of Injury and note “Record Only” on it and submit it to our Worker's Compensation carrier.

First Aid or Minor injury

- Supervisor can use the First Aid kit in the area to treat the injury
- Supervisor fills out an Accident/Incident Report and forwards it to Personnel /Sheriff's Office. A First Report of Injury in “Record Only” status will be sent to WC carrier.
- If injury treatment is questionable, call Personnel or the Safety Director to discuss options.

Medical Treatment

- If the injury requires off site medical treatment, the Supervisor should contact the Personnel Director or Safety Director and discuss where to take the employee for initial evaluation and treatment.
- A drug test/breath alcohol test should be administered at the time of the visit.
- Supervisor fills out an Accident/Incident Report and forwards it to Personnel /Sheriff's Office. A First Report of Injury will be sent to WC carrier.

Serious or life threatening injury

- Call 911 and request Emergency Medical Services (EMS).
- Supervisor should:
 - Contact the Personnel Director or Safety Director and inform them of the injury and where the employee is being taken, if known.
 - Secure the area where the accident occurred.
 - Document the accident scene.
 - Go to the treating medical facility to be available for any questions that might arise about the nature of the accident or injury.

The Personnel Director, Supervisor, or Safety Director will contact the injured employee's Dept. Head and notify him/her that one of his/her employees is being sent for medical treatment.

Once the employee's injuries have been treated, the supervisor should begin the initial accident investigation and complete the Accident/Incident Report. This information should be forwarded to the Safety Director and Personnel on the day of the injury, if at all possible. A First Report of Injury will be completed and sent to our worker's compensation carrier.

Failure to report a workplace injury could result in denial of worker's compensation benefits or disciplinary action up to and including termination.

Contact Information

Personnel Director – Sheri Thompson

Safety Director – Kelly Crowell

Work Phone 334-677-4778
Work cell phone 334-648-3005
Home phone 334-618-5600

Work phone 334-677-4784
Work cell phone 334-796-2471
Home phone 334-899-8124

HOUSTON COUNTY ACCIDENT / INCIDENT REPORT

Complete this form if the accident/incident is related to a motorized vehicle.

COUNTY VEHICLE:	
Driver:	
Address:	
Telephone:	
Driver's License:	
Date of Birth:	
Owner of Vehicle:	
Make, Model, & Year of Vehicle:	
Tag Number:	
County Vehicle ID#:	

OTHER VEHICLE:	
Driver:	
Address:	
Telephone:	
Driver's License:	
Date of Birth:	
Owner of Vehicle:	
Make, Model, & Year of Vehicle:	
Tag Number:	

LOCATION OF ACCIDENT / INCIDENT: _____

DESCRIPTION OF ACCIDENT: _____

Witness(es)	
Name:	Name:
Address:	Address:
Phone #:	Phone #:

Person Completing Form: _____ Phone # _____

**SELF-REPORTING FORM
FOR MOVING VIOLATIONS UNDER
THE COMMERCIAL MOTOR VEHICLE SAFETY ACT**

OFFICIAL FORM

PLEASE PRINT PLAINLY

SECTION 1 – NAME AND ADDRESS

FIRST	MIDDLE	LAST
ADDRESS		
CITY	STATE	ZIP

SECTION 2

DRIVER LICENSE NO.	SOCIAL SECURITY NO.	SEX	RACE	DATE OF BIRTH
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SECTION 3 – PLACE OF OFFENSE

CITY AND/OR COUNTY	STATE	OFFENSE CHARGED	OFFENSE DATE
--------------------	-------	-----------------	--------------

FOR SPEEDING VIOLATIONS PLEASE LIST: SPEEDING MPH IN A SPEED ZONE

CHECK TYPE OF VEHICLE: COMMERCIAL OTHER

COURT INFORMATION

SECTION 4

CONVICTED OF	DATE
--------------	------

SECTION 5

COURT OF		
ADDRESS		
CITY	STATE	ZIP

SIGNED: _____

DATE: _____

SIGN AND DATE BEFORE MAILING

**HOUSTON COUNTY PERSONNEL BOARD
VIOLATION AND REVIEW RECORD**

Driver's Name _____ (Please Print) Dept. _____

I. WAIVER TO CHECK MOTOR VEHICLE RECORD

I hereby authorize the Houston County Commission, its insurance agent, its third party vendor, or contractor to check my driving record by ordering a Motor Vehicle Record (MVR). I understand that the Houston County Commission and the above named parties will use the information for driver eligibility purposes only and not furnish this information to a third party without my written consent. I also understand that my MVR will be ordered after any accident in a Commission vehicle, or no more than once per year, if and while I may be employed. I understand that I may furnish the Commission and the above named parties with any obtainable information, such as a police report, to show I was at no fault in an accident that is on my MVR. I agree to release the Houston County Commission, its employees, the above named parties, and those who the supplied information from any liability for any damage that may result from furnishing the requested information, from my failure to be employed by the third party vendor, or from any suspension of authorization to drive Commission vehicles, while if and/or I may be employed by the third party vendor.

NAME: _____
SIGNATURE _____
DATE: _____
AL DRIVER LICENSE# _____

II. CERTIFICATION OF VIOLATIONS

I certify that the following is a true and complete list of traffic violations (other than parking violations) for which I have been convicted or forfeited bond or collateral during the past 12 months.

DATE	OFFENSE	LOCATION	TYPE OF VEHICLE OPERATED
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

If no violations are listed above, I certify that I have not been convicted or forfeited bond or collateral on account of any violation required to be listed during the past 12 months.

_____ Date _____ Driver's Signature _____ Birth date _____
_____ Driver's CDL Number _____ Issuing State _____ Social Security Number _____

Houston County Personnel Board

_____ (Reviewed by: Signature) _____ Date _____

III. REVIEW AND EVALUATION OF DRIVER'S RECORD:

In accordance with §391.25, Motor Carrier Safety Regulations, all information pertinent to the above driver's safety of operations, including the list of violations furnished by him/her in accordance with §391.27, has been reviewed the past 12 months.

Action Taken: _____

HOUSTON COUNTY PERSONNEL BOARD

_____ (Reviewed by: Signature) _____ Date _____

**NOTICE TO DRIVERS
&
CERTIFICATE OF COMPLIANCE**
(Note: Original to be retained by carrier, copy for driver)

I. NOTICE TO DRIVERS

The Commercial Motor Vehicle Safety Act of 1986 provides for a new set of controls over drivers of commercial vehicles. The new law applies to all drivers operating vehicles and combinations with a Gross Vehicle Weight Rating over 26,000 pounds, and to any vehicle, regardless of weight, transporting hazardous materials.

The following provisions of this legislation became effective as of July 1, 1987:

1. No driver may possess more than one license, and no motor carrier may use a driver having more than one license. A limited exception is made for drivers who are subject to non-resident licensing requirements of any. This exception does not apply after December 31, 1989.
2. A driver convicted of a traffic violation (other than parking) in any vehicle must notify the motor carrier **AND** the state which issued the license to that driver of the conviction within 30 days.
3. Any person applying for a job as a commercial vehicle driver must inform the prospective employer of all previous employment as the driver of a commercial vehicle for the past 10 years, in addition to any other required information about the applicant's employment history.
4. The Federal Motor Carrier Safety Regulations require that a driver who loses any privilege to operate a commercial vehicle, or who is disqualified from operating a commercial vehicle, must advise the motor carrier the next business day after receiving notification.

PENALTIES: Any violation of the above is punishable by a fine not to exceed \$2,500. Willful violation of (1) or (3), above, or failure to notify the motor carrier within 30 days of the loss of any privilege to operate a commercial vehicle can result in criminal penalties not to exceed \$5,000 and/or 90 days in jail.

II. CERTIFICATION BY DRIVER

I hereby certify that I have read the above and understand the driver provisions of the Commercial Motor Vehicle Safety Act of 1986 effective on July 1, 1987.

Driver's Name (print) _____ Soc. Sec. # ___ - ___ - ____

Driver's Address _____

License: State _____ Type/Class _____ ID No. _____

I further certify that I have surrendered the following licenses to the state(s) indicated.

State _____ Type/Class _____ ID No. _____

State _____ Type/Class _____ ID No. _____

Check if applicable:

I further certify that I am required by the state of _____ to maintain a non-resident license.

Type/Class _____ ID No. _____

Driver's Signature _____ Date _____

BACKGROUND INVESTIGATION CONSENT

I, _____, hereby authorize Houston County Personnel Board or its agents to make an independent investigation of my background, references, character, past employment, consumer reports, education, motor vehicle record and criminal history record information which may be in any state or local files, including those maintained by both public and private organizations, and all public records, for the purpose of confirming the information contained on my application and/or obtaining other information which may be material to my qualifications for employment. A telephone facsimile (fax) or xerographic copy of this consent shall be considered as valid as the original consent.

Fair Credit Reporting Act: If employment is denied in whole or in part because of information obtained by the above-named company, I have the right to make a written request within a reasonable period of time to receive the information obtained.

I release the above-named company and/or its agents and any person or entity, which provides information pursuant to this authorization, from any and all liabilities, claims or lawsuits in regard to the information obtained from any and all of the above referenced sources used.

The following is my true and complete legal name and all information is true and correct to the best of my knowledge:

Full Name (printed) Maiden Name or Other Name(s) Used

Present Address How long? _____
Years/ Months

City/State County Zip

List all former addresses for the past seven (7) years. City and State:

City State How long? _____
Years/ Months

City State How long? _____
Years/ Months

City State How long? _____
Years/ Months

Driver's License Number State of Issue

Date of Birth Social Security Number

Applicant Signature Name Printed or Typed Date

POLICY ACKNOWLEDGEMENT

Houston County understands the value and responsibility it has in developing employee skills and abilities while exceeding the expectations of the citizens in which the County serves. Particularly, the County has made several upgrades to its operation of equipment, including heavy equipment that requires additional operator licenses. Therefore, requiring Commercial Driver License (CDL) Class A, B, or C are essential in the operation of certain County vehicles and necessary to perform certain job responsibilities.

I further understand that Houston County verifies employment and drug and alcohol testing history with previous DOT-regulated employers, for the past two (2) years when hired into positions requiring a Commercial Driver License (and promotions, transfers from non-CDL into CDL positions) §40.25, §382.405(f), §382.405(h). My signed consent and names, addresses, telephone numbers (including fax numbers) of previous CDL employers for the past two (2) years are required if I am to be considered for this position. This verification process may take up to thirty (30) days, and if I have any unacceptable prior circumstances per the DOT regulations, I am subject to discharge after due process.

In the event the status of my CDL changes, I understand that it is my responsibility to notify my Department Head and the Personnel Department within 24 hours of this change. Failure to notify my Department Head and the Personnel Department will result in adverse employment action, up to and including employment termination.

Misrepresentation as to pre-existing physical or mental conditions may void your workers' compensation benefits.

By signing below, I acknowledge that I have been provided a copy of Rule 13 – Employee Workplace Health and Safety Policies of the Rules & Regulations of the Houston County Personnel Board - and will abide by all provisions of this Policy Acknowledgement.

Employee Name (Print)

Employee Signature

Supervisor Signature

Department Head Signature