

HEARD COUNTY
PERSONNEL MANAGEMENT SYSTEM
SECTION 1 - INTRODUCTION

Para 1.100 – Personnel Management System: The Heard County Personnel Management System is a system of employment, which recognizes that the county employees should be selected and advanced according to their knowledge, skills and abilities and that employees who perform satisfactorily should be retained in their positions as long as the position exists, regardless of factors extraneous to their performance and conduct.

Para 1.200 – Purpose: These personnel policies have been adopted by the County Commission and certain Constitutional Officers of Heard County to ensure high morale for the employees of the County and high productivity for the people of the County. To accomplish these goals, the officials believe that fair and equitable treatment of all applicants and employees is a necessity. All jobs are not identical therefore, all conditions of employment will not be identical; many personnel practices can be the same in all departments. Among these practices are the methods of accruing and requesting annual leave, the method of administering disciplinary action and the methods of administering employee complaints. By including those provisions in the policies, the County intends to provide equitable benefits to each employee and to assure good personnel practices.

Para 1.300 – Establishment: These personnel policies have been voluntarily established by the Board of Commissioners and certain Constitutional Officers of Heard County. The policies are intended to standardize personnel practices in the various departments where standardization is possible and to extend certain privileges to employees of the different departments. In establishing these practices, the officials are not relinquishing their constitutional authority as appointing authorities, nor are they creating a property interest for employees that leads to the expectancy of continued employment at any time, in any position, pay grade or pay step. The practices and privileges are considered good personnel practices and are consistent with the above stated purpose. The management system and these policies have been enabled by ordinance adopted by the governing body of Heard County.

Para 1.400 – Coverage: These policies apply to the covered employees in the departments of participating officials of Heard County. Participating officials who have accepted these policies by signature are listed as Appendix A. Federal law recognizes that neither elected officials nor members of their personal staffs should be covered by rules or regulations which imply specific employment practices. Therefore, the elected officials will determine which positions in their departments are policymaking or personal staff and will exclude those positions from the classification plan. This practice of identifying covered employees is a voluntary attempt to extend the personnel practices to as many classes of employees as possible. By including certain classes, the officials are not redefining the relationships between themselves and their employees as defined by the Constitution of the State of Georgia, they are merely extending these personnel practices to as many employees as possible.

Para 1.500 – Administration: In general, the officials are responsible for administering these policies in their respective departments. The Human Resources Director will give administrative support to the department under Constitutional Officers and will administer the policies for departments under the County Chairman.

Para 1.600 – Qualifications: Under Article IX of the Constitution of the State of Georgia, the General Assembly may, by general law, authorize the establishment of civil service systems covering county employees by county governing authorities. The General Assembly has passed such an act, but there is no intention of establishing a civil service system with these policies.

SECTION 2 - DEFINITIONS

Para 2.101 – Absence: The state, fact, or time of not being present.

Para 2.105 – ACCG Pension Plan: Association of County Commissioners of Georgia provides a retirement plan for those employees who have accumulated three (3) years of service with the county and want to join.

Para 2.110 – Accumulated: To acquire, increase, collect, heap or pile up.

Para 2.115 – ADA Coordinator: Human Resources Director of the Board of Commissioners of Heard County.

Para 2.120 – Adverse Action: An action for any reason by the appointing authority or supervisor that results in a disciplinary suspension without pay, disciplinary salary reduction, disciplinary demotion, or disciplinary dismissal.

Para. 2.121 – Administrative: An employee is exempt as an administrative employee who is compensated on a salary basis (as defined by FLSA); whose primary duty must be the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers; and who's primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

Para 2.125 – Anniversary Date: The date an employee begins employment. This date may be adjusted under certain conditions, for example, the anniversary date may be adjusted if an employee takes leave of absence or an individual leaves the county in good standing and is rehired in less than 180 days of separation. All county benefits may resume on the date of rehire upon approval of the Chairman as a one-time to the employee.

Para 2.130 – Appeal: To refer or remove a case by resorting to some higher power or final means for sanction, proof or aid.

Para 2.135 – Appeal Board: An organized official body to listen to an appeal.

Para 2.140 - Appointing Authority: The commission, board or body having the appointment, employment or removal from positions in any office, department, commission, boards or institution; or any person or group having the power by virtue of the Constitution, Statue, or lawful delegated authority to make appointments to positions of employment in Heard County.

Para 2.145 – Banked Hours: Accrued personal hours not used in the current year.

Para 2.150 – Benefit Plan: Heard County is fully insured with the claims being processed through an administrative company; the employee must be full-time.

Para 2.155 – Chairman: An individual who has been elected to serve as county-wide chairman of the Board of Commissioners of Heard County.

Para 2.160 – Commissioners: The governing authority and financial authority of Heard County.

Para. 2.161 – Computer: An employee is exempt as a computer employee who is compensated on a salary basis (as defined by FLSA), who is employed as a computer systems analyst, computer programmer, software engineer or other similarly skilled worker in the computer field.

Para 2.165 – Days: When the word “days” is used as a method of counting, it means calendar day unless stated otherwise.

Para 2.170 – Department Head: An individual who is appointed or elected to direct a department within the Heard County Government.

Para 2.175 – Demotion: A change of employment to a position of a lower grade.

Para 2.180 – Dismissal: Removal or discharge from duty or position.

Para 2.185 – Employee – Exempt: Those employees who are employed in an executive, administrative, professional or computer capacity, or other legally exempted categories of employees and who are NOT covered by the federal wage and hours laws.

Para 2.190 – Employee – Non-Exempt: Those employees who are not employed in an executive, administrative, professional or computer capacity, or other legally exempted categories of employees and who are covered by the federal wage and hours laws.

Para 2.191 – Executive: An employee is exempt as an executive employee, who is compensated on a salary basis (as defined by FLSA); whose primary duty is managing a customarily recognized department or subdivision thereof; who customarily and regularly directs the work of at least (2) or more full time employees or their equivalent; and has the authority to hire or fire other employees, or the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status or other employees must be given particular weight.

Para 2.195 – Full-Time: Employment in an established position requiring 30 hours or more of work per week. Full-time employees are eligible for full participation in benefit programs.

Para 2.200 – Holiday Pay: Based on eight hours.

Para 2.205 – Immediate Family: The employee's spouse, children, parents, brothers, sisters, father-in-law, mother-in-law, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law and grandparents. The definition is extended to include any other person who resides in the employee's household and who is recognized by law as a dependent of the employee.

Para 2.210 – Leave of Absence: According to Georgia Code 38-2-279, any voluntary member of the Reserve of National Guard shall be entitled to absent himself and shall be deemed to have a leave-of-absence as an employee while in attendance at any service school conducted by the armed forces of the United States for a group up to six (6) months during any four (4) year period. Leave-of-absence may be granted in cases of temporary disability and other possible emergency situations. A leave-of-absence prevents a break in service, but no benefits such as leave or time toward retirement shall accrue during leave-of-absence.

Para 2.215 – Nepotism: Favoritism, especially governmental patronage, extended toward relatives.

Para 2.220 – Objective: The objectives of establishing the following employment practices are (1) to comply with the accepted principles of good personnel practices and (2) to enhance the employment conditions in the County with the belief that fair and equitable employment practices lead to greater job satisfaction and productivity.

Para 2.225 – Overtime: Overtime is hours worked in excess of the maximum allowed for the employee's designated work cycle. Compensation for overtime will be in accordance with the provisions of the FLSA. The Department Head/ Director/Manager must approve any overtime. Holidays, vacation, sick or personal leave shall not be considered as hours worked during the work cycle. All non-exempt Department heads, directors and managers who work overtime will receive compensatory time at time and one half (1.5) of actual hours worked over their normal work cycle in a single work week; up to 240 hours annually. All other non-exempt employees may be paid overtime at time and one-half (1.5) their regular pay for all hours actually worked

over their normal work cycle in a single work week. Working overtime without getting proper approval will result in disciplinary actions.

Non-exempt employees whose work period is one week will be compensated at the rate of one and one half (1 ½) the normal hours worked over forty (40) hours per week.

Exception: Fire department employees assigned to shift work will be compensated at the rate of one and one half (1 ½) the normal hours worked over fifty-three (53) hours per week.

Exception: Sheriff's Office department employees assigned to shift work will be compensated at the rate of one and one half (1 ½) the normal hours worked over forty-three (43) hours per week.

Exempt employees will receive their normal salaries for work period.

Para 2.230 – Part-Time: Employment in an established position requiring less than 29 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Participation in benefits programs for part-time employees is limited to eligibility for workers' compensation benefits.

Para 2.235 – Personal Days: Number of days allotted to an employee each year to use at his/her discretion.

Para 2.236 – Professional: An employee is exempt as a professional employee, who is compensated on a salary basis (as defined by FLSA); whose primary duty is the performance of work requiring knowledge of an advanced type (defined as work which is primarily intellectual in character and which includes work requiring the consistent exercise of discretion and judgment) in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction; or whose primary duty is the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.

Para 2.240 – Promotions: Advancement or preferment in honor, dignity, ranks or grade; a change of employment from a position in one wage grade to a position that has a higher wage grade.

Para 2.245 – Provisions: Measures taken or means made already in advance; the act of taking such measures.

Para 2.250 – Reprimand: A formal means of communicating to the employee a warning that a problem exists and that it must be corrected. There are two (2) types of reprimand; the oral reprimand and the written reprimand.

Para 2.255 – Savings: An amount of money set aside for the future.

Para 2.260 – Sexual Harassment: Unwelcome sexual advances, requests for sexual favor and other verbal or physical conduct of sexual nature.

Para 2.265 – Supervisor: One who supervises or oversees.

Para 2.270 – Temporary: Employment in a job established for a specific purpose, for a specific period of time, or for the duration of a specific project or group of assignments. Participation in benefits programs for temporary employees is limited to eligibility for workers' compensation benefits.

SECTION 3 - EMPLOYMENT SELECTION

Para 3.101 – Policy Statement – Equal Employment Opportunity: It is the practice of Heard County to hire, train and promote employees without discrimination because of race, religion, color, political affiliation, physical disability, national origin, sex or age. This practice applies to all levels and phases of personnel administration such as recruitment or recruitment advertising, testing, hiring, training, promotion, transfer, leave of practice, rates of pay, selection for supervisory positions and employee benefit programs.

Para 3.102 – Requests for Fill of Vacancies:

- a. When the Department Head has a qualified person in the same or lower grade available to fill the vacant position, the position need not be advertised.
- b. Approval of any requests for the fill of a new position, or the fill of an old position at a higher rate, must be obtained from the Chairman of the Board of Commissioners.
- c. An exception to the hiring practices listed in this section shall be made for those who apply to work in the Sheriff's Office. The Sheriff or his designee shall advertise to fill vacancies that are not filled from within and shall receive such applications. The Sheriff or his designee shall forward the original copy of the application to the Human Resources Director for initial processing. The Sheriff or his designee shall be responsible to ensure that Federal and State laws are adhered to in the hiring of new employees.

Para 3.105 – Guidelines for Filling Vacancies: Priority for appointments shall be as follows unless the Board of Commissioners, for the good of the County, elects to change the order:

- a. The most qualified applicant.
- b. Heard County employees seeking a promotion or transfer.
- c. Heard County employees who have been laid off.
- d. Previous Heard County employees with satisfactory service.

Para 3.108 – Announcements of Vacant Positions: Announcements of vacant positions may be publicized by posting announcements at the county administration building, department bulletins and by advertisements in the newspaper and on the County website. Announcements may also be made in other media as determined by the Chairman of the Board of Commissioners.

Para 3.110 –Filling of Applications:

- a. All applicants for the positions shall be made on a standard application, which may be supplemented by a resume. All applicants must have a high school diploma or equivalent, and must agree to a pre-employment drug test, a criminal background check and a motor vehicle record check.
- b. The applicant attesting the truth of all statements contained in the application shall sign all applications.
- c. To receive consideration, applications must be complete and filled within the time limit stated in the vacancy announcement and pass the pre-employment drug test, the criminal background check and the criteria for the motor vehicle record (MVR). The criteria for MVR is as follows:

It is the policy of Heard County and a requirement of employment that every employee filling a position that requires a valid driver’s license have a motor vehicle record (MVR) specified grading requirements. This MVR policy applies both to drivers of entity owned vehicles, and employees using personal vehicles in the course of their employment as well.

Employee MVR’s will be examined prior to the date of employment and each year (1 year) thereafter. Any job offer made where the job requires a valid driver’s license will be contingent upon the MVR meeting the required standards.

TYPE A VIOLATION – Includes (but not limited to) DWI/DUI/OWI/OUI, refusing substance test, reckless driving, manslaughter, hit & run, eluding a police officer, any felony, drag racing, license suspension, and driving while license suspended. Any driver with these types of violation is a major concern.

TYPE B VIOLATION – Includes all vehicle accidents, regardless of fault.

TYPE C VIOLATION – Includes all moving violations not classified as Type A or B. (Speeding, improper lane change, failure to yield, running red lights, or stop lights.)

TYPE D VIOLATION – Includes all non-moving violations (illegal parking or vehicle defects.)

All violations will be reviewed by the Human Resources Director and/or Department Head and may result in disciplinary action listed below, up to and including termination, depending on severity of the violation(s).

CRITERIA

Declination, Termination or Reassignment to a Non-Driving Position:

- One or more Type A violations in preceding 36 months
- Two or more Type B violation in preceding 36 months
- Three or more Type C violations in preceding 36 months
- One Type B violation and two Type C violations in preceding 36 months

Probation:

- One Type B violation in preceding 36 months
- Two Type C violations in preceding 36 months
- One Type C violation and two Type D violations in preceding 36 months
- Three Type D violations in preceding 36 months

Employees placed on probation will have MVR reports conducted every 6 months, and will remain on probation until such time as violations are reduced to an acceptable level.

- d. Applicants accepted and/or hired as employees for positions with Heard County Fire and Emergency Services will be expected to sign an agreement agreeing to reimburse Heard County for costs associated with their employment. The employee agrees he/she will reimburse the County for costs (in varying degrees) incurred in connection with his/her employment, hiring and training in the event the employee is separated from his/her employment with the County for any reason other than involuntary termination within twenty-four (24) months of the certification date of such training. The applicant/employee will be expected to accept and sign this agreement upon hiring.

Para 3.112 – Conditions for Rejection of Applications: The Department Head may reject any application, or applicant, when the following determinations are made:

- a. The application was not received on or before the closing date established for receiving applications.
- b. The application was not filed on the prescribed form.
- c. The applicant does not possess one or more of the requirements as specified in the public announcement on the job vacancy.
- d. The applicant falsified or failed to complete the application form.
- e. The applicant is not capable to perform the required duties of the position.
- f. The applicant has made a false statement of a material fact or attempted to deceive in the application or in the test if one is administered for the position.
- g. The applicant was previously employed by Heard County and was dismissed for cause, or resigned not in good standing.
- h. A review of the applicant's past record of employment is determined to be unsatisfactory by the Department Supervisor.
- i. The applicant is not eligible for employment in the United States.

Para 3.114 – Guidelines for Employment:

- a. **Resident Status:** Preference should be granted to residents of Heard County in the case of equally qualified applicants.
- b. **Employment of Relatives:** No relative, as provided below, working in the same department may supervise another relative.
- c. **Probationary Period:** All new full-time and part-time employees are hired on a sixty (60) day probationary period.

Para 3.116 – Nepotism Policy: The Board has determined that certain relatives of employees, the County Chairman and/or the County Commissioners should not be employed unless such hiring does not create a conflict of interest.

Provisions:

- a. No relative of the Commission Chairman and/or Board of Commissioners (relative shall mean employee's spouse, children, parents, brothers, sisters, father-in-law, mother-in-

law, brothers-in-law, sisters-in-law, sons-in-law and daughters-in-law and grandparents) may be employed under the direct supervision of the Chairman.

- b. No relative, as provided above, working in the same department may supervise another relative.
- c. When two existing employees in the same department become married and one supervises the other, under the provisions of this policy, one of them shall be required to terminate or transfer. If the employees cannot choose who will terminate or transfer, the one with the shortest tenure with the County shall terminate. Such termination must occur within thirty (30) days of the date they become relatives.
- d. The Commission Chairman may use their discretion in employing temporary employees whose tenure is not likely to result in "Regular Employee" status with regard to the relative of the Board member or of an existing employee.
- e. Those employees who were employed with the County as of October 12, 2010 whose employment maybe in conflict with these provisions shall be grandfathered to retain their current positions.

Responsibility: The Commission Chairman is responsible for the administration of this policy.

Para 3.118 – Examinations: The Department Head, in coordination with the Chairman, will determine which positions require examinations or testing to determine qualified applicants. Such examinations shall be practical and impartial in nature and will cover information which relates to the job and fairly tests the applicant's ability and fitness to efficiently discharge the duties of the position to be filled. Examinations may include, but not limited to, written, oral, physical and performance tests. Applicants for employment will be required to take a drug test prior to employment.

Para 3.120 – Training Requirements: Heard County employees will be trained as specified in the policy.

- a. Each department head shall specify the training procedure for Heard County employees in their department.
- b. Training will be granted to an employee when he or she has completed three (3) months of continuous employment and/or when training is necessary.

- c. Elected Officials should limit their classes to required and/or mandatory training. This should not apply to a conference, class or seminar that is being held at a location a reasonable distance that does not require overnight lodging.

SECTION 4 - SALARY ADMINISTRATION PROGRAM

Heard County is an Equal Opportunity Employer. All appointments, assignments and promotions are on the basis of merit.

Merit raises are given based on the recommendation of the Department Head and at the discretions and approval of the Board of Commissioners. When merit raises are authorized, the criteria for merit raises will be as follows:

1. JOB PERFORMANCE

How well the job is done.

2. ATTITUDE

Willingness to accept responsibility to do one's job cheerfully.

3. COOPERATIVE SPIRIT

Ability to get along with fellow workers, supervisors and Board of Commissioners.

4. DEPENDABILITY

Arriving to work on time.

Have permission in advance to be off.

5. PRIDE

In one's work.

In one's county.

Regular and part-time employees will be graded on the above by the department heads. Raises will be reduced for each point found to be lacking. A completion of courses/training may be required to help the Board make a decision. The Board of Commissioners may also set across the board non-merit increases at its discretion.

SECTION 5 – RETURN TO WORK POLICY

Para. 5.101 – Policy Statement – Return to Work Program: It is the policy of Heard County to provide and establish a “Return to Work Policy” for employees with work related injuries and illnesses that are unable, temporarily and/or permanently, to return to their permanent job duties.

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

- a. Assist the recovery process by providing a focus and a goal for return of the injured employee.
- b. Benefit employees by allowing them to return to full wages as soon as possible.
- c. Benefit employer by reducing workers’ compensation costs.

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

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

Para 5.102 – Return to Work Policy – Work Related Injuries or Illness: Heard County is committed to returning injured employees to work, within safe and healthy medical practices, as soon as practical. As soon as possible after the injury, and when the employee is medically able to return to work, a written medical release from the designated medical service provider must be received by the HR department. If the medical release specifies that the employee may return to work, the employee will be returned to work immediately or as soon as practical. The medical release should be on a county-approved Return To Work Release Form.

Heard County reserves the right to require any treating physician to review the employee’s job description, including a description of essential duties, and express an opinion as to whether the employee may safely perform the essential job duties, before putting the employee back to work with or without temporary modifications or more permanent accommodations.

SECTION 6 - EMPLOYEE POLICIES

Para 6.101 – Work Schedule: The work schedule for the following departments shall be determined by the Commission Chairman:

Commissioner’s Office	Animal Control
Courthouse Maintenance	Information Technology
Recreation Department	Vehicle Maintenance
Building & Zoning Department	Arena
Historical/Old Jail Museum	Codes Enforcement
Brush Creek Park	Tax Assessors Office
Finance Department	Fire & Emergency Services
Enhanced 911	Roads & Bridges
Senior Center	Heard County Transit

Work Schedule: The work schedule for any elected official’s office shall be determined by that official and coordinated with the work schedule set for the departments above.

Para 6.102 – Outside/Secondary Employment: Any Heard County employee may engage in outside employment that does not involve business related conflicts of interest, interfere with their performance or duties of the County, or expose the County to additional workers’ compensation and liability risk. Employees assigned to departments under the County Commission must request approval for outside/secondary employment from their Department Head. Employees must obtain Department Head approval before accepting outside/secondary employment. The Department Head must review all requests with the Commission Chairman prior to approval. Failure to do so may result in termination of employment with the County. Employees may only work for more than one County department with prior approval of the Commission Chairman and the hours worked does not result in overtime.

Para 6.103 – Physical or Mental Incapacity: The Commission Chairman may require an employee to be examined by an approved physician. When a disability of any kind is discovered which impairs the effectiveness of the employees or makes continuance on the job a danger to themselves or others, the following action shall be taken:

- a. If the disability is correctable, the employee shall be allowed a reasonable specified time as determined by the Commission Chairman to have it corrected. Such time is to be charged to the employee's leave account as described in Section 9.
- b. If, in the opinion of the examining physician, the disability cannot be corrected, the Department Head, with the approval and assistance of the Commission Chairman, shall attempt to place the employee in another position in which duties can be performed satisfactorily. If that cannot be accomplished successfully, the Commission Chairman shall take steps to separate the employee from the Board of Commissioners service.

Para 6.103a – Conditions Involving Pandemic or Influenza: Sick employees who report to work with Contagious Symptoms and/or a Contagious Condition, as those terms are defined in this Section, may significantly impact County operations due to the potential for spreading sickness, diminished productivity, and lack of quality or attention to safety.

Employees should consider options and practices that will reduce the risk of contracting a contagious condition or passing on a contagious condition by observing healthy practices such as: receiving flu vaccinations, covering their noses or mouths when coughing or sneezing, washing or sanitizing their hands, using sanitizers on common work areas, and other health practices that are designed to reduce infection and the spread of disease. Employees should also refrain from reporting to work with Contagious Symptoms and/or a Contagious Condition, so as not to spread a condition or disease.

In the interest of maintaining a safe and healthy workplace, the County may require persons with Contagious Symptoms and/or a Contagious Condition not to report to work and/or may send employees with Contagious Symptoms and/or a Contagious Condition home.

a. Contagious Symptoms and/or Condition

For purposes of this Section, Contagious Symptoms and/or a Contagious Condition exist when:

- (1) An employee exhibits influenza-related symptoms (e.g., fever, vomiting, diarrhea, headache, cough, sore throat, runny or stuffy nose, muscle aches) or other symptoms, described by a public health organization as indicative of other contagion, such as Coronavirus; and/or

- (2) An employee is diagnosed with an infectious/contagious condition (e.g., influenza, strep throat, tuberculosis, bacterial meningitis, mononucleosis, mumps, measles, rubella, chicken pox, etc.); or
- (3) An employee and/or family member/household member has recently traveled or plans to travel to a geographic area or has been subjected to a confined area, such as cruise ship or airplane, actively identified by a recognized health organization to present a high degree of contagion health risk or an area for which the CDC has issued a Level 2 or 3 travel advisory.

b. Workplace Requirements

The County and its employees bear responsibility for a safe and productive workplace environment. Accordingly, an employee with Contagious Symptoms and/or a Contagious Condition:

- (1) Will not report to the workplace so as not to infect other employees or member of the public.
- (2) Will not report to the workplace until his/her symptoms have subsided and the employee has been cleared with a health care provider's statement that the employee may return to work. (Such statement must be submitted to the HR Department for approval as provided in subsection (d), below, in advance of returning to the workplace.)
- (3) Will not report to the workplace after returning from, or after a family/household member has returned from, a geographic area or confined area recently identified by a recognized health organization to present a high degree of contagion health risk or an area for which CDC has issued a Level 2 or 3 travel advisory. In such case, the employee cannot return to the workplace until the completion of the incubation period as identified by a public health organization and until the employee has been cleared with a health care provider's statement that the employee may return to work. (Such statement must be submitted to the HR Department for approval as provided in subsection (d), below, in advance of returning to the workplace.)

(4) May be sent home, with or without the opportunity to work from home, based on observations of symptoms of a Contagious Condition.

c. Absence Due to Contagious Symptoms or Conditions

An employee who has been sent home by the County and/or has not reported to work due to Contagious Symptoms and/or a Contagious Condition, or who has been quarantined, will be required to use accrued personal time and/or accrued compensatory time. If personal time or compensatory time is unavailable or exhausted, the employee will be recorded as absent with approved unpaid leave. In the event that an employee's absence pursuant to an approved unpaid leave extends beyond five (5) days and/or an employee's absence pursuant to an approved unpaid leave becomes a recurring issue, and such absences are deemed to constitute an undue burden upon the County Department or Elected Office, the Department Head/Elected Official may request that the employee provide a doctor's certification as the employee's current condition. Ultimately, any prolonged absences will be addressed in compliance with all federal and state laws and regulations, including with ADA and the FMLA (where a serious health condition is involved.)

The Department Head/Elected Official may approve an employee to work from home or another private location while recuperating. Such approval is dependent upon consideration of factors, including the employee's position, the severity of the illness, and other safety and logistical considerations. Notification that an employee will be allowed to work from home must be provided to the HR Department.

Any employee subject to absence due to Contagious Symptoms or a Contagious Condition must contact the HR Department to determine if the employee and medical condition qualifies for Family Medical Leave. In such case, the policy covering Family Medical Leave Act shall apply.

d. Return to Work from Contagious Symptoms or Contagious Condition

As a condition for return to work, the employee will be required to provide certification from a professional health care provider stating the Contagious Symptom or Contagious Condition what the employee experienced has been cleared and the employee may return to work without risk to other employees. The written statement must be submitted **electronically** to the HR Department, which shall review and must approve the release before the employee may return to work. An employee failing to provide a written return to work authorization prior to reporting to work will be immediately sent home and may be subject to disciplinary action for failure to comply with this requirement.

e. Compliance

Due to the seriousness of the ramifications of non-compliance, any violation of the policy as set forth will subject the employee to disciplinary action, up to and including termination.

This Section will be administered in accordance with all federal and state laws and regulations, including the ADA and the FMLA (where a serious health condition is involved).

Para 6.103b – No Smoking Policy: In compliance with the Georgia Smoke Free Act of 2005, smoking or the use of any device that produces smoke, steam or vapor, is hereby prohibited in any building owned by Heard County. In addition, smoking or the use of any device that produces smoke, steam or vapor is prohibited on the premises of any building owned by Heard County where the public commonly visits on a daily basis to conduct business, or recreation events where children are participating. Employees who violate this policy may be subject to appropriate disciplinary action, including reprimand, suspension without pay or termination from employment.

Para 6.104 – Policy on Drug and Alcohol Abuse: Heard County Government has a strong commitment to provide a safe workplace and therefore has implemented a “drug free work place” and a separate substance abuse policy adopted by the Board of Commissioners. Applicants for employment will be required to take a drug test prior to employment. Certain

categories of employees, namely those who possess a Commercial Driver's License and those that are categorized as public safety employees, and transit employees will be subject to random drug and alcohol testing. All employees are encouraged and expected to report drug abuse or impairments in fitness for employment. Employees should report any incidents of drug or alcohol abuse to their supervisor. Employees having drug or alcohol problems are strongly encouraged to seek assistance.

Para 6.105 – Political Activities: No employee shall use their position or county time for political purposes, nor shall the employee actively campaign for any candidates for public office during working hours. The employee may express their political opinions privately and the officials encourage the employees to vote for the candidate of their choice.

Para 6.106 – Acceptance of Gifts and Gratuities: No employee shall accept gifts, gratuities or loans from organizations, business interests or individuals with whom the employee has official relationships concerning the business of Heard County. These limitations are not intended to prohibit the acceptance of articles of negligible value which are distributed generally, nor to prohibit employees from accepting social courtesies which promote good public relations, nor to prohibit employees from obtaining loans from regular lend institutions. It is particularly important that inspectors, contracting officers and enforcement officers refrain from relationships which might be construed as evidence of favoritism, coercion, unfair advantage or collusion.

Para 6.107 – Employee Information Privacy Policy: Personnel and payroll records may be made available only to authorized users on a "need to know" basis as determined by the Human Resources Director and/or the Commission Chair. Without the express consent of the individual involved or a legal subpoena or pursuant to a legal proceeding where disclosure is required, the County shall not disclose, in individually identifiable form, information about employees or former employees. Exceptions to this policy include providing confirmation of employment, dates of employment, position or salary; or responding to a request by a law enforcement authority for dates of attendance or home addresses.

Para 6.108 – Employee Privacy Policy: The County reserves the right to search an employee's possessions kept in the County offices, County vehicles, desk or locker for appropriate reasons.

The Department Head or the Human Resources Director may approve such a search when reasonable suspicion or investigatory procedure warrants. An employee's private vehicle may not be searched unless a legal search warrant is obtained.

Para 6.108a – Workplace Violence Policy: The Heard County Board of Commissioners policy concerning workplace violence is that employees have the right to work in an environment free from all forms of threats, threatening behavior and acts of intimidation or violence. The County does not condone and will not tolerate any form of violence. The County shall take direct and immediate action to prevent such behavior and remedy all reported instances of threats, threatening behavior, and acts of violence. This policy applies to all County employees, vendors and visitors, whether or not the conduct occurs on or off County property. All employees are responsible for refraining from making threats, engaging in threatening behavior, acts of violence or related disruptive conduct and for seeking assistance to resolve personal issues that may lead to acts of violence in the workplace. The County will take immediate, appropriate action, up to and including termination of employment for any employee who violates this policy. Employees that experience or witness conduct that is prohibited under this policy are to follow the complaint procedure set out in County's Equal Employment Opportunity Policy as stated in Para 6.109 below.

Para 6.109 – EEO Policy: Heard County is committed to maintain a work environment that is free of inappropriate or unlawful conduct on the basis of race, color, religion, sex, national origin, age, disability or other protected group status as provided by law. In keeping with this commitment, we prohibit the unlawful treatment of employees, including harassment, discrimination and retaliation by anyone, including any supervisor, coworker, vendor, client, visitor or customer. It is our policy to comply with all applicable federal, state and local laws.

- a. **Prohibited Conduct:** This policy applies to all aspects of employment, including but not limited to, recruitment, hiring, promotion, demotion, transfer, lay-off, recall, discipline, compensation and benefits. Improper conduct includes unwelcome conduct, whether verbal, physical or visual, that is based upon a person's protected status or activity (e.g. opposition to prohibited discrimination or participation in the statutory complaint process) as provided by law. This includes conduct by someone toward another of the

same gender. We prohibit unlawful conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile or offensive working environment. No one, including any supervisor, has authority to engage in such conduct.

1. If you feel you have been subject to the type of conduct prohibited by this policy, you must report this conduct to your supervisor. If you report this to your supervisor and no action is taken, you are directed to use the complaint procedure and report the conduct as described below to the Human Resources Director. If you feel that you have been subjected to improper conduct by your supervisor, you are specifically authorized to file your complaint directly to the Human Resources Director.
- b. **Sexual Harassment:** Unlawful harassment can take many forms based on an individual's sex. Unwelcome sexual advances, requests for sexual favors and other physical, verbal or visual conduct based on sex, constitute harassment when (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Inappropriate conduct may include explicit sexual propositions, sexual innuendos, suggestive comments, sexually oriented "kidding", "teasing" or "practical jokes", jokes about gender specific traits, foul or obscene language or gestures, displays of foul or obscene material, sexually-related emails and text messages and physical contact, such as patting, pinching or brushing against another's body. An individual who feels he or she has witnessed or been subject to harassment should follow the complaint procedure set forth in this policy.
- c. **Americans with Disabilities Act:** It is our policy to provide equal employment opportunity to applicants and employees with covered disabilities under the Americans with Disabilities Act of 1990, as amended, ("ADA") or other applicable law. This policy applies to all aspects of employment and application for employment. As required by the ADA or other applicable law, we will provide reasonable accommodations to qualified individuals

with a disability in the workplace unless such accommodations present an undue hardship or if the individual is a direct threat to the health or safety of the individual or others.

1. An individual with a disability may request a reasonable accommodation at any time during the application process or during employment. Reasonable accommodations are changes made to the work environment or to the manner or circumstances in which the job customarily is performed that allow an individual with a disability to perform all essential job functions. We are not required, however, to provide an accommodation if doing so would cause an undue hardship to the County or if the individual is a direct threat to the health or safety of the individual or others in the workplace.
 2. All requests for accommodations will be addressed in connection with an interactive dialogue with the affected individual. To request an accommodation, an individual should complete an Accommodation Request Form, available from the Human Resources Director and returned there upon completion. Upon receiving a request for accommodation, we will seek an interactive process with the individual to clarify his/her needs and identify the appropriate reasonable accommodation. During this process, we may request reasonable documentation, including medical documentation, of the individual's disability and need for a reasonable accommodation. Failure to provide required medical information or to otherwise participate in a meaningful way in the interactive dialogue process regarding an accommodation request may result in denial of an accommodation. Because of the personal nature of some disability issues, we will take every reasonable effort to ensure confidentiality during the review process. Individuals will be notified of our decision regarding their request for an accommodation. Any individual believing that a reasonable accommodation has not been provided should follow the complaint procedure set forth in this policy.
- d. **Complaint Procedure for Violation of EEO Policy or Any Other Unlawful or Inappropriate Conduct:** All employees should help to assure that we avoid any form of unlawful or inappropriate treatment. If you feel that you have experienced or witnessed harassment,

discrimination, improper denial of a request for accommodation, denial of requested leave, or other unlawful or inappropriate conduct by anyone, you are to notify immediately (preferably in writing within twenty-four (24) hours) the Human Resources Director. The address and telephone number for the Human Resources Director is PO Box 40, 215 E Court Square, Room 15, Franklin, GA 30217, 706-675-3821. If you are not contacted promptly about your complaint, you are to re-file it with the Human Resources Director and also send notification of your complaint in writing by certified mail to the Commission Chairman at the above address. We prohibit unlawful retaliation against anyone who has made a complaint or provides information related to a complaint.

1. We will undertake an objective and appropriate view of any complaint. To the extent practicable and appropriate, we will keep any complaint and the terms of its resolution confidential. We will take corrective action as we determine is appropriate, including such discipline up to and including immediate termination of employment. We will undertake corrective action to stop inappropriate conduct before it rises to the level of an unlawful action. You will be notified as to the outcome of your complaint, in writing, within thirty (30) days. If you have any questions about the status of your complaint, you should contact the Human Resources Director at the above telephone number and/or address.
 2. Each employee should be aware that he/she has the right to file a charge of discrimination with the Equal Employment Commission (EEOC) or other state agency as provided by law. According to the EEOC, the deadline for filing any such charge runs from the last date of unlawful conduct, not from the date that the complaint to us is resolved.
- e. **Intentionally False Claims:** We recognize that intentional or malicious false accusations of misconduct can have a serious effect on innocent men or women. Individuals making such false accusations of misconduct will be disciplined in accordance with the nature and extent of his or her false accusation. We encourage any employee to raise questions he/she may have regarding misconduct or this policy with the Human Resources Director.

Para 6.109a – Anti-Harassment Policy:

a. Policy Statement. It is the policy of Heard County to maintain a workplace free from unwanted sexual advances and free from harassment based upon race, color, sex, pregnancy, sexual orientation, age, religion, national origin, physical or mental disability, veteran’s status, or any other status as protected by state or federal law. All such workplace harassment is strictly prohibited. Retaliation against employees or prospective employees reporting workplace harassment or participating as a witness or otherwise in any investigation or other proceeding relating to a complaint of workplace harassment is also strictly prohibited.

b. Workplace Harassment Defined. Workplace harassment is verbal or physical conduct that is either (a) directed toward an individual or (b) reasonably offensive to an individual because of his or her race, color, sex, pregnancy, sexual orientation, age, religion, national origin, physical or mental disability, or veteran’s status.

This Policy is applicable to and prohibits workplace harassment between employees and members of the public and is not limited to harassment between employees. Moreover, this policy is applicable to and prohibits harassment that adversely affects the workplace, regardless of whether it actually takes place in the workplace or during work hours.

c. Examples of Workplace Harassment. Workplace harassment may include, but is not limited to, the following:

- Epithets, slurs, negative stereotyping, jokes, or threatening, intimidating or hostile acts that relate to race, color, sex, pregnancy, sexual orientation, age, religion, national origin, physical or mental disability, or veteran’s status;
- Written or graphic materials which are offensive to an individual because of his or her race, color, sex, pregnancy, sexual orientation, age, religion, national origin, physical or mental disability, or veteran’s status and which are displayed or distributed in the workplace; or
- Threatening, intimidating, abusive, or hostile acts directed to an individual because of his or her report or complaint of workplace harassment or participation as a witness or otherwise in any investigation or other proceeding relating to such a report or complaint.

This policy prohibits harassing conduct as defined herein without regard to whether such conduct would also violate state or federal anti-harassment laws.

d. Sexual Harassment Defined. Sexual harassment is a category of workplace harassment. In addition to the foregoing definition, sexual harassment is further defined as any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature when:

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

e. Examples of Sexual Harassment. Sexual harassment may include, but is not limited to, the following:

- Verbal conduct, such as derogatory comments, slurs, unwanted sexual advances, or sexually oriented verbal references, jokes, kidding, or abuse;
- Physical conduct, such as unwanted touching, patting, pinching, blocking normal movement, or assault;
- Subtle or explicit pressure for sexual activity;
- Demands to submit to sexual requests, accompanied by implied or direct promises of preferential treatment or threats concerning an individual's employment status; or
- Visual harassment such as sexually explicit or sexually derogatory posters, obscene gestures, cartoons, photographs, or drawings.

This policy prohibits harassing conduct as defined herein without regard to whether such conduct would also violate state or federal anti-harassment laws.

f. Employee Responsibility. Employees should not tolerate workplace harassment (including sexual harassment) as defined by this policy. Any employee who believes that he or she has experienced such harassment or who is aware of the harassment of other employees or prospective employees has a duty to report the potential policy violation so that an investigation can be conducted and any appropriate corrective action can be taken. Any such complaints or reports should be made to the employee's supervisor, department head, or the Human Resources Department.

While not mandatory, complaints or reports of workplace harassment (including sexual harassment) should be made in writing whenever possible and should include all details, specifying all names, dates, times, etc.

All employees are responsible to ensure that they do not participate in, promote, or support any form of workplace harassment (including sexual harassment) as defined by this policy.

This policy extends to all electronic and voice mail communications.

g. Management Responsibility. Managers and supervisors are to comply with Heard County's Anti-Harassment Policy and to work to prevent, detect, and correct any harassment occurrences in their areas of responsibility. Managers and supervisors are responsible to ensure that the employees in their areas are aware of the policy and that any and all complaints or reports of workplace harassment (including sexual harassment) are promptly and properly investigated and that any appropriate corrective action is taken.

h. Retaliation Strictly Prohibited. As stated herein, employees have a duty to report any harassing conduct they either experience or observe. Retaliation against any individual for reporting conduct which he or she believes to constitute workplace harassment (including sexual harassment) or for otherwise participating in any investigation or other proceeding relating to such a complaint or report is a serious violation of this policy and will be subject to appropriate corrective and/or disciplinary action.

i. Complaint Procedure. Any reported violation of this policy will receive prompt and appropriate action. Any employee or prospective employee who believes that he or she has been subjected to workplace harassment (including sexual harassment) or retaliation as defined

by this Policy or who is aware of the harassment of or retaliation against other employees or prospective employees, should immediately contact his or her supervisor, department head, or the Human Resources Department. If an employee believes his or her complaint or report of harassment or retaliation is not being properly addressed, he or she should notify the Commission Chairman.

Heard County will investigate all complaints or reports of workplace harassment (including sexual harassment) or retaliation that come to its attention. When conducting an investigation, care will be taken to protect confidentiality to the degree possible, while still permitting a meaningful investigation to be conducted.

Following any investigation in which a complaint or report of workplace harassment or retaliation is sustained, Heard County will take prompt and appropriate corrective action. Any employee found to have engaged in workplace harassment (including sexual harassment) or retaliation as defined this policy will be subject to corrective action and/or disciplinary action, up to and including termination of employment.

Para 6.110 – Garnishments: Employee indebtedness is a personal concern of the employee, but multiple garnishments of an employee’s salary create administrative difficulties. Therefore, an employee who causes more than one garnishment to be placed against his/her salary in a one (1) year period shall be subject to disciplinary action up to and including his termination. Also, an employee who causes any garnishments to be placed against his/her salary for child support will have to pay a fee or \$1.50 per order per pay period.

Para 6.111 – Abuse and Misuse of Equipment and Supplies: All employees are entrusted with the use of public equipment and supplies. The abuse and misuse of County equipment and supplies can lead to disciplinary action and a drug test within 24 hours, which may include termination and/or restitution. Abuse and misuse of County equipment and supplies include, but are not limited to, failure to maintain equipment according to policy, reckless or improper use or negligent damage or waste.

Para 6.112 – Policies Are Not Contracts: These policies are not, and are not intended to be, a contract with employees and can be changed at any time by the Board of Commissioners.

Para 6.113 – Emergency Closing of County Offices: In the event of inclement weather, a catastrophic occurrence or other emergency situation in the county, it shall be an emergency decision of the Heard County Commission Chairman in conjunction with Heard County Sheriff and the Heard County Fire Chief as to when the county offices should close for business.

Para 6.114 – Internet and Electronic Communication Policy:

a. Policy Statement. Computers and computer-related services are made available to departments and employees of Heard County for business-related purposes. In particular, Internet and electronic mail (email) services are provided to support open communications and exchange of information and the opportunity for collaborative government-related work. While Heard County believes that computers and computer-related services, including Internet and email, are essential tools for its departments and employees, access to such services is a revocable privilege. As such, conformance with acceptable use, as expressed in this Policy, is required. Departments of Heard County are expected to maintain and enforce this Policy.

b. Relationship to Other Policies. This Policy supplements any and all Heard County policies relating to workplace harassment, discrimination, retaliation, conflicts of interest, discipline and discharge, records retention, and Open Meetings Act compliance.

c. No Expectation of Privacy. Heard County computers and any data stored in them are the property of Heard County and may be accessed at any time by authorized officials of Heard County. Employees shall not expect privacy in the use of county computers and county computer networks. Heard County may, without notice, monitor Internet usage and/or email and review computer files to ensure that computers or county computer networks are not being used for impermissible purposes.

d. Public Records. Many emails and other electronic files constitute public records for purposes of state record retention laws. As such, whether a given email or electronic file is subject to a retention schedule must be determined by its content rather than its format. As a general rule, any email or other electronic file which is a substitute for a letter, memorandum, notice, report, or other traditional record that would be subject to a particular retention schedule, then it too is subject to the schedule. Conversely, if the email or other electronic file is merely transitory, it need not be retained beyond its useful life (e.g., listserv messages, meeting notices, general staff

announcements, invitations to events, etc.). Users of county computers and other computer-related services must also bear in mind that all emails and other electronic files are generally subject to disclosure under the Open Records Act.

e. Acceptable Uses. The following constitute acceptable uses of the Internet and email made available to employees by Heard County.

- Communication and information exchange directly related to the user's duties and responsibilities as an employee of Heard County or the mission and function of his/her department.
- Communication and exchange for the user's professional development as an employee of Heard County, to maintain currency of his/her relevant training or education, or to discuss issues related to his/her research, projects, or programs as an employee of Heard County.
- Use in applying for or administering grants or contracts for Heard County's research or programs.
- Use for advisory, standards, research, analysis, and professional society activities related to the user's duties and responsibilities as an employee of Heard County.
- Announcements of new County regulations, ordinances, procedures, policies, rules, services, programs, information, or activities.
- Any other authorized County related administrative communications not requiring a high level of security.

f. Specific Unacceptable Uses. The following constitute unacceptable uses of the Internet and email made available to employees by Heard County and may subject an employee to disciplinary action, up to and including termination of employment.

- Visiting inappropriate web sites (erotica, hate groups, etc.).
- Unauthorized attempts to access any computer or network.
- Sending or posting threatening or otherwise inappropriate messages.
- Sending or posting racially and/or sexually harassing messages or images, sending or posting any sexually suggestive or explicit messages, or any other use

violative of county policies regarding workplace harassment, discrimination, and/or retaliation.

- Accessing or copying confidential and/or proprietary software, program, or other electronic files without permission.
- Sending or posting confidential information without authorization.
- Downloading, uploading, or sending viruses or other malicious files or programs.
- Opening or sending emails or other electronic files that may endanger county computers and/or network.
- Using county assigned email to sign up for social media accounts (Facebook, LinkedIn, Youtube, etc), newsletters, or retail sites that have no relation to the job or task at hand which result in an abuse of email hosting data limitations.
- Using the Internet and/or email for any purpose which violates a federal, state, or local law.
- Using the Internet and/or email for any private business or other for-profit activities unrelated to the user's duties and responsibilities as an employee of Heard County.
- Accessing, downloading, or sending computer games that have no bearing on the user's duties and responsibilities as an employee of Heard County, recognizing that some games designed to teach, illustrate, train, or simulate agency-related issues may be acceptable.
- Accessing, copying, or modifying electronic files stored within county computers outside of the user's duties and responsibilities as an employee of Heard County without authorization.
- Disclosing or exchanging passwords or seeking or obtaining passwords of other employees of Heard County or other authorized users of county computers and computer-related services.
- Representing oneself as another user, either on the county internal network or elsewhere on the Internet, without authorization.

- Intentionally developing programs designed to harass other users or infiltrate a computer or computing system and/or damage or alter the software components of same.
- Fundraising or public relations activities not specifically related to the user's duties and responsibilities or to county approved activities.

g. Procedures. Department heads, or their designees, are responsible for their employees' compliance with the provisions of this Policy and for promptly investigating non-compliance. Suspension of service to users may occur when deemed necessary to maintain the operation and integrity of the county network. User accounts and password access may be withdrawn without notice if a user violates the acceptable use policy. Disciplinary action up to and including termination of employment may be imposed depending on the severity of the violation. Criminal or civil action against users may be initiated when laws are violated.

h. Guidelines. The following additional guidelines apply to uses of the Internet and email made available to employees by Heard County.

- **Checking for viruses.** Any software obtained from outside Heard County shall be scanned prior to use for viruses and other malicious files or programs.
- **Malicious Software and Email Attachments.** All suspicions or reception of potentially malicious activity by rogue software, data breaches, or unsolicited email with or without attachments should be reported to the county IT Department for inspection before interaction (saving, opening, etc.).

If ever there is any doubt, it is always best to consult with the county IT Department before opening any email attachments or allowing any unknown software to run on a county workstation.

Regardless of ignorance or intent, employees may be subject to disciplinary action. Remember: If in doubt, reach out.

- **Contractors.** Contractors and other non-county users may be granted access to Heard County provided Internet and/or email services at the discretion of the department head. Acceptable use by such users is the responsibility of Heard

County's contract administrator, who is expected to provide such users with this policy.

- Passwords. Use passwords associated with the county information system only on that system. When setting up an account at a different information system that will be accessed using the Internet, choose a password that is different from ones used on county information systems. Do not use the same password for both local and remote Internet-accessed systems. If the password used at the remote, Internet-accessed remote site were to be compromised, the different password used locally would still be secure. Passwords should not be so obvious so that others could easily guess them, and passwords should be changed at least every sixty days.
- Password accessibility. Passwords associated with county accounts should never be written down and left in a location easily accessible or visible to others. This includes both paper and digital formats. Proper care and individual responsibility must be taken to protect county accounts and resources from being breached by simple means.
- Logging off. Always make a reasonable attempt to complete the logoff or other termination procedure when finished using a remote, Internet-accessed system or similar resource. This will help prevent potential breaches of security.
- Email Security. Always remain mindful that unencrypted email sent or received outside any department and on the Internet cannot be expected to be secure.
- Personal Devices. Proper care and individual responsibility should be taken when accessing county email or beneficial accounts on personal devices (desktop PCs, laptops, tablets, mobile phones, etc) to maintain account security. It is on the users of said devices to ensure their device and connection are secure when accessing said accounts. Employees performing county business on personal devices are subject to all Internet and Electronic Communication policies outlined in this document including but not limited to no expectation of privacy.

It is important to understand that If you do not wish to relinquish the right to privacy of your personal device, then county business does not need to be performed or county accounts accessed from your personal device.

If said device is ever lost or stolen, the county IT department should be notified immediately such that account protective and recovery measures can be taken.

- **Public Access PCs and WiFi.** Using public computers, public WiFi hotspots, or any other potentially insecure methods of access to the internet to conduct county business or access county email accounts in a public setting is strictly prohibited. These devices and access points are usually insecure and pose several security risks to the county and to the employee.
- **Public WiFi Usage on County Devices.** If access to the internet is required via a public access point (Hotel or Restaurant WiFi) for a county appointed device, then it is the responsibility of the employee to first contact the county IT Department to setup a secure means of communication before accessing the internet. The county IT Department has the ability to provide a secure personal, mobile hotspot or setup a secure VPN if necessary.
- **Large File Transfers and Internet Capacity.** The Internet connection is a shared resource. While routine email and file transfer activities generally will not impact other users, large file transfers and intensive multimedia activities will impact the service levels of other users. Users contemplating file transfers of over ten megabytes per transfer or interactive video activities shall, to be considerate of other users, schedule these activities early or late in the day or, if possible, after business hours.
- **Cloud Storage Accounts.** If it is necessary for an employee to have a form of cloud storage (Dropbox, Sync, Google Drive, etc) to perform county duties, then it required that said employee contact county IT Department to setup, configure, and maintain said accounts to maintain security and transparency on behalf of the county. If an employee has created their own county cloud storage account, it is

then their responsibility to contact the county IT Department and relinquish the account username and passwords for auditing purposes and record keeping.

- **Conduct & Etiquette.** Know and follow generally accepted Internet and email etiquette. Refrain from language or other uses of the Internet and email that reflect poorly on Heard County.
- **Correspondence with Legal Counsel / Disclaimer.** Any email or other correspondence sent to the county attorney or other legal counsel for Heard County, if sent for the purpose of assisting legal counsel in providing legal advice to Heard County, must include the following disclaimer:

“This communication and all attachments may contain privileged and confidential legal communications/attorney work product intended solely for the use of the addressee. If you are not the intended recipient, any reading, distribution, copying or other use of this communication and/or any attachments hereto is prohibited and you should delete this message from all locations, and advise the sender at [INSERT TELEPHONE NUMBER AND/OR EMAIL ADDRESS]. Thank you.”

i. Use of Computer Software:

- In compliance with federal copyright laws, Heard County will not participate in or condone the illegal duplication of licensed microcomputer software. Such activity is strictly prohibited on county premises and/or computers. Heard County does not own the copyright to any software or its related documentation and, unless authorized by the software developer, does not have the right to reproduce it for use on more than one computer.
- With regard to usage on local area networks or on multiple machines, county employees and other authorized users shall use the software only in accordance with the license agreement.
- Heard County employees are required to promptly report any misuse of software or related documentation within the county to their department head or to the Human Resources Director.

Para 6.115 – Mobile Device Usage: County provided cell phones, tablets, laptops, and all other mobile devices shall be used primarily for county business. While cell phones may be used for personal calls when necessary, it should be kept to a minimum especially during business hours. At no time shall a device go over the limited number of minutes or data provided. If there is an overage of minutes or data to where the county is charged extra then the number of minutes or amount of data used for personal means shall be deducted and charged back to the employee equal to the number of minutes or amount of data over for that month.

- a. **Mobile Usage:** While operating on county time and/or in county equipment, cell phone usage should be kept to a minimum. Only essential phone usage for county business or emergency usage shall be acceptable uses of any cell phone during operation of a motor vehicle. Texting, e-mailing, internet use, while operating a motor vehicle is strictly prohibited unless for emergency means in accordance with state law.
- b. **Hands-Free Device:** Definition - A device to allow for operation of a wireless telecommunications device or stand-alone electronic device without said device being held or supported by any part of the human body. Hands-Free Devices may be integrated into a motor vehicle or a separate accessory including Bluetooth or a phone mount/cradle. Use of a wireless telecommunications device or other stand-alone electronics device while operating a departmental vehicle without using it in a hands-free manner is strictly prohibited. Exceptions include emergency usage involving the reporting of a traffic accident, medical emergency, fire, a crime or delinquent act, or a hazardous road condition. Usage of a GPS system or mapping app is permissible if activated while legally parked.
 1. House Bill 673 Hands-Free Georgia Act refers to distracted driving and prohibits drivers from: Holding or supporting (in lap or otherwise) a cellphone unless legally parked.
 2. Writing, reading or sending text messages (not even if someone else is holding the cellphone). Text messages must be fully voice based communication.

3. Watching or recording a video and leaving one's seat or driving position to retrieve a device.
4. Hands-free technology is the only acceptable use in a County vehicle.

Refer to HB673 for full details regarding the Hands-Free Georgia Act.

- c. **Texting:** Texting, SMS, e-mail or MMS e-mail usage using a county phone shall fall under the same guidelines as the cell phone usage.
- d. **Internet Use:** The use of the internet by means of a county provided device shall fall under the internet usage policy. Data usage should be used responsibly and primarily be county business related.
- e. **Mobile Software (Apps):** Only software (or apps) applicable to the task or job at hand should be used on provided devices and must be approved by the county IT Department. Games and social media applications that have no bearing on the user's duties and responsibilities as an employee of Heard County should not be installed on these devices.
- f. **Lost or Stolen Device:** Lost or stolen mobile devices should be reported to the county IT department and/or county Sheriff's Office as soon as possible. It is the individual's responsibility to maintain knowledge of all accounts on said device such that account protective and recovery measures can be taken to protect county property.

Para 6.116 – Social Media Policy:

- a. **Purpose and Intent:** The purpose and intent of this policy is to establish guidelines for employees who engage in social media activity as defined herein. This policy is not intended to prohibit any employee's personal expression in general or through social media activity in particular; however, because such activity can adversely affect the efficiency and effectiveness of County operations, as well as undermine public trust and confidence, a certain amount of regulation is necessary and appropriate. This policy therefore attempts to strike a reasonable balance between the employees' interest in engaging in social media activity and the County's interest in preventing unnecessary disruption to or interference with its operations and relationship to the public it serves.

b. Definitions:

1. For purposes of this policy, the term “social media” is defined as the online technologies through which employees and other individuals engage in “social media activity” as defined below. In most cases, the term refers to internet-based websites such as MySpace®, Facebook®, Twitter®, LinkedIn®, Google+®, YouTube®, Tumblr®, and Blogger®. Online social media technologies covered by this policy also include, but are not limited to, such applications as web logs/blogs, video logs/vlogs, message boards, podcasts, and wikis.

2. For purposes of this policy, the term, “social media activity” is defined as the act of sharing information or otherwise communicating through social media, including, but not limited to, the posting, uploading, reviewing, downloading, and/or forwarding of text, audio recordings, video recordings, photographs/images, symbols, or hyperlinks.

c. Scope of Policy:

1. This policy applies to all employees of Heard County without regard to whether their social media activity is conducted in or outside the workplace, while on or off-duty, or anonymously or through the use of pseudonyms.

2. This policy applies to all employees of Heard County without regard to job title, position or rank; however, with the approval of the Chairman and/or the Sheriff and/or any other department or affiliated agency of Heard County having special or unique concerns pertaining to its employees’ social media activity may adopt and implement more restrictive SOP’s or other internal rules narrowly designed to address such concerns.

d. Prohibitions on Social Media Activity:

1. All employees of Heard County should remain mindful that, as public servants, they are generally held to higher standards than the general public with regard to their on-duty and off-duty conduct, professionalism, and ethics. As a result, certain social media activity that may be tolerated or even acceptable in the private sector may nevertheless constitute a violation of this policy.

2. Each employee of Heard County who engages in social media activity must take personal responsibility for ensuring that such activity is consistent with all policies of the County, including, but not limited to, those pertaining to making false or misleading statements,

promoting or endorsing violence or illegal activity, promoting or endorsing the abuse of alcohol or drugs, disparaging individuals or groups based on race, ethnicity, national origin, gender, sexual orientation, religion, disability, or other characteristics protected by law, or otherwise engaging in conduct unbecoming an employee of Heard County, bringing discredit to Heard County, or interfering with or detrimental to the mission or function of Heard County.

3. Employees must refrain from engaging in any social media activity which disqualifies them from performing, or in any way reasonably calls into question their ability to objectively perform, any essential function of their jobs. Examples of such functions include, but are not limited to, testifying, making hiring or promotion decisions or recommendations, conducting performance evaluations, and determining eligibility for Heard County programs.

4. While any employee, at his/her discretion, may engage in social media activity with any other employee(s) consistent with the prohibitions, limitations and restrictions, and guidelines of this policy, no employee may be required or otherwise compelled to engage in such activity with another employee.

5. No employee, whether for purposes of engaging in social media activity or otherwise, may disclose or otherwise reveal any privileged or confidential information of Heard County, any other current or former employee of Heard County, or any applicant for employment with Heard County.

e. Limitations and Restrictions on Social Media Activity:

1. Employees are strongly discouraged from disclosing or otherwise revealing their status as employees of Heard County through social media and, except as otherwise authorized in advance by the Commission Chairman. They are strictly prohibited from directly or indirectly representing themselves to be speaking on behalf of Heard County. Similarly, in the absence of prior approval, employees' social media activity should not reveal or depict Heard County's adopted logos, seals, symbols, uniforms, patches, badges, or similar items identified with the Heard County.

2. Except as otherwise authorized in advance by the Commission Chairman, if an employee's status as an employee of Heard County is disclosed, revealed, or otherwise made apparent in connection with his/her social media activity, his/her social media activity must

include a prominently displayed disclaimer to the effect that the activity reflects only the employee's personal views or opinions and not those of Heard County; provided, however, that no disclaimer will shield an employee from the imposition of appropriate corrective and/or disciplinary action for social media activity which otherwise violates this policy. Employees should recognize that social media activity is generally more likely to violate this policy and other policies of Heard County if their status as County employees is disclosed or revealed in connection therewith.

3. Except as otherwise authorized in advance by the Commission Chairman, no employee may utilize Heard County computers or equipment for purposes of engaging in social media activity.

4. Except as otherwise authorized in advance by the Commission Chairman, no employee, whether for purposes of engaging in social media activity or otherwise, may post or upload any information, audio recordings, video recordings, photographs/images, etc. from County computers or equipment.

5. To preserve the continuity of Heard County's message, ensure accuracy, and avoid unnecessary confusion in the community, except as otherwise authorized in advance by the Commission Chairman, employees should refrain from engaging in any social media activity that purports or serves to announce or explain the details of Heard County programs, projects, activities, initiatives, or events.

6. Exceptions to the above-stated limitations and restrictions may be authorized by the Commission Chairman; provided, however, that any request for such an exception represents a promise by the employee that, if approved, the disclosure of information, photographs, audio, video, etc. via social media activity will be fully consistent with the letter and spirit of this and all other policies of the County, any internal SOP's or rules adopted by his/her department director, as well as any laws pertaining to copyrights, trademarks, trade secrets, patents, and privacy and reputational rights.

7. The County reserves the right to require any employee to remove immediately any posted or uploaded text, audio recordings, video recordings, photographs/images, etc. (even

if previously approved) if such posted material constitutes a violation of this policy or other County policies.

f. Application to Other Policies: All personnel policies of Heard County relating to employee conduct apply equally to conduct that occurs through social media. This includes, but is not limited to, policies relating to discrimination, harassment, retaliation, workplace violence, conflicts of interest, and political activity. Any conflicts or inconsistencies between this policy and any one or more other policies shall be resolved by the Commission Chairman.

g. Duty to Report: All employees have an ongoing duty to report any violations of this policy by any other employee. Heard County considers this duty to report to be a critical component of its efforts to enforce this policy, and thereby ensure the safety, well-being, morale, and efficiency of its employees, preserve its reputation and goodwill in the community, and avoid or minimize unnecessary disruptions to or interference with its operations and service to the public.

h. No Expectation of Privacy in Social Media Activity:

1. Heard County employees should be aware that social media activity is not secure or private, even if active steps are taken to restrict access. Once information has been posted or exchanged via social media, it is generally trackable, traceable, and accessible indefinitely. For this reason, and consistent with Heard County's current Internet and Electronic Communication Policy, employees should have no expectation of privacy in any social media activity conducted in the workplace and/or on-duty or in any social media activity which otherwise directly or indirectly relates to or affects Heard County, any of its departments, or its employees.

2. Heard County reserves the right to inspect or monitor any social media activity engaged in by its employees using County-owned computers or other electronic equipment or devices. In addition, employees may be required to provide access to any social media websites or other applications in which they participate upon a determination by the County that there is reasonable suspicion to believe that such access will reveal evidence of a violation of this policy or any other County policy.

i. Workplace and/or On-Duty Usage: Because it recognizes that social media is an emerging form of communication, Heard County permits employees to engage in limited social media activity in the workplace and/or while on duty, similar to receiving a personal text message

or a telephone call of limited duration. Employees choosing to do so, however, are expected and required to use proper judgment and discretion, recognizing that even very brief periods of social media activity can collectively amount to significant periods of time. Supervisors are authorized to restrict or prohibit workplace/on-duty social media activity, as appropriate.

j. Corrective and/or Disciplinary Action; Other Potential Consequences:

1. Employees engaging in social media activity in violation of this policy will be held accountable, and corrective and/or disciplinary action, up to and including termination of employment, may be taken in accordance with the County's disciplinary policies procedures.

2. If an employee is sued in part due to his/her social media activity under circumstances where the County would ordinarily provide a defense and/or indemnify the employee, the County reserves the right to withhold or withdraw such defense or indemnification in the event any such activity is found to violate this policy or any other policy of Heard County.

k. Interpretation and Application:

1. Nothing in this policy is intended to or will be applied in a manner that violates any employee's constitutional rights, including rights to freedom of speech, expression, and association, or federal or state rights to engage in any statutorily-protected activity.

2. Any employee unsure about the application of this policy to any particular social media activity should seek guidance from the Human Resources Department before engaging in such activity.

3. This policy is intended for internal use of Heard County only and should not be construed as establishing a higher duty or standard of care for purposes of any third party civil claims against Heard County and/or its employees. A violation of this policy by an employee provides only a basis for corrective and/or disciplinary action against such employee by Heard County.

Para. 6.117 – Seatbelt Policy: Heard County values the lives and safety of its employees. It is estimated that seat belts reduce the risk of death in a motor vehicle crash by 45%; therefore Heard County has adopted the following policy concerning employee seat belt usage.

All employees and their passengers are required to use a seat belt when traveling in any vehicle while conducting Heard County business. The requirement applies to business travel in a vehicle owned by Heard County, in a rental vehicle or in a vehicle owned by an individual employee, regardless of whether the employee is compensated for the use of his/her vehicle.

If an employee is provided a county-owned vehicle that is used in the course of his/her employment and is also available for that employee's personal use, that employee, together with all passengers who occupy the vehicle at any time and for any purpose, whether business-related or personal, are required to use seat belts at all times the vehicle is in motion.

The use of seat belts is a Georgia State law and is to be considered a condition of employment with this company. Failure to abide by this stated policy will be considered a breach of that condition of employment and subject the person in violation to disciplinary action, including suspension and possible termination.

To bring employees into compliance with this policy:

- a. First Offense: Will result in a written warning;
- b. Second Offense: Will result in the loss of driving privileges for those who drive Heard County vehicles;
- c. Third Offense: Will result in a two-day suspension without pay; and/or possible termination.

SECTION 7 - DISCIPLINARY ACTIONS

Para 7.101 – Policy: The Department Head/Appointing Authority has the authority to administer disciplinary action when warranted. It is the intent of the governing authority of Heard County that effective supervision and good employee relations will avoid most matters, which necessitate disciplinary action.

- a. As an at-will employer, the County is not required to give causes of disciplinary action either in these policies or at the time of the adverse personnel action, nor is the County required to dismiss only for any so-called “just causes”. On the other hand, the officials feel that effective communication can enhance the efficiency and morale of the organization. Therefore, the following list of possible reasons for disciplinary actions is intended to communicate to the employee several reasons that are universally accepted as reasons justifying adverse actions in public sector employers. These reasons are neither mutually exclusive nor collectively exhaustive. The appointing authority may discipline for any combination of reasons, for reasons not listed below, or at any time as long as the employee’s constitutionally protected liberty interests are not violated. Possible causes for disciplinary action are as follows:

1. Chronic tardiness or absenteeism.
2. Negligence in performing assigned duties.
3. Inefficiency in performing assigned duties.
4. Inability or unfitness to perform assigned duties.
5. Insubordination.
6. Misconduct.
7. Commission of a felony or crime involving moral turpitude.
8. Failure to report to work without justifiable cause.
9. Political activity that is prohibited by law.
10. Absences of three working days without leave (compulsory resignation).
11. Violation of County ordinances, administrative regulations or departmental rules.
12. Conduct reflecting discredit on the County or department.

13. Willful or repeated failure to honor courts judgment, resulting in the garnishment of wages.
14. Acceptance of gratuities in excess of the extent prescribed in the Employee Policies section.
15. Refusal to be examined by a County authorized physician when so directed.
16. Drinking alcohol or the use of drugs which cause the impairment of the employee's ability to adequately perform job duties.
17. Employee's refusal to initial reprimands.
18. Sexual harassment or making false accusations of sexual harassment.

Para 7.102 – Delegation of Authority by Heard County Commission:

- a. The Commission Chairman has the authority to take disciplinary action against Department heads when warranted.
- b. The Commission Chairman has the authority to direct disciplinary action towards all employees of all county departments.
- c. Department heads or their designees, have the authority to direct disciplinary action against their employees when warranted. Any adverse disciplinary action should be brought to the attention of the Commission Chairman or the Constitutional Officer within seventy-two (72) hours of the disciplinary action.

Para 7.103 – Progressive Discipline: The County advocates progressive discipline when applicable. Progressive discipline is a process in which disciplinary action is taken in degrees of increasing severity. The action taken should depend on the degree and the circumstance of the violation. An employee who fails to adequately perform assigned duties or who violates established policies will be disciplined. The disciplinary actions fall into two (2) general categories; reprimands and adverse actions. All steps do not have to be taken before a person is disciplined.

Para 7.104 – Reprimands: A reprimand is a formal means of communicating to the employee a warning that a problem exists, and that it must be corrected. There are two (2) types of reprimands, the oral reprimand and the written reprimand.

- a. **Oral Reprimand:** The supervisor should verbally and privately explain to the employee that he/she is being reprimanded and describe the problem and what must be done to correct the problem. An oral reprimand is not required before a written reprimand.
- b. **Written Reprimand:** The employee should receive a written statement describing the problem and what must be done to correct the problem. The reprimand should also contain a statement describing probable consequences of not correcting the problem. If the employee is at work the written statement should be given to employee during a private interview. The employee must initial the written reprimand. Refusal to do so may subject the employee to further disciplinary action.

Para 7.105 – Adverse Actions: An adverse action is an action taken by the Appointing Authority or his/her designee that results in a disciplinary suspension without pay, disciplinary salary reduction, disciplinary demotion, restitution or disciplinary dismissal. The following are types of adverse actions:

- a. **Suspension without pay.** An employee may be suspended without pay for a violation of accepted policies governing performance and conduct. The suspension without pay should not exceed thirty (30) days.
- b. **Disciplinary Demotion.** An employee may be demoted from one pay grade to a lower grade for disciplinary reason if a lower position is open and if the employee is qualified to perform the work at a lower position. Normally, a disciplinary demotion should include a decrease in salary.
- c. **Dismissal.** An employee may be dismissed for disciplinary reasons when, in the opinion of the Commission Chairman, or his/her designee; all other alternatives have failed to solve the problem, or when it is necessary to remove the employee from the work place immediately and/or permanently.

Para 7.106 – Notice of Adverse Action: The Department Head/Commission Chairman must give the employee notification of the adverse action prior to taking such action. Such notice is normally done in person with the employee having an opportunity to respond to the charges or reasons for the action. The notification, either in person or in writing, should contain the following:

- a. The specific charge or reasons for the action.
- b. The effective date of the action.
- c. A statement informing the employee that he/she may respond to the notice of proposed adverse action.
- d. A warning that failure to respond to the notice will result in a waiver of all further appeals.

Para 7.107 – Employee Response to Adverse Action: The employee is expected to respond to the adverse action at the time of notification; however, the employee may request that the Department Head postpone the adverse action up to three (3) days while the employee prepares his/her response. The Department Head will inform the employee who makes such a request as to approval or not.

Para 7.108 – Notice of Final Action: The Department Head or their designee, after considering the employee's response, must provide the employee a documented decision on the adverse action to be taken. This decision is normally made immediately after considering the employee's response. When applicable, the Notice of Final Action must advise the employee of procedures for appeal as outlined in Section 8.

Para 7.110 – Emergency Action: The Department Head may take immediate disciplinary action against an employee when the circumstances, in the Department Head's judgment, merit such action.

SECTION 8 - APPEALS AND GRIEVANCES

Para 8.101 – Intent:

- a. County employee grievances should receive prompt consideration and equitable resolution. Wherever possible, grievances should be resolved or adjusted informally, and both supervisors and employees shall be expected to make every effort to do so. With respect to those grievances which cannot be so resolved, employees shall be entitled to process the grievance as hereinafter provided.
- b. These procedures governing the processing of grievances are established for the purpose of eliminating or correcting justifiable complaints or dissatisfaction of regular employees or certain complaints of probationary employees and applicants; insuring that all employees shall be afforded fair, equitable and expeditious review of their grievances without fear, coercion or discrimination; and providing a systematic and orderly method for resolving complaints and differences between employees and supervisory or management personnel.

Para 8.102 – Procedure for Grievance Resolution: Any regular employee in the classified service who is aggrieved as a result of the interpretation and application of these rules and regulations and any applicant or employee (regular or probationary) who has been subjected to any alleged discriminatory action that is prohibited by federal or state law, shall have the right to utilize the grievance procedure hereinafter set forth.

- a. A formal grievance shall not be initiated unless and until the employee has discussed the grievance with the Department Head and Human Resources Director, or in the case of an applicant with the Human Resources Director. Such discussion shall be held within ten (10) working days after the occurrence or within ten (10) working days after the employee becomes aware of the occurrence of a grievous matter. The Department Head or Human Resources Director, in the case of an applicant, shall render a decision on the matter within ten (10) working days after the grievance has been discussed.
- b. Should the employee or applicant not be satisfied with the decision of the Department Head or Human Resources Director, the employee or applicant, within five (5) working days, may appeal the decision to the County Chairman, setting forth the reasons for the

grievance. The County Chairman shall make appropriate inquiries, consider all facts surrounding the action and make every effort to resolve the grievance to the satisfaction of the Department Head and the employee, or the applicant.

- c. Should no decision resulting in the settlement of the grievance be reached within ten (10) working days after the filing of the written grievance, the employee or applicant may appeal within five (5) working days to the Board of Commissioners. Such appeal shall be submitted through the Human Resources Director and shall be accompanied by all of the facts and information concerned with the grievance as well as any written responses of the Department Head and/or County Chairman.
- d. The Board of Commissioners shall, at the next regular meeting after the receipt of a grievance, hold a hearing upon same and consider the action complained of in the grievance.
 - 1. Grievance hearings shall be informally conducted and designed to assure all relevant information is considered. Any evidence shall be presented in open session; provided, however, the Board of Commissioners may retire to executive session to deliberate upon the merits of a grievance. Any votes taken shall be in open session.
 - 2. A copy of the decision of the Board of Commissioners shall be given to the affected employee and the Department Head of same, or to the applicant, with three (3) working days following the completion of the hearing.
- e. The failure of supervisory employees to follow the steps outlined above shall result in conferring upon the employee the right automatically to proceed to the next step in the grievance procedure. The failure of the employee to follow the steps outlined above may result in the dismissal of the grievance at any time.

Para 8.103 – Appeal Procedures:

- a. In those cases where dismissal of an employee is involved, the Human Resources Director shall immediately notify the affected employee that, if requested, a hearing before the County Chairman will be set up and held with ten (10) working days. At all such hearings, the Department Head shall be required to appear and explain the reasons for the dismissal.

- b. At the hearing, technical rules of evidence shall not apply. However, all testimony shall be taken under oath and the employee or his attorney shall have the right to cross-examine witnesses called by the County and present evidence in the employee's behalf. Prior to the hearing, the County Chairman shall furnish the employee with a list of witnesses that the County may have present for the hearing and will cooperate in seeking the attendance of witnesses requested by the employee. However, the County Chairman shall have no power to subpoena or demand the presence of any person who is not currently employed with the County.
- c. The County Chairman shall make his or her determination in writing. Notice of the decision shall be mailed to the employee or his counsel. When the decision is in favor of the employee, he or she shall be restored any lost benefits of employment as soon as possible. The decision of the County Chairman shall constitute a final decision. No punitive, discriminatory, or adverse action shall be taken against any employee on account of the filing of an appeal.

SECTION 9 EMPLOYEE BENEFITS

Para 9.101 – Holidays: Paid Holidays for Full-time Employees are as follows:

New Year's Day	Labor Day
Martin Luther King Day	Thanksgiving Day and the day after
Memorial Day	Christmas Day and one additional day
Fourth of July	

If the holiday falls on a Saturday or Sunday, the day given off will be at the discretion of the Commission Chairman.

Para 9.102 – Leave:

- a. **Personal Leave:** Full-time employees of the county will earn personal days as specified in this policy. Part-time employees shall not receive personal days.
 1. No personal leave with pay shall be granted to an employee unless he/she has completed twelve (12) months of continuous employment with the county or an employee may use earned banked leave for sick time only if all three of the following are met:
 - a) Employee has been off for 2 or more days.
 - b) The employee has a doctor's note.
 - c) The Commission Chairman approves the leave.
 2. An employee earns 5.23 hrs per pay (5.23 hrs x 26 pay = 136 hrs leave after 1 year)
EMA employee earns 6.46 hrs per pay (6.46 hrs x 26 pay = 168 hrs leave after 1 year)
 3. Personal leave for regular employees (new employees shall be pro-rated from hire date to January 1st) will be earned and accumulated as follows:
 - After one (1) year the employee will receive 136 hours.
 - After five (5) years of employment, the employee will receive 176 hours.
 - After ten (10) years of employment, the employee will receive 216 hours.
 - After fifteen (15) years of employment, the employee will receive 256 hours.
 - After twenty (20) years of employment, the employee will receive 296 hours.

- Fire and Emergency Services personal leave for shift personnel shall be pro-rated from hire to January 1st.
 - After one (1) year the employee will receive 168 hours.
 - After five (5) years of employment, the employee will receive 288 hours.
 - After ten (10) years of employment, the employee will receive 408 hours.
 - After fifteen (15) years of employment, the employee will receive 528 hours.
 - After twenty (20) years of employment, the employee will receive 648 hours.
4. All personal leave time must be approved in advance by the Department Head or designee. The Commission Chairman must approve the Department Head's leave in advance.
 5. All personal leave accrued shall be based upon the employee's employment Anniversary Date. Any personal days which are not utilized during an employee's employment year shall not carry over to the next year, but shall be paid out to the employee at a rate of fifty percent (50%) (e.g., if an employee has 16 hours personal leave remaining at the end of the year, said employee shall be compensated for additional 8 hours at his/her hourly rate of pay). Except, subject to an overall cap of 240 hours, such unused days may be designated as "banked days" and shall be recorded and placed in a personal days' bank for that employee (e.g., if an employee has 16 hours personal leave remaining at the end of the year, and 230 hours of "banked days", said employee would "bank" 10 of the 16 hours and be compensated for 3 hours at his/her hourly rate of pay).

NOTE: Employees of Heard County with "banked days" in excess of 240 hours as January 1, 2013, shall be allowed to retain said hours, but shall not going forward be allowed to add to said "banked days". Any such "grandfathered" employee shall, however, subsequent to January 1, 2013, be required to either use annual personal leave or be paid at fifty percent (50%) as per this subsection 5.

6. An employee who resigns from his/her position with the County, in good standing and who has worked a 2 week notice shall be compensated for his/her unused personal

leave time up to 240 hours. If the employee does not have 240 hours unused personal time, banked hours may be used to make up the difference.

7. An employee who dies while employed with the County shall have his/her remaining personal days for the current year, up to but no more than 240 hours, paid to the employee's estate. If the employee does not have 240 hours unused personal time, banked hours may be used to make up the difference.
8. Banked hours may only be used for the following purposes:
 - a) **Retirement:** Retirement days may be utilized by an employee who has reached eligibility for retirement from County employment as defined in the ACCG Pension Service. A full-time employee, who is eligible for retirement, may utilize his/her unused personal hours in the bank to take a leave of absence with pay, prior to his/her retirement date for the number of days contained in the bank.
 - b) **Emergency Sick Leave:** Emergency sick leave shall be a condition, which is left to the sole discretion of the Commission Chairman.
9. If for some reason the County requires an employee to work during a scheduled personal leave period, the employee will not be charged leave for that time worked.

b. Leave Sharing:

1. Leave Sharing permits regular full-time employees, who have exhausted their personal leave balances, to continue receiving their salary by using personal leave hours donated to them by other employees. Donated hours shall be on an hour-to-hour basis, and shall be paid at the rate of pay of the Donee. To be eligible, an employee must be on approved Family and Medical Leave of Absence, or if such is not available to the employee, upon approval of Emergency Sick Leave, which is left to the sole discretion of the Commission Chairman pursuant to 9.102 – a. 8.b) of the Heard County Personnel Policies. In the event an employee is physically or mentally unable to submit a request, a family member or a Department Head may submit a request on their behalf. The Chairman's office will notify other Heard County employees of the request and the procedures for donating personal leave hours. A requesting employee shall not solicit donation of leave hours from other employees.

2. Employees desiring to donate personal leave hours toward the request shall notify the Human Resources Director in writing of the number of hours they are donating. Donors are not required to retain any minimum leave balances, but cannot have a negative balance nor is there a limit on the number of personal hours they may donate.
 3. Employees may also donate personal leave to an eligible employee even if the eligible employee has not submitted a request to the Chairman. In this event, the name of the employee(s) donating personal leave shall not be disclosed by the Chairman without written permission from the employee(s) making the donation.
 4. If an employee receives donated leave hours in excess of the amount needed to cover his/her absence, the excess leave will be returned to the donors in reverse order of the receipt of donations. Otherwise, leave given by a donor may not be reclaimed.
 5. Leave sharing benefits shall not be available to an employee when the absence is compensable to the employee by workers compensation, if the absence is due to a self-inflicted injury (except under conditions that qualify as a disability under the Americans with Disabilities Act), or if the absence is due to injuries occurring the course of violating a law.
- c. **Funeral Leave:** Leave may be taken for funerals in the immediate family (immediate family is defined in Para 2.205). An employee may take up to 24 work hours of time off.
- d. **Family and Medical Leave:** It is the intent of the Heard County Board of Commissioners to implement the provisions of the Family and Medical Leave Act of 1993. Employees who believe that they meet the entitlement criteria of the Act, or have questions regarding the Act, are encouraged to discuss their situation with the Human Resources Director. The Family and Medical Leave Act of 1993 entitles an employee, who has been an employee for at least 12 months, to take up to 12 weeks of leave for birth of a child, to care for the child; for an adoption or foster care; to care for the employee's seriously ill spouse, child or parent or because of a serious health condition that make the employee unable to perform his/her job functions. Such leave may be without pay.

1. Serious illness is defined as an illness, injury, impairment or physical or mental condition that involves any treatment of incapacity or treatment in connection with or consequent to inpatient care in a hospital, hospice or residential medical facility; and a period of incapacity requiring absence from work, school or other regular daily activities of more than three (3) calendar days, that also involves continuing treatment by a health care provider; or continuing treatment by a health care provider for chronic or long-termed health conditions that are incurable or so serious that, if not treated would likely result in a period of incapacity of more than three (3) calendar days.
2. Federally protected Family and Medical Leave is limited to twelve (12) weeks in a twelve (12) month period. That period shall be measured backwards from the date an employee desires to take family and medical leave using the “rolling” twelve (12) months, as described in DOL regulations. It is the Heard County Board of Commissioners’ policy to permit the employee to be absent for his/her own serious illness for either twelve (12) weeks of Family and Medical Leave or until his/her total sick and annual leave balances are exhausted, whichever will provide the employee the longest period of absence from work.
3. Family and Medical Leave taken to care for a seriously ill spouse, child, parent or the employee’s own serious health condition will first be charged to the employee’s personal leave account. If accrued personal leave is exhausted, the employee may use banked leave if available. Once paid leave is exhausted, the absence shall be absence without pay.
4. The employee shall provide at least thirty days advance notice to the Department Head if the need for the leave is foreseeable based upon an expected birth, an adoption or foster care or planned medical treatment for a serious health condition of the employee or a family member. Should such advance notice not be possible, notice must be given as soon as practical. The notice shall provide proof from the health care provider on a Heard County authorized form that Family and Medical Leave is required. Forms are available at the Human Resources Director’s Office. The

Department Head shall forward the form, by cover letter with his/her recommendation, to the Commission Chairman who shall make the final determination to grant or not grant Family and Medical Leave.

5. Should the Family and Medical Leave period exceed thirty (30) days, the employee shall provide to the Department Head re-certification from the health care provider regarding the need for Family and Medical Leave. Failure to provide the required statements from the health care provider shall result in disciplinary action, which can include termination.
 6. Accrual of benefits. No leave time shall accrue while the employee is on Family and Medical Leave.
 7. Job restoration policy. Upon return to work from Family and Medical Leave, the employee will be returned to his/her former position, or to an equivalent position. A salaried employee who is in the highest paid ten per cent (10%) of all employees may be denied restoration. Denial of job restoration will be made on a case-to-case basis. Failure to return to work at the end of authorized Family and Medical Leave will result in termination.
- e. **Military Leave:** Georgia law requires that paid leave be granted to members of the Reserve and National Guard under certain conditions and leave-of-absence is required under other conditions. These policies are in compliance with the law.
1. **Ordered Duty:** In compliance with Georgia Code 38-2-279, any employee ordered to military duty shall be placed on military leave with pay for a period of time not exceeding a total of eighteen (18) days in one continuous period of absence.
 2. **Declared Emergency:** According to Georgia Code 38-2-279, in the event the governor declares an emergency and orders any employee to state active duty as a member of the National Guard, the employee shall receive pay for a period no exceeding thirty (30) days in one (1) calendar year and not exceeding thirty (30) days in any (1) continuous period of active duty service.
 3. Employees who normally work a twenty-four (24) hour or longer shift shall receive their normal wages during periods of absences for ordered duty or declared

emergencies so long as the absence does not exceed the number of calendar days stated above. Should the employee be absent for a longer period and miss a scheduled shift his/her wages shall be reduced the appropriate number of hours.

- f. **Court Leave:** Heard County Board of Commissioners will grant employees time off for mandatory jury duty. A copy of the court notice must be submitted to the employee's Department Head to verify the need for such leave. The employee will receive the difference between jury duty pay and his or her normal salary or wage for each day of jury duty up to a maximum of five days per year in addition to any other paid leave.
 - 1. The employee is expected to report for work when doing so does not conflict with court obligations. It is the employee's responsibility to keep his/her Department Head informed about the amount of time required for jury duty and to provide documentation regarding the amount of jury duty pay received in order to receive the company-provided compensation supplement.

- g. **Leave of Absence:** Upon written application by the employee, the County Chairman may, in his/her discretion, grant a leave of absence without pay to an employee for compelling personal reasons requiring the employee to be absent from work. Such leave shall not exceed five (5) working days.
 - 1. All accrued personal leave shall be exhausted before any leave without pay is granted.
 - 2. Written application must be submitted to the immediate supervisor in advance.
 - 3. Request will be considered only if work schedule permits that employee to leave for the time requested.
 - 4. After five (5) working days of unpaid leave of absence, it will be the employee's responsibility to maintain his/her county provided insurance.
 - 5. The County recognizes that circumstances beyond the direct control of the employee may necessitate his/her being absent from duty. As much as possible, it is the desire of the County that such absence should not create a financial hardship for the employee. The purpose of the policy is to detail the conditions under which an employee may be granted leave of absence from the job responsibilities.

- h. **Emergency Medical Leave:** In the event an employee is called away from his/her duty because of sudden illness or accident of a member of the employee's immediate family and when the employee obtained permission from his/her Department Head and/or County Chairman, the employee will not be charged for the time absent up to eight hours. Only eight hours emergency leave per year will be allowed. However, the employee will be required to furnish the supervisor or the Board of Commissioners with sufficient evidence causing the temporary absence from duty. This shall be for emergency absence only.

Para 9.103 – Retirement: Heard County provides a retirement plan through ACCG Pension Service. The employee contributes 5% of his/her salary and the County contributes an amount based on an actuarial valuation report done yearly. Highlights of the ACCG Pension Plan are:

1. All present regular employees who have completed three (3) years of service and are not in any other pension plan directly financed by county funds are eligible.
2. The normal Retirement Date is the date on which an employee will normally retire and receive the benefits provided by the plan.
3. Retirement is at the age of sixty-five (65), provided the participant has completed three (3) years of plan participation. In no event will Normal Retirement Date exceed seventy (70). There is no mandatory retirement date.
4. The formula for the calculation of the retirement income is: 1% of the first \$6,600.00 of the final average salary plus 1 ½% of the final average above \$6,600.00 plus \$36.00, times years of service from the date of employment to the date of retirement.
5. Employees can retire as much as five (5) years before Normal Retirement Date, provided they have at least ten (10) years of total credited service and they have completed at least three (3) years of Plan membership.
6. An employee becomes 100% vested after five (5) years in the plan.

Para 9.104 – Insurance Benefits: Each full-time employee may participate in the following programs upon eligibility:

- Health Insurance -----60 days
- Dental Insurance-----60 days
- Vision Insurance-----60 days
- Life Insurance-----60 days
- Disability Insurance-----60 days

1. Insurance: Heard County Full-Time Employees and Elected Officials and others as provided by law are to be covered under the health insurance provider chosen by the Board of Commissioners. Only full-time employees are eligible for this benefit after completing sixty (60) days of service to Heard County. Dependent insurance coverage is available. Specific details may be obtained by reviewing the plan documents.

Para 9.105 – Workers Compensation Supplementation: An Employee who is injured at work and is entitled to Workers Compensation in accordance with the laws of the State of Georgia, the County shall supplement his/her Workers Compensation payments in the following manner:

1. The employee shall be placed on personal leave, if available, for the first week of absence.
2. The employee may elect to have his/her workers compensation payment supplemented up to the full amount of his/her normal paycheck from his/her personal or compensatory time accounts. Once he/she no longer has any accrued personal or compensatory time remaining, the workers compensation payment will no longer be supplemented.
3. The Department Head shall require the employee to provide periodic reports from the employee’s physician to verify that the employee is unable to report to work.

Para 9.106 – Recognition of Length of Service and Retirement: Any employee who has completed twenty (20), twenty-five (25), and thirty (30) years of service with Heard County shall be recognized and presented a plaque at a public Heard County Board of Commissioners meeting. Also, an employee who retires from service with Heard County who has completed ten (10) or more years of service with Heard County will be presented with a plaque at a public Heard County Board of Commissioners meeting.

AN ORDINANCE BY
THE BOARD OF COMMISSIONERS OF HEARD COUNTY, GEORGIA
TO AMEND THE HEARD COUNTY PERSONNEL MANAGEMENT SYSTEM
AND FOR OTHER PURPOSES

WHEREAS, the Board of Commissioners of Heard County, Georgia ("Board") adopted a personnel policy on November 22, 2011, known as the Heard County Personnel Management System ("HCPMS") to govern the policies and procedures for Heard County employees; and

WHEREAS, since its initial adoption, the Board has adopted amendments to the HCPMS; and

WHEREAS, the Board finds it in the best interests and in furtherance of the health, safety and welfare of the public to adopt the Heard County Personnel Management System policy attached hereto which incorporates all amendments.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of Heard County, Georgia and it is hereby ordained by the authority of the same that the attached "Heard County Personnel Management System" is hereby adopted.

BE IT FURTHER ORDAINED, that the Heard County Personnel Management System shall be effective immediately.

SO ORDAINED in lawfully assembled open session this 26th day of June, 2018.

THE BOARD OF COMMISSIONERS OF
HEARD COUNTY, GEORGIA

By: Lee Boone

Chairman

Lucy F. Hooks

Don Caldwell

Larry Hammond

Attest: Patty A. Giles

Clerk

