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# SCOTT COUNTY GOVERNMENT

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## Employee Handbook

### *Scott County Fiscal Court*

#### *Employment Policies and Procedures*

Revised 7/01/2025

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# Introduction

## Welcome and Purpose Statement

Welcome to employment with Scott County Fiscal Court (“County”). This handbook is designed to provide you with general information about working conditions, benefits and policies affecting your employment. The policies and procedures in the handbook apply to all individuals employed by the County with the exception of those listed in the scope of coverage below. The employee handbook provides information regarding policies and procedures. The handbook is a reference and a general guide. You are responsible for reading, understanding, and complying with the provisions of this handbook. Our objective is to provide you with a work environment that is constructive to both personal and professional growth. We appreciate your assistance in building a respectful, inclusive work environment that is welcoming to all employees, visitors, and citizens.

## Foreword

Information included in these personnel policies and procedures are not intended to represent a contract between any employee and the County and may be changed by approval of the Fiscal Court.

The term “established position” indicates the number of positions by title created by ordinance or approved during a Fiscal Court meeting. A position can be established on either a full-time or part-time basis. The number of positions may be changed by the Fiscal Court, and employees occupying the positions may be affected by such changes. (Note: The Fiscal Court is not responsible for setting the number of positions for the County Clerk or Sheriff’s Office; however, the Fiscal Court does set the budget for the two departments.)

The County Judge/Executive, with the approval of the Fiscal Court, has the authority to appoint, supervise, suspend, and remove County personnel, except that (1) County fee officials (Sheriff and County Clerk) are provided a budget by the Fiscal Court, and (2) the Jailer has responsibility for the appointment of jail personnel and for the removal of jail personnel at any time with cause. The Sheriff, County Clerk, and Jailer shall either adopt the County policies or develop and adopt policies that apply to their office.

Throughout the context of these policies and procedures, Executive Authority is defined as the County Judge/Executive, County Attorney, County Clerk, Jailer, and Sheriff.

If any provision of these policies and procedures is held invalid by a court of competent jurisdiction, such invalidation shall not affect the remainder of this ordinance or its application.

All ordinances that conflict with the contents of this document are hereby repealed, except that individual departments may have operating policies and procedures that supplement or address topics that are not covered in the policies and procedures in this document.

These policies do not prohibit Department Heads from creating additional departmental rules or operating procedures provided they are not in conflict with these policies, federal laws, state laws, or County ordinances.

## Administrative Responsibilities

These personnel policies and procedures shall be administered by the County Judge/Executive, who has delegated this authority to the Director of Human Resources. The Director of Human Resources shall have the authority to carry out the duties and responsibilities required within this document, including the implementation and administration of these policies and procedures.

These policies and procedures are intended to cover most employment related questions, actions and issues which may arise. Those not specifically covered shall be interpreted by the Director of Human Resources; such interpretation shall be in concert with the spirit and letter of these policies and procedures. In addition, the Director of Human Resources may create administrative memoranda to interpret or clarify existing policies, subject to the approval of the Judge Executive and, when necessary, the Fiscal Court. These memoranda shall represent the policy of the County.

In addition to the duties set forth in these policies and procedures, the Director of Human Resources shall administer the provisions of these policies and procedures, and it shall be the duty of the Director of Human Resources to ensure that the policies and procedures reflect all subsequent amendments or additions made by the Fiscal Court.

The most current copy of the employee handbook shall be posted on the County Human Resources website.

## Scope of Coverage

The following officers and employees are explicitly exempted from coverage, unless otherwise specified:

- All Elected Officials
- All Members of Boards of Commissions
- Consultants, Advisors and Counsel Rendering Temporary Services
- Independent Contractors
- Members of Volunteer Organizations

All employees not explicitly exempted from coverage of these personnel policies and procedures shall be subject to their provisions unless indicated otherwise in the contents of these personnel policies and procedures.

Individual sections of these personnel policies and procedures may apply to employees defined above, provided the provision is specifically stated in the section.

## Policy Generation and Changes

Policies and procedures are updated and reviewed on a regular basis and the County reserves the right to change, modify or supersede any of these policies at any time. The most current version of the employee handbook can be found on the County Human Resources website. The provisions of these policies supersede any conflicting statement made by any supervisor. All employees are welcome to suggest changes, additions, or deletions to these policies and procedures. Suggestions should be directed to your supervisor, the department head, executive authority, or the director of human resources.

## Equal Employment Opportunity

It is the commitment of the County to ensure fair and equal treatment for everyone we employ. We value diversity and believe employment, training, and promotional opportunities should be available to all persons without regard to race, color, gender, religion, national origin, disability, gender identity or sexual orientation, political affiliation, veteran status or membership in the armed services, genetic information, or any other consideration that is protected by law.

This policy of Equal Employment Opportunity applies to all policies and procedures relating to recruitment, hiring, promotion, training, compensation, benefits and all other terms and conditions of employment.

## Americans with Disabilities Act

The County is committed to complying with all applicable provisions of the Americans with Disabilities Act (ADA) and will not discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of an individual's disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, the County will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the County aware of his or her disability, provided that such accommodation does not constitute an undue hardship.

An individual with a disability who believes they need a reasonable accommodation to perform the essential functions of their job should contact the Director of Human Resources. Requests for reasonable accommodations should be submitted in writing to the Director of Human Resources. Upon receipt of a request for reasonable accommodation for a disability, and to the extent permitted by law, the Director of Human Resources may require that the employee provide documentation from a medical professional regarding the disability and requested accommodation.

## At-Will Employment Policy

All employment with the County is "at-will". This means that employees retain the freedom to leave their employment at any time, with or without prior notice. In turn, the County retains the right to terminate the employment of any person at any time at its sole discretion, with or without cause and with or without notice. Jail employees may only be terminated for cause. No County employee shall be terminated without prior consultation between that employee's department director and the Director of Human Resources. In addition, terminations in some departments also require the approval of the Scott County Fiscal Court. In the event of termination, the terminated employee shall have the right to request an appeal to the action in accordance with the grievance procedures in Appendix A.

Nothing in this employee handbook is intended to or creates an employment agreement, express or implied. Nothing contained in this or any other document provided to the employee is intended to be, nor should it be, construed as a contract that employment or any benefit will be continued for any period of time. In addition, no County employee is authorized to modify this policy for any employee or to enter into any agreement, oral or written, that changes the at-will relationship.

This policy may not be modified or amended other than through an express written contract between Scott County Fiscal Court and an employee, which shall be signed by the Judge Executive, the appropriate constitutional officer and the employee.

## Employee Handbook

A copy of the employment policies and procedures, including revisions of the personnel policies and procedures, will be made available to all employees. The most current copy of the employee handbook will be posted on the County Human Resources website.

# Employment

## Procedures for Filling Vacancies

The procedures for filling vacancies in established positions, including newly established positions, shall be as follows:

- Vacancies can be filled by posting internally when there are a sufficient number of qualified current employees applying for the position. However, the Executive Authority or director of human resources may also post a position externally and internally at the same time to fill vacant positions.
- Generally, most positions will be posted externally so all qualified candidates have an opportunity to apply. Positions will be posted on the Scott County Fiscal Court website and individuals will be able to apply electronically.
- All applicants must complete an electronic employment application.
- To be a qualified applicant for a position the individual must meet the minimum requirements for the position.

Provided that a preliminary offer of employment has been made, applicants may be required to pass a job-related physical examination (including drug and/or alcohol tests) by a medical professional of the County's choice as a condition of employment.

## Appointing Authority

Except as authorized by law, the Fiscal Court is the appointing authority for all County employees.

## Employment of Relatives/Nepotism

No officer or employee shall advocate, recommend or cause the employment; appointment; promotion; transfer; or advancement of a family member to an office or position of employment with the County or a County agency, including any joint agency of the City and County.

No officer or employee shall supervise or manage the work of a family member.

No officer or employee shall participate in any action relating to the employment or discipline of a family member, except that this prohibition shall not prevent an elected or appointed official from voting on or participating in the development of a budget which includes compensation for a family member, provided that the family member is included only as a member of a group, and the family member benefits to no greater extent than any other similarly situated member of the group.

Family member is defined as a spouse, parent, step-parent, child, stepchild, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, half brother, or half sister.

The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibition, but which existed prior to the adoption of the Code of Ethics or six (6) months prior to the taking of office by a newly elected or appointed official.

## Orientation of New Employees

A payroll and benefits orientation shall be made available by the Director of Human Resources or designee to all new full-time employees occupying established positions during their first day of employment or as closely to the first day of employment as practical. The orientation shall consist of a review of the benefits associated with employment and each person's rights and responsibilities which can be found in the employee handbook.

## Introductory Period

Generally, for all new regular employees, the introductory period consists of the first three months of employment; however, some departments have a longer introductory period up to one year, such as new hires in the fire department due to the length of the training program. The introductory period may be extended by the appropriate Executive Authority, or after review and approval by the Director of Human Resources. The introductory period is used to determine if performance meets the expectations of the position and if continued employment is warranted.

Upon hire and/or within the first week of employment the supervisor is expected to complete the following steps:

1. provide the new employee with a copy of his/her position description;
2. establish performance expectations and goals/responsibilities that will be used to evaluate the new employee;
3. meet with the new employee to discuss the job responsibilities, practices, performance expectations, policies and procedures and the process of review during the Introductory Period;
4. ensure that the new employee receives the appropriate orientation to the workplace and is aware of departmental operating procedures.

Throughout the introductory period review process, the supervisor should:

1. meet with the new employee regularly to discuss performance and provide constructive feedback as to whether the person is meeting the expectations for the position, determine if the new employee needs additional training and, if necessary, provide the new employee with a plan for improvement;
2. determine whether the new employee meets the required performance expectations for continued employment.

## Promotion

Each Department may develop promotion procedures specific to their respective department with the review and approval of the Director of Human Resources.

Any employee occupying an established position may apply for promotion to a higher position by making the request to the Executive Authority or Director of Human Resources, provided the employee is not serving an initial introductory period, the employee possesses the qualifications for the position, and the position is vacant.

## Demotion

Any employee occupying an established position may request a demotion from one position to a lower position by making the request to the Executive Authority or Director of Human Resources, provided the

employee possesses the qualifications for the position, and the position is vacant.

In the event an employee becomes unable to perform the duties as stated in the position description, the employee may be demoted in lieu of taking any disciplinary action, provided the employee meets the qualifications for the position, and the position is vacant.

In the event an employee's conduct and/or performance fails to meet expectations, the employee may be demoted as a form of disciplinary action, provided the employee meets the qualifications for the position, and the position is vacant. Any demotion pursuant to this procedure is subject to the prior approval of the Director of Human Resources. Such action shall be recorded in the employee's personnel file in the Human Resources Office.

## Resignation

In all cases of voluntary resignation or retirement, an employee is expected to provide a written notice to their supervisor, department head, executive authority, or director of human resources at least two full weeks in advance of the last day of work. This means an employee must work two full work weeks. The notice must be presented in writing and include the last workday. Employees are expected to work on their last workday and vacation or sick leave cannot be used for the last day he/she is expected to work.

Typically, requests to use vacation leave during the notice period will not be approved. Any use of sick or vacation leave during the notice period will extend the amount of notice that must be provided. In addition, any use of sick leave during the notice period must be substantiated with a doctor's note indicating the individual was unable to work or it will be considered an unauthorized absence and ineligible for use of paid leave. If a person fails to provide and work two full work weeks, the individual will not be resigning in good standing, may not be eligible for future employment, and will not be paid out for accrued vacation leave in accordance with the vacation policy.

Employees who provide the requested amount of notice will be considered to have resigned in good standing and generally will be eligible for rehire. The supervisor has the discretion to accept a resignation immediately or may shorten the required notice period.

The departing employee shall turn in any keys, radios, phones, equipment, tools, uniforms, or other County property on or before the last day of employment. An employee who fails to return County property shall be deemed not to have separated in good standing.

Any employee who is absent from work three (3) consecutive workdays without notifying the Department Director or Executive Authority of the reason(s) for the absence will be considered to have abandoned the job and may be terminated from employment with the County.

## Exit Interview

Employees departing employment with the County are encouraged to participate in an exit interview. This will enable the Director of Human Resources to obtain information regarding why the employee resigned, forwarding address (if necessary), and address any questions from the departing employee.

## Reduction-in-Force

The County may lay off an employee or employees because of lack of work or funds. The order of layoff shall be determined by the needs of the County.

Consideration for layoff shall be given to length of service in a position, length of service with the County, and the work performance of employees being considered for layoff.

Temporary and seasonal employees shall be laid off before employees occupying established positions.

An employee occupying an established position who is laid off shall be notified of the layoff in writing. The notice shall explain the reason(s) for and duration of the layoff (if known), and a copy of the notice shall be placed in the employee's personnel file.

An employee who has a satisfactory record of service and is laid off shall be eligible for reemployment in another position, provided the employee meets the qualifications for the position and that the position is vacant.

## Re-employment

An employee who previously resigned from the County in good standing with a satisfactory employment record or who was laid off because of lack of work or funds may apply for employment in another position, provided the employee meets the qualifications for the position, and the position is vacant. If an individual is reemployed within six months, sick leave shall be reinstated; however, an employee shall begin accruing vacation leave like any new employee.

If an employee retires and chooses to be covered by a health insurance plan offered by the Kentucky Employee's Retirement System/County Employee's Retirement System, and is then hired/rehired by the County, the County will not be responsible for providing said employee with health insurance coverage.

## Loss of Job Requirement

Any employee who is unable to perform required duties because of loss of a necessary license or other non-medical requirement may be transferred to another position (provided the employee meets the qualifications for the position and the position is vacant) or separated from employment with the County.

# Rights and Responsibilities

## Respectful Workplace Policy

The County is committed to ensuring that discrimination and harassment of its employees, in any form is prohibited on the basis of race, color, citizenship status, sex, age, disability, pregnancy, creed, sexual orientation, gender identity, gender expression, marital status, national or ethnic origin, religion or religious belief, veteran's status, or any other factor that is prohibited by applicable state or federal law or local ordinance. The County prohibits not only unlawful discrimination and harassment, but also other unprofessional and discourteous actions which affect the professional and congenial work environment.

### Discrimination

Unlawful discrimination occurs when a person (or group) is treated unfavorably or differently because of that person's (or group's) membership in a protected class listed above. In the employment context, this could include, but is not limited to decisions related to hiring, promotion, termination, training, pay increases, work schedules, etc.

### Harassment

Workplace harassment prohibited by this policy is defined as unwelcome verbal or physical conduct designed to threaten, intimidate, or coerce an employee which interferes with an individual's work performance or employment opportunities. Such behavior is prohibited whether between supervisors and employees, among co-workers, or when dealing with third parties and may consist of, but is not limited to the following:

1. Epithets, slurs, negative stereotyping, threatening, or intimidating acts,
2. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls, bulletin boards, or elsewhere on the employer's premise, or circulated in the workplace,
3. Hazing, which can include humiliation, innuendos, disparaging remarks, practical jokes, and horseplay,
4. Other behavior that creates a hostile or intimidating work environment.

### Sexual Harassment

Sexual harassment undermines the integrity of the employment relationship and interferes with the productivity of its victims and their co-workers. Inappropriate sexual advances, requests for sexual favors, and other physical, verbal or visual conduct based on sex constitutes sexual harassment when:

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

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexual oriented kidding or teasing, practical jokes, jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact with another, such as patting or pinching another's body.

### Complaint Procedure

When possible, the employee should confront the person and request that the individual discontinue the behavior immediately. However, if an employee believes he/she has been unlawfully harassed or discriminated against or observes someone engaging in conduct which may violate this policy, he/she should report the incident immediately to the director of human resources. Employees are not required to complain to the person that they allege is the cause of the problem, nor are they required to complain to their supervisor or department head. However, should a supervisor or a department head receive a discrimination or harassment complaint, they shall be required to report the allegation immediately to the director of human resources and take no immediate action pending the advice of the director of human resources. All complaints will remain as confidential as possible and will be investigated in a timely manner by the director of human resources. Appropriate action will be taken as a result of the investigation.

### Retaliation

Retaliation against any employee for filing a complaint under any part of this policy or for assisting in an investigation of a potential violation of this policy is strictly prohibited and shall be reported to director of human resources immediately.

## Appropriate Conduct, Work Performance, and Disciplinary Action

All County employees are expected to accept certain responsibilities concerning matters of personal conduct and to exhibit a high degree of personal integrity at all times. Furthermore, all employees are encouraged to always observe the highest standards of professionalism.

Should an employee's performance, work habits, attitude, conduct, or demeanor become in any way unsatisfactory in the judgment of a supervisor, department head, director of human resources, or executive authority, the employee be subject to disciplinary action, up to and including termination of employment. Disciplinary action taken will be based upon the nature and severity of the case with consideration for past pattern and practice. Generally, before any written disciplinary action is taken, the Director of Human Resources should be consulted for review. No County employee shall be terminated without prior consultation between that employee's department director and the Director of Human Resources. Unless otherwise addressed in KRS, terminations shall require the approval of the Fiscal Court.

The County has established these general guidelines to govern the conduct of its employees. No list of rules can include all instances of conduct that can result in discipline, and the list of examples below is not exhaustive. Furthermore, sound judgment and common sense should prevail. The County reserves the right to determine the appropriate level of discipline for any performance or conduct issues.

1. Chronic and/or excessive tardiness/absenteeism
2. Abuse of sick leave and/or absence without approved leave

3. Inappropriate or unsuitable job performance and/or failure or neglect to perform assigned duties
4. Reporting to work under the influence of alcohol or illegal drugs and/or possession, distribution, or use of alcohol or illegal drugs while at work
5. Failure to act in a courteous or appropriate manner toward the public or other employees
6. Violation of County or department policies or procedures
7. Theft or dishonesty, including falsification of records
8. Damaging, destructing, or unauthorized use of County property
9. Fighting or threats of violence
10. Failure to report an accident, injury, or hazardous situation in a prompt manner
11. Insubordination, which includes unwillingness to perform assigned duties
12. Disregard or failure to comply with safety or security policies and procedures, including failure to wear personal protective equipment
13. Bullying or hazing
14. Violation of nondiscrimination or anti-harassment policies
15. Misuse of County funds
16. Any other act which constitutes a violation of local, state, or federal law while on the job or on County property.

## Employee Files and Access

Official employee personnel files are maintained by the Human Resources Department. The confidential files contain records relating to an individual's employment and are retained for business reasons. Access to employee files is controlled by the Director of Human Resources and is limited to individuals who have a legitimate business need to review the materials. Generally, a department director may review a file for an employee under their direction. In addition, outside agencies may have access to an employee's file when required by law, court order or subpoena.

To ensure that files are accurate, complete, and current, an employee may review his/her file by making an appointment with the Director of Human Resources. Generally, the employee will be granted access within three days of the request. Employee files will not be taken outside the department. An employee has the right to request an amendment or removal of a document from the official personnel file by submitting a written appeal to the Director of Human Resources.

## Employee Information Changes

The County requires employees to keep the Human Resources Office informed of any changes in an employee's information which may affect employment status. It is the employee's responsibility to notify the Payroll Manager whenever there is a change in any of the following information; address, telephone number, person to notify in case of emergency, last name (due to marriage, etc.), marital status, number of dependents, beneficiary for life insurance and retirement.

## Political Activity

To protect non-elected employees from political pressure in their jobs, certain restrictions have been placed upon involvement in political activities:

- No person shall be favored or discriminated against with respect to employment because of his/her political opinions or affiliations.
- No employee, as a condition of employment or continued employment, shall be required to contribute to or campaign for any candidate for political office, or actively campaign for any political candidate.
- Employees shall not actively campaign for or against any political candidate while on duty or while wearing a uniform identifying them as employed by the County. Nothing in this policy is intended to infringe upon the first amendment rights of County employees to freedom of speech and freedom of expression.

## Gifts and Gratuities

Employees may not accept gifts, gratuities, or loans from organizations, businesses, or individuals with whom the employee has official relationships on behalf of the County. These limitations are not intended to prohibit the acceptance of articles of negligible value which are distributed generally, to prohibit employees from accepting social courtesies which promote good public relations, nor to prohibit employees from obtaining loans from regular lending institutions. It is particularly important that employees guard against relationships which might be construed as evidence of favoritism, coercion, unfair advantage, or collusion.

## Use of County Property Prohibited

No employee shall use any County property for non-County business. County property includes any item that has been purchased, inventoried, donated or acquired for business related activities by the County. This includes, but is not limited to laptops, tablets, keys, vehicles, office supplies, furniture, tools, machinery, equipment, scrap metal, gasoline, etc.

## County Vehicle Use

County vehicles are provided for business use. Employees assigned a vehicle may use the vehicle to drive to and from work each day, and to report for after-hour emergencies and call back support. In addition, assigned vehicles may be used for minimal personal business (e.g., lunch, bank, doctor's appt., pharmacy, etc.) within the county.

## Profit from Knowledge Based on County Employment

An employee may not use the confidential knowledge gained while on official duty for the County for personal profit. (Also see Appendix D: Code of Ethics)

## Outside Employment

Outside employment is defined as any paid employment performed by an employee in addition to employment with the County. Except as otherwise allowed by law, employees wishing to seek outside employment in addition to their regular duties are required to request approval from the appropriate executive authority to ensure there is not a conflict of interest. Outside employment shall not interfere with performance of an employee's job or occur during the employee's regular assigned working hours unless the person is on vacation leave. Outside employment will not be considered an excuse for poor

job performance, absenteeism, tardiness, leaving early, or refusal to work overtime, different hours, or different shifts. Employees may engage in other employment if allowed by law, but in all cases employees are prohibited from having other employment that directly conflicts with their ability to perform their duties as County employees.

## Violence in the Workplace

The County is committed to providing a safe, violence-free workplace for our employees. Due to this commitment, we forbid employees from engaging in any physical confrontation with a violent or potentially violent individual or from behaving in a threatening or violent manner toward an employee, customer or visitor. Threats, threatening language, or any other acts of aggression or violence made toward or by any employee will not be tolerated. A threat may include any verbal or physical harassment or abuse, attempts to intimidate others, menacing gestures, stalking, or any other hostile, aggressive, and/or destructive actions taken for the purposes of intimidation. This policy covers any violent or potentially violent behavior that occurs in the workplace, at an offsite event or conference, or at County functions.

All employees bear the responsibility of keeping our work environment free from violence or potential violence. Any employee who witnesses or is the recipient of violent behavior should promptly inform their supervisor, department director, executive authority, and/or the director of human resources. All threats or acts of violence will be promptly investigated. Employees who violate this policy will be subject to appropriate disciplinary action up to and including termination of employment. The County may also take any necessary legal action to protect its employees. The County will attempt to maintain the anonymity of a reporting party. No employee will be subject to retaliation, intimidation, or discipline as a result of reporting a threat in good faith.

## Workplace Safety

It is a basic responsibility of all employees of the County to make the health and safety of fellow employees a part of their daily concern. This responsibility must be accepted by each employee who conducts work for the County, no matter in what capacity he/she may function. All practical steps will be taken to build and maintain a safe and healthful workplace.

It is the policy of the County:

1. To provide a safe and healthful place of employment that is free of recognized hazards for our employees and to abide by the Federal, State and Local regulations that pertain to our workplace.
2. To enforce the rules of this policy.
3. To require subcontractors to abide by and adopt this policy or similar policy.
4. To have operable a procedure for securing treatment of injuries on each active job site.
5. To provide safety education and training for employees as needed.

All employees must abide by the following rules:

1. Report all unsafe conditions to their immediate supervisor.
2. Promptly, within 24 hours, report all injuries to their immediate supervisor. For non-emergency care, call KACo at 866-367-5226, to complete the first report of injury.
3. Wear appropriate personal protective equipment, such as hard hats, steel toed boots, safety vests, respirators, gloves, or safety glasses to protect against job hazards.

4. Seat belts are to be used at all times when in a County vehicle or in personal vehicle in performance of work for the County.
5. Never operate any machine unless all guards and safety devices are in place and in proper operating condition.
6. Keep all tools in safe working condition. Never use defective tools or equipment.
7. Properly care for and be responsible for proper use of all personal protective equipment.
8. Do not operate machinery if you are not an authorized operator and have not been directed to do so by your immediate supervisor.
9. Practice good housekeeping at all times. Do not leave materials or scraps in walkways, roads or other means or points of egress.
10. You must comply at all times with all commonly recognized and understood safe work practices. All posted safety rules must be followed.
11. Being under the influence of intoxicating beverages or illegal drugs on the job is prohibited (see the Appropriate Conduct, Work Performance, and Disciplinary Action section for more information).
12. When driving, use of a cell phone for business calls is permitted only when the user is utilizing a Bluetooth hands-free connection. Texting and driving is not permitted. (Note: This section of the policy does not apply to emergency personnel when responding to a call per KRS.)
13. The County participates in a managed care network to provide treatment for all work-related injuries. In the case of a work-related injury, you are required to visit a network doctor, hospital, or clinic. If you choose to visit a doctor outside of the managed care network, you may be responsible for any charges incurred. If you require emergency medical treatment, go to the nearest medical facility to seek treatment whether or not that facility participates in the network. However, for all non-emergency, follow-up, or rehabilitative care you should seek treatment within the managed care network.
14. If you knowingly file a false or fraudulent injury or illness claim, appropriate disciplinary action will be taken up to and including termination of employment. This includes any injury that actually occurred at home and outside of work hours.
15. All employees are expected to participate in the County's return to work program. This program may provide you with alternative or modified duty work after a work-related injury or illness.
16. The above stated rules do not represent all safety rules and regulations of the County.
17. These rules only serve to inform you of minimum specific actions that you must adhere to in order to ensure your safety and the safety of others in the workplace and any job site.

## Inclement Weather

Emergency closings will be authorized by the County Judge Executive. When changes in hours of operations are necessary due to emergency situations such as inclement weather or loss of utilities, the judge/executive, director of human resources or a designee will notify supervisors. Employees will be notified by their supervisors.

If offices are closed for an entire day because of an emergency, all non-essential employees scheduled to work that day will be paid for the number of hours they were scheduled to work. Non-essential employees able to work remotely may be expected to work during regular working hours. If an emergency closing occurs during hours the County is normally open, non-essential employees will be paid for any remaining hours scheduled. If the County opens late due to an emergency, scheduled non-essential staff who report to work at the later time will receive credit

for their regularly scheduled hours for that day. However, emergency hours not actually worked will not be included in overtime calculations. Lastly, if an employee is off on vacation or sick leave, they will not receive credit for the hours that the County was closed.

When the County offices are open, but extreme weather conditions make it impossible for an employee to arrive at the regular time, reasonable allowances for lateness will be made. If the employee cannot report for work within a reasonable time, they must charge the time to vacation or leave without pay, equal to their regular work schedule hours for that day. The employee is expected to comply with normal call-in procedures if they are unable to report for work.

Please note that most County employees are essential and certain essential services are required to be maintained during any closing. The employees providing essential services are excused from work only with the specific authorization of their supervisors. Supervisors should clarify beforehand who the essential employees are during emergencies, what their obligations are, and what procedures will be used to let them know if they are excused from work. An essential employee's failure to report to work during emergencies may be cause for disciplinary action.

The affected offices will make efforts to notify the public in the event of closure, late opening or early closure.

## Computer, Information Systems and E-Mail

The County is committed to providing all employees with the tools and resources each person needs to effectively perform their job. However, each employee is responsible for the appropriate use of all tools, including computing resources.

Computers, computer files, the e-mail system, facsimile machines, hardware and software furnished to employees are property of the County and intended for business use. Employees should not use a password, access a file, or retrieve any stored communication without authorization.

The electronic mail and other information systems including facsimile machines of the County are not to be used in a way that may be disruptive, offensive to others, or harmful to morale. Other than privileged communications or communication exempt from a public records request, employees should have no expectation of confidentiality or privacy with respect to e-mail. Even when a message is deleted, it is possible that it may be retrieved and read. Do not send anything by e-mail that you would not want to become public knowledge.

There is to be no display or transmission of sexually explicit images, messages, or cartoons, or any transmission or use of electronic communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, national origin, ethnicity, sex, genetics, sexual orientation, age, disability, or religious or political beliefs.

The County purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the employer does not have the right to produce such software for use on more than one computer.

The computers, facsimiles and e-mail system should not be used to solicit others for commercial

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ventures, religious or political causes, outside organizations, or other non-job-related solicitations.

All computer files, facsimiles and e-mail messages are records of the County, and the County reserves the right to access and disclose all computer files and messages sent over its electronic systems for any purpose except where legally prohibited.

For privacy reasons, employees should not attempt to gain access to another employee's computer files and electronic messages without the employee's express permission. In addition, employees are strongly encouraged to take appropriate steps to safeguard user ID's and passwords, protect against unauthorized use, and notify department head of any suspected unauthorized use. Lastly employees shall not make unauthorized use of accounts and not knowingly grant use of the accounts for unauthorized purposes. However, the County reserves the right to enter an employee's computer or e-mail files if to do so would protect or serve the interests of the County.

County employees are strictly prohibited from disclosing or posting protected, confidential, private or sensitive information, photographs, or video obtained in the workplace or through performance of official duties. Information, which is governed by KRS 61.810, the Kentucky Open Records Law, shall not be disclosed via social media.

Employees should notify their supervisor, executive authority or the director of human resources to report violations of this policy.

## Social Media

County employees who use personal social media sites, personal blogs, the internet, and other mediums of electronic communication may do so using personal equipment during their personal non-work time. Employees should keep in mind that their postings can affect how the public perceives the County. Furthermore, their speech becomes part of the worldwide domain once posted and therefore must adhere to the County's usage guidelines. As such, employees shall comply with the following:

- Employees may only speak on behalf of the County in an official capacity when specifically authorized to do so.
- When displaying division logos, uniforms, or similar identifying items on personal web pages, the employee must act in compliance with these policies.
- The use of ethnic slurs, personal insults, obscene or sexually-explicit language, or any conduct in violation of these policies is prohibited.
- Employees may not post confidential information or information that the employee would only have knowledge of through their employment with the County.
- Any comments posted by an employee not protected by the NLRA are also prohibited.

County employees shall comply with this policy during both working and non-working hours. This policy shall not apply when posting employer-approved information on official Scott County sources for electronic communication.

## Suggestion System

Employees are encouraged to submit suggestions that could allow the County to operate more efficiently and effectively. Suggestions should be submitted to the Department Director, who shall forward them to the Executive Authority along with recommendations for approval.

## Whistleblower Protection

A whistleblower as defined by this policy is a County employee who reports an activity that he/she considers to be illegal or dishonest to one or more of the parties specified in this handbook. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities. Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact his/her immediate supervisor, executive authority or the Director of Human Resources. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Whistleblower protections are provided in two important areas; confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The County will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Director of Human Resources immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

## Alternative Dispute Resolution Program

The County requires all employees to agree to participation in an alternative dispute resolution program. All employees shall agree that before filing suit in any Federal, State, or Administrative Court for any claim, dispute, controversy, other than workers compensation or unemployment insurance, arising out of or related to employment with the County, that they will in good faith, participate in a mediation process designed to explore potential solutions to those problems. The agreement encompasses an employee's application for employment, termination of employment, and all other present, future, and previously unasserted claims arising out of one's employment with the County. The agreement does not affect an individual's status as an at-will employee and does not affect one's right to bring suit if the County and an employee are unable to reach a satisfactory resolution through mediation. An employee's compliance with the terms of this agreement is a prerequisite to obtaining jurisdiction in any State, Federal or Administrative Court. This agreement applies to state, federal and common law, and includes but is not limited to Age Discrimination in Employment Act, Title VII of the Civil Rights Act of 1964, as amended, including the amendments of the Civil Rights Act of 1991, the Kentucky Civil Rights Act and KRS 344, the Americans with Disabilities Act, the law of contract and the law of tort.

## Drug-free Workplace Policy

For the county's Drug-Free Workplace Policy, See Appendix B.

## Drug and Alcohol Testing Policy

For the county's Drug and Alcohol Testing Policy, See Appendix C

# Classification

## Employment Classification

The County defines exempt and non-exempt employees following the provisions of the Fair Labor Standards Act (FLSA).

Exempt employees (salaried) are exempt from the overtime pay provisions of the FLSA. This exemption is determined by evaluating the duties and responsibilities required of the staff member against the criteria outlined in the FLSA. A job is classified as exempt if its duties and responsibilities are primarily executive, managerial, or administrative, or if it requires an advanced educational degree or knowledge and experience in a field considered to be professional. Exempt employees fulfill their duties without a focus on the amount of time it takes. Therefore, exempt employees are paid a salary that does not vary between pay periods based on the quality or quantity of work and are not eligible to receive overtime for hours worked beyond 40 hours in a workweek.

Non-exempt (hourly) employees do not qualify, by the nature of their work and responsibilities, for exemption from the overtime or minimum wage provisions of the FLSA. Non-exempt employees are paid by the hour and must receive no less than one and one-half times their regular rate of pay for hours worked in excess of 40 hours in a workweek. Non-exempt employees include individuals employed in office and clerical, service and maintenance, and technical and scientific positions.

## Regular Review/Evaluation

The Director of Human Resources shall review the duties and responsibilities of each position as needed. After reviewing the duties and responsibilities, the reclassification of a position or the creation of a new position may be recommended.

All changes shall be made upon the recommendation of the Executive Authority and/or the Director of Human Resources and approval by the Fiscal Court.

## Reclassification

The Director of Human Resources shall recommend reclassification of a position after its duties and responsibilities change materially.

Whenever the duties of a position substantially change, the Director of Human Resources shall prepare an appropriate position description for the position and recommend a change in the compensation for a position.

All position reclassifications and pay change requests, shall be made with the recommendation of the Executive Authority and/or the Director of Human Resources and approval by the Fiscal Court.

## Categories of Employment

A regular employee is an individual who is working in an established position which is funded on a recurring basis. Established positions can be either full-time or part-time, established by ordinance of Scott County Fiscal Court.

All employees of the County shall be classified full-time, part-time, temporary, or seasonal:

- Full-time employee: An employee who works 30 or more hours per week on a regularly scheduled basis;
- Part-time intermittent employee: An employee who works less than 30 hours per week on a regularly scheduled basis;
- Temporary employee: An employee who works in a temporary position (CERS retirement program allows temporary appointments to last no longer than one year without participating in the retirement program, but the appointments cannot be repeated).
- Seasonal employee: An employee who works in a position of a seasonal nature (CERS retirement program allows seasonal appointments for a period up to nine (9) months without participating in the retirement program; seasonal appointments may be repeated).

Only full-time or part-time employees may occupy established positions.

Full-time employees in established positions shall be entitled to all benefits provided by the County; all other employees shall not be entitled to any benefits (except those required by federal or state law) unless recommended by the Executive Authority and approved by the Fiscal Court.

# Compensation

## Work Hours and Work Week

The official workweek for each department, consisting of a continuous 168-hour period, shall begin and end at a time determined by the Director of Human Resources and approved by the County Judge/Executive. The normal work hours are established by the supervisor, or the Executive Authority based upon work necessity. For most departments, the work week begins on Saturday at 7:00 am and ends on the following Saturday at 6:59 am. It is the employee's responsibility to report to work at the beginning of the scheduled workday or shift. The employee is also expected to remain on the job actively performing the duties of the job until the completion of the workday or shift. Anytime a non-exempt employee leaves the workplace and is no longer working (e.g., for a meal break, doctor's appointment, etc.) the person needs to clock out. The supervisor or responsible person in the work area must be informed by the employee when s/he is away from the office or duty station for an extended period of time.

## Attendance and Absence Reporting

All employees are expected to arrive on time, ready to work, every day they are scheduled to work. If unable to arrive at work on time, or if an employee will be absent for an entire day, the employee must contact the supervisor before the normally scheduled work time. Excessive absenteeism or tardiness will result in discipline up to and including termination. Failure to show up or call in for a scheduled shift without prior approval may result in termination. If an employee fails to report to work or call in to inform the supervisor of the absence for three (3) consecutive days or more, the employee will be considered to have abandoned their job and voluntarily resigned employment.

## Time Reporting, Payroll Deadlines, Pay Dates, and Attendance Records

The pay dates for all employees are scheduled on a calendar year basis. All employees will be paid every other Friday. Employees and supervisors must submit electronic time records and any paper timesheets to the payroll manager or approve electronic timesheets by 10:00 a.m. on the Monday prior to the pay date to allow time for proper payment. Records of sick and vacation leave used shall also be submitted in electronic or paper format to maintain an accurate balance.

For mutual convenience, direct deposit of earnings is mandatory for all employees.

## Rest Periods

A non-exempt employee is granted rest periods according to the following guidelines:

- An employee working a 7- or 8-hour shift shall be granted two 10-minute paid breaks per day with pay.
- A rest period will not be granted during the first or last hour of a work period.
- During any work session lasting four hours or more, part-time employees may be entitled to a rest period.
- Supervisors may stagger the breaks for employees within the work area to maintain continuous service.

The rest period is intended to be a recess to be preceded and followed by an extended work period. Therefore, the rest period should be scheduled as close to the middle of each work period as possible. The rest period shall not be used to cover a staff member's late arrival or early departure or to extend a lunch period.

## Meal Periods

An employee, who works a 7- or 8-hour shift, shall be granted a minimum of thirty (30) minute unpaid meal period. The meal period should begin between the third and fifth work hours. An employee who is on a meal period shall be relieved of all duties and responsibilities. It is recommended that the meal period be taken at a location other than an employee's normal workstation. Any non-exempt employee required or permitted to work through a meal period shall be paid for the meal period.

## Starting Pay

Newly-employed staff shall be paid a starting pay commensurate with their education and experience with consideration for the established compensation strategy approved by the Fiscal Court.

## Overtime

Non-exempt (hourly) employees will work overtime hours only at the direction or after approval of the supervisor. Non-exempt employees shall be compensated at a straight time rate for all hours worked up to and including forty (40) hours in a work week and shall be compensated at a time-and-one-half rate for all hours worked in excess of forty (40) in a work week.

Only hours worked count toward the calculation of overtime. Overtime pay will be granted only for hours actually worked in excess of 40 hours in a workweek; time off with pay (holidays, vacation leave, sick leave, jury duty, funeral leave, for example) will not be considered as hours worked for overtime pay calculation purposes. Note: some exceptions may exist based on KRS regulations.

The department head and Executive Authority shall be held accountable for overtime and shall approve all overtime in advance whenever possible; overtime shall be kept at the minimum consistent with maintenance of essential services and the County's financial resources.

A County employee shall not work for any other County department or agency which would or could create a possibility of overtime pay.

## Call-Back Pay

Employees who are called back to work shall be compensated for a minimum of two hours at the rate of one-and-one-half times his/her regular rate of pay.

Employees who are asked to either report for work early or remain after normally scheduled working hours shall be compensated at the regular rate of pay, and overtime rates shall apply if the hours are over forty (40) hours worked during the workweek.

## Pay Increases

The annual budget may include salary increases effective July 1 (or the first day of the pay period immediately following July 1) for the budget year; accordingly, the Director of Human Resources shall

review the compensation structure during the budget process and any recommended adjustments shall be included in the budget proposed to the Fiscal Court. The executive authority may request other pay increases and, unless authorized otherwise by Kentucky Revised Statutes, all pay adjustments are subject to approval of the Fiscal Court.

## Payroll Deductions

Applicable taxes, court-ordered garnishments, and employee contributions to benefits/programs approved by the Fiscal Court and applying to all employees shall be deducted from the participating employee's earnings.

## Work-Related Injuries and Temporary Total Disability Pay

Any employee who sustains a workplace injury or occupational disease must notify their supervisor immediately. The employee or the supervisor shall report the injury by contacting the workers compensation insurance provider KACo at 866-367-5226 with 24 hours. (Please note the group health insurance plan will not cover work-related injuries.)

If the situation requires emergency treatment, call 911 to obtain immediate assistance. For emergency care, the individual can also be taken to an emergency room at any hospital and the injury can be reported later. Failure to properly report injuries may result in compliance problems and lead to difficulty in processing claims.

After reporting the injury, the supervisor shall conduct a thorough accident investigation and complete an accident report within 24 hours. The completed accident report shall be submitted to the Director Human Resources.

Most individuals are able to return to work the same day or next day, with no work restrictions. If an employee has work restrictions, these must be brought to the supervisor's attention upon return to work. The supervisor shall review restrictions to determine if work modifications can be made to accommodate limitations.

If the employee is unable to return to work or if a modified duty assignment is not available, he/she shall be placed on leave. During the first seven calendar days, the employee may use their sick leave to remain in a paid leave status. If the employee is unable to work for eight calendar days or more due to a work-related injury, he/she becomes eligible for Temporary Total Disability (TTD) benefits. The weekly benefits for TTD are two-thirds (2/3) of the employee's average weekly wage, but no more than the state's average weekly wage. If the employee is unable to work for 15 days or more, he/she is entitled to payment of TTD benefits for the first seven calendar days. The employee may request reinstatement of sick leave used during the first seven calendar days by signing the check over to Scott County Fiscal Court (SCFC).

Upon return to work, the employee is expected to provide a medical release to resume work or a release with restrictions which indicates limitations and the expected duration of restrictions. When possible, the County will attempt to establish modified duty assignments to accommodate short-term work restrictions.

If the employee's absence also qualifies as a serious health condition under the provisions of the Family and Medical Leave (FML) policy, the employee will be notified of FML rights and the leave periods shall run concurrently.

Employees shall continue to accrue sick leave and vacation leave while receiving TTD benefits due to a work-related injury or illness for a period up to six months after the accident or illness, provided the employee continues to be employed by the County.

The County shall continue to contribute the employer's share of health insurance for up to six months. The employee portion of the premium must be paid by the first day of the month for the month to be covered. Failure to pay the premium will result in termination of coverage and a COBRA notice will be issued.

In addition, an employee shall be responsible for paying for any supplemental insurance plans that are normally payroll deducted and shall be paid prior to the first day of the month for the month to be covered. If payment is not made by the first of the month, coverage will be cancelled.

## Return to Work – Modified Duty

Modified duty is used by department heads and the Human Resources Director to permit employees recovering from a work-related injury to return to work in a limited capacity. To the extent possible and as permitted by law and these policies, the County will attempt to accommodate work restrictions to allow such employees to return to work. However, modified duty is not required to be offered to every employee, such as where it would be impossible, unreasonable, or impracticable to do so. Each employee will be considered for a return-to-work assignment on a case-by-case basis with consideration for work restrictions and the availability of suitable work. Modified duty may be eliminated at any time depending on the availability of modified work and the ability of the employee to perform assigned tasks or when the employee is released to return to regular duty without restrictions. The employee will be required to provide regular updates on their status and a modified duty assignment shall not last longer than six months.

An employee is not required to accept an offer of modified duty. However, if the employee with a work-related injury, has a doctor's permission to perform the modified tasks, and refuses to accept the offer, the employee will forfeit the right to receive temporary total disability workers' compensation benefits.

## Work-Related Travel

Employees will be reimbursed for actual expenditures for pre-authorized out-of-town travel expenses, including mileage, lodging, and meals. All expenditures shall be within guidelines established and periodically updated by the County.

The request for reimbursement shall include receipts for expenditures and shall be submitted as soon as possible upon completion of travel.

## Periodic Review/Policy and Procedure Changes

As determined necessary by the Judge Executive, the Director of Human Resources Officer shall complete the following:

- Compare the salary, compensation policies, benefits, and the policies and procedures of the County with those of other employers in the labor market area;
- Analyze fluctuations in the cost of living and the cost of labor;
- Examine the salary/wages paid to employees to ascertain whether pay rates and salaries should be raised or lowered for a particular position or positions during the succeeding twelve months; and
- Upon the basis of the comparison, analysis and examination, recommend any necessary changes to the Fiscal Court.

All changes must be approved by the Fiscal Court.

# Workplace Leave

## Holidays

The County observes holidays amounting to 11.5 days (12.5 days in years there is a presidential election) of paid leave annually for County employees. The following list shows the holidays when employees may expect to receive a paid holiday.

|                            |   |
|----------------------------|---|
| New Year's Day*            | January 1   |
| Martin Luther King Jr. Day | Third Monday in January   |
| Good Friday                | ½ day on the Friday that precedes the Easter Holiday                  |
| Memorial Day               | Last Monday in May  |
| Independence Day           | July 4  |
| Labor Day                  | First Monday in September   |
| Presidential Election Day  | Tuesday after first Monday in November of presidential election years |
| Veterans Day               | November 11   |
| Thanksgiving Day*          | Fourth Thursday in November   |
| Christmas Day*             | December 25   |

\*An extra day is given for Thanksgiving, Christmas, and New Year's

Except as otherwise stated below, holiday pay is paid to employees as follows:

|  |                                   |
|--|-----------------------------------|
| Regular employee thirty-five (35) hours per week | Seven (7) hours pay per holiday   |
| Regular employee forty (40) hours per week       | Eight (8) hours pay per holiday   |
| Regular employee 24 hour shifts                  | Twelve (12) hours pay per holiday |

*Non-exempt* employees who are required to work on a holiday will receive their regular rate of pay for actual hours worked plus a full day's pay as holiday pay. *Exempt* employees who are required to work on a holiday will receive their regular rate of pay and compensatory leave credit (hour for hour) that must typically be used within 60 days.

Holidays occurring on Saturday are observed on Friday. Holidays occurring on Sunday are observed on Monday.

## Vacation Leave

All regular full-time employees occupying established positions shall receive vacation leave as follows:

| Years of Service | Vacation Leave earned per year in days | Vacation Leave earned <b>per year</b> in hours (35 hours/week) | Vacation Leave earned <b>per year</b> in hours (40 hours/week) | Vacation Leave earned <b>per year</b> in hours (24-hour shift) (56 hours/week) |
|------------------|--|--|--|--|
| 0 to 4           | 12                                     | 84   | 96   | 144  |
| 4+ to 10         | 15                                     | 105  | 120  | 180  |
| 10+ to 15        | 18                                     | 126  | 144  | 216  |
| 15+              | 20                                     | 140  | 160  | 240  |

| Years of Service | Vacation Leave earned per year in days | Vacation Leave earned <b>per month</b> in hours (35 hours/week) | Vacation Leave earned <b>per month</b> in hours (40 hours/week) | Vacation Leave earned <b>per month</b> in hours (24-hour shift) (56 hours/week) |
|------------------|--|---|---|---|
| 0 to 4           | 12                                     | 7   | 8   | 12  |
| 4+ to 10         | 15                                     | 8.75  | 10  | 15  |
| 10+ to 15        | 18                                     | 10.50   | 12  | 18  |
| 15+              | 20                                     | 11.67   | 13.33   | 20  |

Vacation leave is earned on a monthly basis. Any employee who works more or less than 40 hours per week on a regular basis shall earn a prorated amount of vacation leave. An employee must be working or in a paid leave status for one half or more workdays in a month to earn vacation leave for the month. An employee may begin using vacation leave after three months of employment. If an employee is required to complete a training program upon appointment (e.g., sheriff and fire department), the employee must wait until training is completed before using vacation leave.

Requests for vacation leave must be submitted to the supervisor according to departmental procedures or as far in advance as possible using the time and attendance system. Earned vacation shall be taken at times mutually acceptable to the employee and the supervisor. A vacation leave request should be at least one hour. A leave request exceeding two weeks must be approved by the appropriate executive authority. Vacation leave should normally be utilized during the calendar year it is earned. The calendar year begins on January 1 and ends on December 31. Unused vacation leave may be carried forward into the next calendar year; however, any balance in excess of the current annual accrual rate will be forfeited.

Upon separation of employment, a staff member may be eligible to receive payment for vacation leave that has been accrued but not used with the following stipulations;

1. The employee must provide the required period of notice as listed in the resignation of employment policy,
2. An employee who abandons a position is not eligible,

3. An employee who is involuntarily terminated for any reason other than position elimination or layoff is not eligible,
4. Lastly, an eligible employee shall not be compensated for any unused vacation leave that exceeds the staff member's current annual accrual rate.

## Sick Leave

Sick leave is granted when a staff member is unable to perform one or more of the essential functions of his or her job due to illness or injury. A staff member may also utilize sick leave for preventive medical and dental appointments. When an employee is medically able to return to work, eligibility to use sick leave ceases. Employees are encouraged to accumulate sick leave in case of an extended injury or illness. An employee's sick leave serves as his/her short-term disability insurance for income protection and serves as a bridge until the County provided long-term disability benefits may begin. (Note: The elimination period for long-term disability benefits is six months from the onset of disability.)

Employees shall be allocated sick leave benefits as follows:

| Regular Hours Worked Per Week or Shift | Hours of Sick Leave Earned per month |
|--|--------------------------------------|
| 35 hours                               | 7 hours                              |
| 40 hours                               | 8 hours                              |
| 24-hour shifts                         | 12 hours                             |

In addition, an employee may use sick leave due to an illness or injury of an immediate family member. For the purposes of this policy, immediate family is defined as the spouse, child, or other relative living in the home and under the continuing care of the employee. If the situation is designated as a family medical leave qualifying event involving medically necessary care then the employee may use any available sick leave during the family medical leave period to care for eligible family members. Please refer to the family medical leave policy for definitions of eligible family members.

An employee who must be absent from duty due to illness or injury must notify the immediate supervisor according to departmental policy. Failure to properly inform the supervisor of an absence shall be considered an unauthorized absence and will make the employee ineligible to use sick leave. The County reserves the right to request a doctor's certificate for any absence due to illness or injury, to support a request for sick leave during a period when the employee is on vacation leave, for use of sick leave on a holiday, and to justify use of sick leave if there has been a pattern of absence and abuse of sick leave.

Sick leave is a benefit, not an entitlement. It serves as a form of short-term disability insurance which is funded by the County. It is not meant to be a free day off once a month. An employee may be subject to discipline, up to and including termination of employment, for excessive use or abuse of sick leave.

Sick leave may be accrued up to a maximum number of hours as follows:

| Regular Hours Worked Per Week or Shift | Maximum Accruals |
|--|------------------|
| 35 hours                               | 840 hours        |
| 40 hours                               | 960 hours        |
| 24 hour shifts                         | 1440 hours       |

For employees hired prior to January 1, 2014, accumulated sick time may also be used toward retirement service credit. The County will purchase up to six (6) months of service credit for retirement for accrued sick time per the Standard Sick Leave Program, as allowed by the County Employee Retirement Systems. (This benefit was eliminated by Kentucky Retirement Systems Tier 3 Plan for members who began participating on or after January 1, 2014).

When a former employee is reemployed, the Director of Human Resources shall complete a review and determine if the previous sick leave balance is eligible for reinstatement. This policy shall only apply to former employees who are rehired within six months of departure.

The Director of Human Resources shall ensure that current and accurate records are kept for sick leave accrual, sick leave use, and the sick leave balance for each employee.

Sick leave available to be taken shall be limited to the current amount accrued.

## Parental Leave

The County will provide up to two weeks or 10 days of paid parental leave to employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption or foster care. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child.

### Eligibility

Eligible employees must meet the following criteria:

- Have been employed with the County in a full-time capacity for at least 12 months.
- Have worked at least 1,250 hours during the 12 consecutive months immediately preceding the date the leave would begin.

In addition, employees must meet one of the following criteria:

- Have given birth to a child.
- Be the spouse of a woman who has given birth or the biological parent of a child for a woman who has given birth.
- Have adopted a child or been placed with a foster child (in either case, the child must be age 12 or younger). The adoption of a new spouse's child is excluded from this policy.

### Amount, Time Frame and Duration of Paid Parental Leave

- Eligible employees will receive a maximum of two weeks or 10 days of paid parental leave per birth, adoption or placement of a child/children. The fact that a multiple birth, adoption or placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the two-week total amount of paid parental leave granted for that event. In addition, in no case will an employee receive more than two weeks or 10 days of paid parental leave in a rolling 12-month period, regardless of whether more than one birth, adoption or foster care placement event occurs within that 12-month time frame. A day shall be defined and be consistent with the employee's sick leave accrual rate as listed in the sick leave policy (e.g., for an employee working 40 hours a week, a day is 8 hours).

- Approved paid parental leave must be taken during the two-week period immediately following the birth, adoption or placement of a child with the employee. Paid parental leave may not be used or extended beyond this two-week time frame.
- Employees must take paid parental leave in one continuous period of leave and must use all paid parental leave during the time frame indicated above. Any unused paid parental leave will be forfeited at the end of the two-week time frame.

#### **Coordination with Other Policies**

- Paid parental leave taken under this policy will run concurrently with leave under the FMLA; thus, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption or foster care, the leave will be counted toward the 12 weeks of available FMLA leave per a 12-month period. All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave—whether paid or unpaid—granted to the employee under the FMLA exceed 12 weeks during the 12-month FMLA period. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.
- After the paid parental leave is exhausted, the balance of FMLA leave (if applicable) will be compensated through an employee’s accrued sick or vacation time. Upon exhaustion of accrued sick and/or vacation time, any remaining leave will be unpaid leave.
- If a County paid holiday occurs while the employee is on paid parental leave, such day will be charged to holiday pay; however, such holiday pay will not reduce the total paid parental leave entitlement.

#### **Requests for Paid Parental Leave**

- The employee will provide his or her supervisor and the human resource department with notice of the request for leave at least 30 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible). The employee must complete the necessary HR forms and provide necessary documentation as required by the HR department to substantiate the request.

### **Sick Leave Bank**

The purpose of the Sick Leave Bank (Bank) is to provide additional paid leave for employees who have exhausted their accrued sick and vacation leave benefits as the result of a serious health condition. The Bank serves as a depository into which participating employees may voluntarily contribute accrued sick leave for allocation to other participating employees. The purpose of the Bank is not intended to provide unlimited paid sick leave for any medical reason but to alleviate the hardship caused when employees lose compensation as the result of a serious health condition. This policy utilizes the Family Medical Leave Act (FMLA) definition of serious health condition.

1. Regular full-time employees, who have been employed one year and have accumulated at least 10 days of sick leave by the benefits open enrollment deadline date, are eligible to donate a minimum of one (1) day and a maximum of ten (10) days of sick leave to the Bank per year. Note: The employee donating leave must maintain a balance of at least 10 days of sick leave after donating leave. A day is defined as the same number of hours used when determining an employee’s monthly accrual rate for sick leave.

2. Membership eligibility for participation in the Bank for a calendar year, effective January 1, begins upon the employee's original donation of at least one sick day. Participation in the Bank continues when at least one additional day of sick leave is donated for each subsequent calendar year.
3. Eligibility is discontinued upon termination of employment, retirement, death, or failure to donate leave days the following calendar year(s). No payment of benefits will be made to survivors. Participating employees must waive all claims to sick leave voluntarily donated to the Bank. Donated leave time contributed to the bank becomes the property of the County and may not be withdrawn, targeted for specific individuals, returned to an employee upon separation, retirement, or become part of the employee's estate upon his/her death.
4. Each year eligible employees may elect to begin participation in the Bank during the open enrollment benefits election period, which is typically in November.
5. The Bank is available to those employees who have exhausted all sick and vacation leave and who are not receiving disability or Workers' Compensation benefits.
6. To apply for benefits and make a withdrawal from the Bank, an employee must complete a sick leave bank request application form and submit it to the Office of Human Resources.
7. In limited circumstances, a person, who had previously participated in the Bank but was not able to continue participation in a subsequent year due to an ongoing health condition and an insufficient sick balance to be eligible to make a donation, may submit a request for use of leave to the Director of Human Resources.
8. Sick leave bank request applications will be reviewed on a case-by-case basis by the Human Resources Director, the Treasurer and Deputy Judge Executive. Use of benefits from the Bank is considered under the provisions of the FMLA. (Note: An individual must be employed for one year before requesting leave under the FMLA. See the FMLA policy for more details.) Note: If the sick days donated to the Bank have been exhausted the request will be denied.
9. The maximum number of days that may be withdrawn is twenty (20) days or 240 hours, whichever comes first, per event and/or year. The year begins on the date the person used days from the sick leave bank and resets one year from that date.

## Family and Medical Leave

All employees who have completed one year of service and who worked a minimum of twelve hundred and fifty (1250) hours during the preceding twelve months shall be allowed up to twelve (12) weeks of leave time during a 12-month period for the following reasons:

- For an employee's serious health condition that makes the employee unable to perform the essential functions of his or her job
- For the birth of a newborn child or placement of a child with the employee for adoption or foster care
- In order to care for a spouse, child or parent with a serious health condition.

- For qualifying exigencies arising out of the fact that the employee’s spouse, child or parent is on active duty or called to active-duty status as a member of the National Guard or Reserves in support of a contingency operation.
- To care for a covered service member with a serious injury or illness.

It is the employee’s responsibility to provide sufficient information to the supervisor so they can reasonably determine whether the FMLA may apply to the leave request.

**Spouse** means a husband or wife as defined or recognized in the state where the individual was married and includes individuals in a common law or same-sex marriage. Spouse also includes a husband or wife in a marriage that was validly entered into outside of the United States, if the marriage could have been entered into in at least one state.

**Child** means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence.

**Parent** means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. This term does not include parents “in law.”

**Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity (inability to work) of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regiment of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

**Amount of Leave**

An eligible employee can take up to 12 weeks of FMLA leave during any 12-month period. The County will measure the 12-month period as a 12-month period measured forward from the first date an employee used leave under this policy.

An eligible employee can take up to 26 weeks for the FMLA military caregiver leave during a single 12-month period. For this military caregiver leave, the County will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

Eligible spouses who both work for the County may only take a combined total of 12 weeks of leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition. Both may only take a combined total of 26 weeks of leave to care for a covered injured or ill service member (if each spouse is a parent, spouse, child or next of kin of the service member).

### **Intermittent Leave or a Reduced Work Schedule**

Employees may take FMLA leave in one consecutive block of time, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member) in a 12-month period.

The County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth or placement for adoption or foster care.

For the birth, adoption or foster care of a child, leave must be taken on a continuous basis. It cannot be taken on a reduced schedule or intermittent basis. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the County's operations.

### **Employee Notice Requirement**

All employees requesting FMLA leave must provide verbal or written notice of the need for leave to the supervisor, department head or Director of Human Resources.

When the need for the leave is foreseeable, the employee must provide at least 30 days' notice. When an employee becomes aware of a need for FMLA leave fewer than 30 days in advance, the employee must provide notice of the need for the leave either the same day the need for leave is discovered or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

Within five business days after the employee has provided this notice, the Director of Human Resources or designee will complete and provide the employee with a Notice of Eligibility and Rights and request a medical certification or other supporting documentation as necessary.

### **Designation of FMLA Leave**

Within five business days after the employee has submitted the required certification or other documentation, the Director of Human Resources or designee will complete and provide the employee with a written response to the employee's request for FMLA leave using the FMLA Designation Notice.

### **Employee Status and Benefits During Leave**

The County will continue an employee's health benefits during the leave period at the same level and under the same conditions as if the employee was continuously at work.

While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of insurance premiums. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received by the Payroll Manager on or

before the first day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The County will provide 15 days' notification prior to the employee's loss of coverage.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the County will require the employee to reimburse the County the amount it paid for the employee's health insurance premium during the leave period.

If the employee contributes to a life insurance or disability plan, the County will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the County may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the County will discontinue coverage during the leave. If the County maintains coverage, the County may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

### **Employee Status After Leave**

An employee who takes leave under this policy may be asked to provide a fitness for duty clearance from a health care provider. This requirement will be included in the response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one that is virtually identical in terms of pay, benefits and working conditions. The County may choose to exempt certain key employees from this requirement and not return them to the same or similar position when doing so will cause substantial and grievous economic injury to business operations. Key employees will be given written notice at the time FMLA leave is requested of his or her status as a key employee.

### **Use of Paid and Unpaid Leave**

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid sick or vacation prior to being eligible for unpaid leave. Sick leave shall run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

Disability leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, when a female employee takes six weeks of pregnancy, the six weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement. The employee will then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all paid vacation prior to being eligible for unpaid leave.

An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation or sick leave (as long as the reason for the absence is covered by the sick leave policy)

prior to being eligible for unpaid leave.

(Note: Generally employment ends if an employee is unable to return to work upon exhaustion of FML. However, an employee with a continuing serious health condition, may continue to be employed if the individual chooses to apply for long-term disability benefits. In such a case, employment will end if the application is denied or upon eligibility for benefits which is six months from the onset of disability. In addition, upon exhaustion of FML, the employee will be responsible for the full cost of health insurance, employee and employer share.)

## Bereavement (Funeral) Leave

In the event of death in the immediate family, employees occupying established positions may be granted paid funeral leave of up to twenty-four (24) hours (includes 24-hour shift employees) or twenty-one (21) hours for employees who work a thirty-five (35) hour workweek.

For the purposes of this policy, immediate family is defined as spouse, child (includes step- and foster), parent/legal guardian, brother, sister (includes step), grandparent, grandchild, current in-law of the same relation, and any relative domiciled in the employee's household.

Full-time employees who lose an extended relative will be allowed paid time off up to one (1) day (12 hours for a 24-hour shift employee) to attend to funeral obligations and commitments. For the purposes of this policy, extended relatives include an employee's aunt, uncle, first cousin, niece, nephew, great-grandparent, and spouse's extended family of the same relation.

If approved by the supervisor, any additional leave time needed shall be charged to vacation leave.

## Leave without Pay

The Executive Authority, subject to approval of the Fiscal Court, may authorize a special leave of absence without pay for employees occupying established positions for a period greater than one week and for any purpose deemed beneficial to the County service. Requests for less than one week will be reviewed and approved by the Director of Human Resources. If the request for leave without pay is due to a serious health condition of the employee, then the request shall be reviewed and approved by the Director of Human Resources. (Note: An employee must exhaust all accrued vacation or sick leave they are eligible to use before going into a leave without pay status.)

While on leave without pay, employees shall not accrue benefits provided by the County and shall be responsible for paying the employer and employee portion of insurance costs prior to the month to be covered to continue with the insurance benefits.

## Absence without Leave

Absence without leave (including any time increment) that is not specifically authorized shall be deemed to be an absence without leave. Any such absence shall be without pay and may be cause for disciplinary action.

## Emergency Leave

When an employee is absent from work due to circumstances beyond their control, the Department Head may grant emergency leave. Such emergency leave will be charged to accrued vacation leave.

## Military Leave

All employees are covered under provisions of the Uniformed Services Employment and Reemployment Act (USERRA). USERRA prohibits employment discrimination against a person on the basis of past military service, current military obligations, or intent to serve. An employer must not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment to a person on the basis of a past, present, or future service obligation. In addition, KRS 61.394 requires that any employee of the Commonwealth of Kentucky, who is a member of the National Guard or any reserve component of the Armed Forces of the United States, or of the Reserve Corps of the United States Public Health Service (Uniformed Services), shall be entitled to leave of absence from their respective duties without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits to which they are entitled, while in the performance of duty or training in the service of this state or of the United States under competent orders as specified in this section. In any one (1) federal fiscal year (Oct. 1 – Sept. 30), any employee, while on military leave, shall be paid his/her usual rate of pay for a period not exceeding twenty-one (21) calendar days. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued. KRS 61.396 extends the provisions of KRS 61.394 to officers and employees of counties, municipalities, school districts or other political subdivisions of the state.

### Military Leave and Benefits:

#### Health Insurance

Any employee who is on a military leave of absence may choose to continue their employer-provided healthcare coverage for up to 24 months of active military duty. An employee providing military service for 30 or fewer days will not pay more than the normal employee healthcare premium and no more than 102% of the full premium for military service greater than 30 days. An employee's, and eligible dependents', coverage will be reinstated without a wait period or exclusions (exception for service-connected disabilities) if he/she returns for reemployment within:

- The first full business day of completing the military service, for leaves of 30 days or less (granted a reasonable amount of travel time to return);
- 14 days of completing the military service for leaves of 31 – 180 days; or
- 90 days of completing the military service for leaves of more than 180 days.

#### Vacation and Sick Leave

If a person goes into a leave without pay status while providing military service, the individual will not accrue vacation or sick leave like any other absence resulting in leave without pay.

Spousal Leave: Any employee who is the spouse of an active member of the Uniformed Services who is called upon for deployment shall be granted one day paid leave prior to deployment and one day paid leave upon return from deployment, per federal fiscal year.

## Jury Duty and Civil Leave

When an employee is required to serve on a jury, or when required by proper authority to be a witness in job-related legal proceedings, the employee shall be compensated at the normal rate of pay.

Employees shall be absent from work only during the times required by the courts.

Employees summoned as a plaintiff or a defendant in a proceeding involving or arising from personal business shall not be entitled to leave with pay but may use accrued vacation leave during the absence.

## Voting Leave

Employees are encouraged to exercise their voting rights at all national, state, and local elections. All employees should be able to vote either before or after regularly assigned work hours or on a variety of early voting days. However, when this is not possible due to work schedules, department heads are authorized to grant up to four (4) hours of unpaid leave to vote. Employees who vote in distant communities are encouraged to exercise their right to vote by absentee ballot.

## Employment Benefits

Insurance coverage begins on the first day of employment and ends on the last day of employment.

### Health Insurance

The County will make available medical benefits for full-time employees and eligible dependents. The medical insurance coverage and the amounts paid by the County and its employees are determined annually by the Fiscal Court.

### Dental Insurance

Full-time employees may participate in the Delta Dental plan on a voluntary basis.

### Retirement

Full-time employees are eligible to participate in the County Employee Retirement System (CERS). Plan participants are required to make pre-tax contributions to the CERS pension fund and the County contributes an amount for each employee. Contribution rates are determined by the Kentucky Retirement System. To learn more about the retirement system follow this link <https://kyret.ky.gov/Members/Pages/Members.aspx>.

#### Supplemental Retirement Contributions

Regular employees can elect to make additional voluntary retirement contributions with Kentucky Deferred Comp. In general, employees place part of their pre-tax earnings into their voluntary retirement account by payroll reduction.

#### Social Security

By law, all employees automatically participate in the Social Security program. Employee contributions are automatically withheld from employee earnings and matched by employer contributions. Contribution rates are determined by the U.S. Congress. The current FICA contribution is 7.65%.

### Life Insurance

The County provides life and accidental death and dismemberment benefits equal to one-time annual pay rounded up to the nearest \$1,000 up to a \$50,000 maximum. An eligible employee must work full-time in a regular position. An individual may purchase additional voluntary coverage up to \$100,000 without evidence of insurability. An individual may purchase additional voluntary coverage greater than \$100,000 up to \$250,000 with evidence of insurability.

### Long-term Disability Insurance

The County provides long-term disability insurance to full-time employees. The plan will pay 60% of wages up to \$6,000 after completion of a 180-calendar day elimination period.

### Section 125 Plan

Employees are automatically enrolled in the premium conversion account, which permits an employee to pay any out-of-pocket health or dental premiums with pre-tax dollars. The Section 125 plan also has two flexible spending accounts: (1) health care reimbursement account, and (2) dependent care reimbursement account. These accounts permit an employee to set aside earnings on a pre-tax basis

for expenses.

## Worker's Compensation Insurance

The County will pay total costs (coverage applies to all employees).

## Unemployment Insurance

Unemployment insurance for all employees is funded entirely by the County. Unemployment compensation is not automatic, nor is the payment of benefits a decision made by the County. The right to collect benefits must be proven by the separated employee. Information concerning eligibility for benefits is available from the state unemployment office.

## Employee Assistance Program

The Employee Assistance Program (EAP) offers free, confidential services provided through Human Development Company that are intended to help County employees address or resolve personal, family and workplace problems affecting that employee's well-being and job performance. Use of the EAP is voluntary. Typical problems include the following, job stress, communication problems with a co-worker or supervisor, depression, anxiety, substance abuse, marital/family problems, etc. The EAP provides problem assessment, education, short-term counseling, and/or referral to community resources. To schedule an appoint Monday – Friday, 9am – 5pm, call (502) 589-4357 or email [info@humandev.com](mailto:info@humandev.com). For emergency support, call (502) 589-4357 for assistance 24/7.

## Sick Leave Buyback Program

### **Purpose:**

Scott County Government recognizes the dedication and commitment of its employees. This policy provides eligible employees with an opportunity to receive compensation for a portion of their accrued but unused sick leave while ensuring they maintain an adequate sick leave balance for future needs. This policy provides an additional benefit for employees with consistent, regular work attendance.

### **Eligibility:**

To be eligible to participate in the sick leave buyback program, an employee must meet the following criteria:

1. Be a full-time, benefit eligible employee of Scott County Government.
2. Have accrued and maintain a minimum sick leave balance of 60 days at the time of request.
3. This is a voluntary program, and employees may choose not to participate in the sick leave buyback program even if they have accrued and maintained the required minimum balance.

### **Buyback Guidelines:**

1. Eligible employees may sell back up to three (3) days of accrued sick leave on an annual basis. The definition of a day shall be consistent with the sick leave accrual policy and will be based on the employee's work schedule.
2. The buyback option will be available once per calendar year.
3. The Human Resources Office will notify employees who meet the criteria for sick leave buyback program in November each year.
4. Sick leave hours will be bought back at the employee's current base rate of pay.
5. Employees must submit a written request for the buy back on the designated form and the form must be submitted by December 1, or the first workday following December 1.

**Restrictions:**

1. Employees must maintain a sick leave balance of at least 60 days after the buyback transaction is completed.
2. Sick leave buy back is voluntary and not an entitlement; Scott County Government reserves the right to modify or discontinue the program based on budgetary or operational considerations.
3. Employees on disciplinary action related to attendance or leave abuse within the past 12 months are not eligible to participate.

**Payment Process:**

1. Approved sick leave buyback payments will be processed through payroll and included in the employee's regular earnings to be issued on a pay date in December.
2. Buyback payments are subject to all applicable taxes and deductions.

# Appendix A: Grievance Procedure

## County Employees:

- Unless an employee or employee group is procedurally covered otherwise by state or federal law, any employee of the County who occupies an established full-time or part-time position and who feels aggrieved by an act or decision by the administration, supervisory personnel or other employees shall have the right to process the grievance in accordance with the following procedure:
  - The aggrieved employee shall present the grievance to the immediate supervisor within seven calendar days of its occurrence or knowledge of its occurrence (Note: grievances may be submitted directly to the Executive Authority if the grievance is against the immediate supervisor). The grievance and all subsequent appeals shall be in writing and shall set forth the reasons and grounds for the grievance with a statement of relief sought. The immediate supervisor shall attempt to address the matter and shall respond to the employee in writing or other means within seven calendar days.
    - The Grievance Procedure Form shall be used. Both the grievance and proposed solution to grievance sections shall be specific as to facts, names, facility involved, dates, places, etc. State the specific law, policy, rule, regulation, procedure, condition of employment, past practice or agreement that was involved and how it was violated.
    - Any employee who feels that he/she has been subjected to harassment or discrimination shall not file a grievance but shall file a complaint directly with his/her Executive Authority or the Director of Human Resources. Please also see the Respectful Workplace policy.
    - Group grievances crossing departmental lines shall be forwarded directly to the Director of Human Resources.
    - An investigation may be conducted at any level of grievance by the recipient of the grievance.
  - If the grievance remains unresolved, it may be presented by the aggrieved employee to the employee's Executive Authority within three working days after receiving the immediate supervisor's response. The Executive Authority may agree with the immediate supervisor and return the grievance without further action or may conduct a more extensive investigation into the grievance; the Executive Authority shall respond to the employee in writing or other means within thirty calendar days after receiving the grievance.
  - If the grievance remains unresolved, it may be presented by the aggrieved employee to the Fiscal Court within five calendar days after receiving the Executive Authority's response. The Fiscal Court may (1) agree with the Executive Authority and return the grievance without further action, (2) conduct a more extensive investigation into the grievance, and/or (3) schedule a hearing. The decision of the Fiscal Court shall be final.
- If a hearing is held at any level, either the County or the aggrieved employee may be represented by Counsel and may request witnesses to appear at the hearing.

GRIEVANCE PROCEDURE FORM

TO: \_\_\_\_\_  
\_\_\_\_\_

From: \_\_\_\_\_  
\_\_\_\_\_

---

I wish to file the following grievance:

---

Proposed solution to grievance:

Signature \_\_\_\_\_

Date \_\_\_\_\_

---

Response of \_\_\_\_\_

Received \_\_\_\_\_ Signature \_\_\_\_\_ Returned \_\_\_\_\_

---

The attached sheet shall be completed to continue the grievance at each level.

After receiving the response from \_\_\_\_\_ on \_\_\_\_\_  
(Date)

( ) I am satisfied with the resolution of the grievance;

( ) I am dissatisfied with the resolution of the grievance, and wish to appeal the decision to the next higher level.

Signature \_\_\_\_\_

Response of \_\_\_\_\_ Date \_\_\_\_\_

Received \_\_\_\_\_ Signature \_\_\_\_\_ Returned \_\_\_\_\_

---

After receiving the response from \_\_\_\_\_ on \_\_\_\_\_  
(Date)

( ) I am satisfied with the resolution of the grievance;

( ) I am dissatisfied with the resolution of the grievance, and wish to appeal the decision to the next higher level.

Signature \_\_\_\_\_

Response of \_\_\_\_\_ Date \_\_\_\_\_

Received \_\_\_\_\_ Signature \_\_\_\_\_ Returned \_\_\_\_\_

---

Use additional sheet(s) to continue grievance.

# Appendix B: Drug-Free Workplace Policy

## Policy Statement:

- It shall be the policy of the Scott County Fiscal Court to maintain a Drug-Free Workplace in compliance with the Drug-Free Workplace Act of 1988 (PL 100- 690, Title V, Subtitle D). The purpose of this Statement is to outline prohibited, on-the-job employee conduct, to make employees aware of the dangers of on-the-job use of drugs and to advise employees of available programs. Terms used throughout shall be defined as follows:
  - "Controlled Substances" means an illegal drug or controlled substance as defined in attached Schedules I-V in Section 812 of Title 21 and as supplemented from time-to-time.
  - "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.
  - "Criminal Drug Statute" means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any Controlled Substance.
  - "Employee" means any individual on the payroll of the Scott County Fiscal Court working on a full- or part-time basis.
- Prohibited Employee Conduct and Penalties:
  - Employees shall not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol on the job, or report to work under the influence of alcohol or controlled substances.
  - Each employee shall notify the immediate supervisor via "confidential" correspondence of any conviction under a Criminal Drug Statute for a work- related violation no later than five (5) days after such conviction. Within thirty (30) days after receipt of such notice of conviction or upon determination in accordance with personnel policies and procedures of on-the-job use of alcohol or controlled substances, the executive authority shall:
    - Take appropriate action against such employee, up to and including termination from employment; or
    - Require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by federal, state or local health, law enforcement, or other appropriate agency at the expense of the employee.
  - Failure of any employee to report such convictions shall be cause for immediate dismissal from employment.
  - Employees reporting to work on medication prescribed by their personal physician that impairs their job performance must immediately notify their supervisors of such. They should indicate via a note from a medical professional how the medication would affect the performance of their duty and/or health and safety of others. Appropriate steps should be taken by supervisors to alleviate any hazards.
- Drug-Free Awareness Program:
  - The Scott County Fiscal Court hereby establishes a drug-free awareness program to inform employees about:
    - The dangers of drug abuse in the workplace; and
    - Available drug counseling, rehabilitation and employee assistance programs.
  - Employees should review the Drug-Free Awareness materials in Section D for further

information. Additional information may be distributed and programs conducted from time-to-time.

- **Drugs with Potential for Abuse:**
  - Barbiturates (Nembutal, Scona, Amytal, Tuinal, etc.): These are central system depressants that are highly addictive both mentally and physically; they have a high potential for causing overdose reactions and severe and dangerous withdrawal complications.
  - Minor tranquilizers (Librium, Valium, etc.): These have an effect similar to barbiturates and alcohol but are less powerful in their effect and less likely to produce physical and psychological dependency, although psychological dependency is still very common among users.
  - Narcotics (opium, morphine, heroin): These are drugs that act upon the central nervous system and parasympathetic nervous system to reduce pain, induce sleep and give a calming effect. They are very physically and psychologically addicting and, because of the haphazard manner in which they are manufactured and sold, frequently are used excessively.
  - Stimulants (amphetamines, cocaine): These are drugs that affect the central nervous system, causing increased alertness and activity and bringing on a feeling of confidence and well-being. They cause psychological dependency but their ability to cause actual physical dependency is not clear. They can have negative psychological effects when overused.
  - Hallucinogens (LSD, mescaline, psilocybin, PCP, etc.): These drugs act upon the central nervous system and produce changes in perception with accompanying excitement to the user. They are not likely to cause psychological or physical dependency. They are somewhat unreliable in their effect and may cause extreme anxiety reactions or panic states in some users.
  - Marijuana: The active ingredient in marijuana is THC, which is sometimes classified as an hallucinogen. The actual amount of this chemical in marijuana is quite low, however, and hallucinations are rare. It generally has an intoxicating effect and may heighten sensory perception, especially auditory perception. There are almost no observable physical effects due to marijuana use. It can produce a psychological dependence somewhat similar to caffeine and has no potential for physical dependence.
  - Volatile substances (gasoline, paint thinner, lighter fluid, airplane glues, etc.): These substances act on the central nervous system and produce an intoxicating effect. They can be extremely dangerous, causing either brain damage or death from overdose.

# Appendix C: Drug and Alcohol Testing Policy

## I. Statement of Philosophy

- a. **Drug and Alcohol in the Workplace.** The objective and purpose of the Scott County Fiscal Court Drug and Alcohol Policy is to ensure a safe drug-free and alcohol-free working environment for the employees and citizens we serve. It is our intention to prohibit drug use and alcohol misuse in the workplace. Unless indicated otherwise in specific sections and sub-sections, this policy applies to all employees; however, those employees who hold a CDL in accordance with the provisions, requirements and regulations of the Federal Highway Administration (FHWA) Drug and Alcohol Rule (49 CRF Part 682, and Subpart 40) shall be in a separate pool for testing purposes.
- b. **Employment Terms** Any employee who receives a positive result from one or both of the testing procedures (alcohol and drugs) will be subject to the penalties imposed by the County's Progressive Disciplinary Policy which may range from a thirty (30) day suspension (with mandatory professional counseling for the problem) to immediate dismissal. The employee must submit to retesting before resuming employment. Compliance with this policy is a condition for initial and/or continuing employment with the County.

## II. Scope

- a. **Employees Subject to Testing:** Unless indicated otherwise in specific sections and sub-sections, all parts of this document shall apply to all County employees; however, employees who occupy safety-sensitive positions (employees who are required to hold a commercial driver's license in order to perform the essential functions of the job) shall be in a separate pool for testing purposes.
- b. **Alcohol.** This policy prohibits any alcohol use or misuse that could affect employee performance, including:
  - i. Use while on-the-job.
  - ii. Use during the four (4) hours immediately before reporting for work.
  - iii. Reporting for duty or remaining on duty with an alcohol concentration of 0.02 or greater.
  - iv. Possession of alcohol.
  - v. Use during eight (8) hours following an accident, or until the employee undergoes a post-accident test.
  - vi. Refusal to take a required test.
- c. **Controlled Substances** – This policy prohibits the use or misuse of any drug use that could affect employee performance, including:
  - i. Use of any drug, including but not limited to marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), methamphetamine, methadone, barbiturates and benzodiazepines except by doctor's prescription, and then only if the doctor has advised the employee that the drug will not adversely affect the employee at work.
  - ii. Testing positive for drugs.

iii. Refusal to take a required test.

All employees will inform his/her immediate supervisor, department director, or Executive Authority of any therapeutic drug use prior to performing any work activities.

### III. Qualifications for Employment and Prohibited Conduct

- a. **Pre-Employment/Pre-Duty Testing (CDL employees only):** All employees who are required to possess and maintain a commercial driver's license will be required to submit to and pass a urine drug test as a condition of employment. Job applicants who are denied employment because of a positive test may reapply for employment after six months. Offers of employment are made contingent upon passing any required job-related medical review, including the drug test. Applicants who have received firm employment offers are to be cautioned against giving notice at their current place of employment or incurring any costs associated with accepting employment with the County until after the medical clearance has been received. All new employees shall be on a medical clearance probationary status for thirty (30) days, contingent upon medical clearance for illicit controlled substance usage as well as other conditions explained in the personnel policies. Under no circumstances may an employee perform a safety-sensitive function until a confirmed negative result is received. Drug testing for new employees shall follow the collection, chain-of-custody and reporting procedures as set forth in CFR 49 Part 40.
- b. **Post-Accident (all Employees):**
- i. Currently, federal regulations place the burden of compliance with post-accident alcohol and drug testing regulations on the driver. Therefore, all drivers are required to provide a breath test and a urine specimen to be tested for the use of controlled substances "as soon as practicable" after an accident. The driver shall remain readily available for such testing or may be deemed by his/her Executive Authority to have refused to submit to testing. No alcohol may be consumed for eight (8) hours after the accident or until a test is conducted. If the driver is seriously injured and cannot provide a specimen at the time of the accident, he/she shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any controlled substances in his/her system.
  - ii. An accident is defined by FHWA regulations as an accident that results in the death of a human being or bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or if one of the vehicles involved requires towing. Except for a fatality accident, verification of the driver's responsibility in the above accident scenario must be established by a citation to the driver.
  - iii. Adherence by drivers to post-accident specimen collection requirements is a condition of continued employment.
  - iv. The County reserves the right to require a drug and/or alcohol test following any accident.
- c. **Random Testing (CDL Employees only):** The County will conduct random testing for all employees covered by FHWA requirements (CDL holders) as follows:
- i. A selection process that removes discretion in selection from any supervisory personnel will be adopted by the County Judge/Executive. This process will select

- covered drivers through the use of a random-selection program.
- ii. The random testing will provide for alcohol testing of a number of employees equal to at least ten percent (10%) of the total number of CDL holders annually, and for drug testing a number equal to at least fifty percent (50%) of all CDL holders annually.
  - iii. The random testing will be reasonably spaced over any twelve (12) month period.
  - iv. If drug and/or alcohol treatment is required, the Human Resources Officer will be responsible for designating the appropriate substance abuse professional who will diagnose the problem and recommend treatment. The cost of such treatment shall be the responsibility of the employee.
  - v. The employee's successful completion of the approved treatment program is a condition of continued employment in a position requiring a CDL in order to perform the essential functions of the job.
  - vi. All supervisors will receive training to assist them in identifying alcohol and drug use behavioral characteristics.
- d. **Reasonable Suspicion (all Employees):** If an employee is having work performance problems or displaying behavior that may be alcohol or drug-related, or is otherwise demonstrating conduct that may be in violation of this policy where immediate management action is necessary, a supervisor (with the concurrence of the Human Resources Officer) will require that employee to submit to a breath test or urinalysis. The following conditions are signs of possible alcohol or drug use (not all-inclusive):
- i. Abnormally dilated or constricted pupils
  - ii. Glazed stare - redness of eyes (sclera)
  - iii. Flushed face
  - iv. Change of speech (i.e. faster or slower)
  - v. Constant sniffing
  - vi. Increased absences
  - vii. Redness under nose
  - viii. Sudden weight loss
  - ix. Needle marks
  - x. Change in personality (i.e. paranoia)
  - xi. Increased appetite for sweets
  - xii. Forgetfulness - performance faltering - poor concentration
  - xiii. Borrowing money from coworkers or seeking an advance of pay or other unusual display of need for money
  - xiv. Constant fatigue or hyperactivity
  - xv. Smell of alcohol
  - xvi. Slurred speech
  - xvii. Difficulty walking
  - xviii. Excessive, unexplained absences
  - xix. Dulled mental processes
  - xx. Slowed reaction rate

Supervisors must take action if they have reason to believe one or more of the above listed conditions is indicated, and that the substance abuse is affecting an employee's job performance or behavior in any

manner. A supervisor observing such conditions will take the following actions immediately:

- Maintain observation of the employee until the situation is resolved.
- Secure the Director of Human Resource's concurrence to observations; job performance and County policy violations must be specific.
- After discussing the circumstances with the supervisor, the Director of Human Resources will arrange to observe or talk with the employee. If he/she believes, after observing or talking to the employee that the conduct or performance problem could be due to substance abuse, the employee will immediately be required to submit to a breath and/or urine test. If the employee refuses to submit to testing for any reason, the employee will be informed that continued refusal is considered the same as testing positive.
- Employees will be asked to release any evidence relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline or suspension from duties. All confiscated evidence will be receipted with signature of both the receiving supervisor, as well as the employee.
- If, upon confrontation by the supervisor, the employee admits to use but requests assistance, the Director of Human Resources will arrange for assessment by an appropriate substance abuse professional. Returning to work is conditional upon completing the substance abuse professional's treatment guidelines and return to work testing. The cost of such treatment shall be the responsibility of the employee.
- The Director of Human Resources, Executive Authority, or Department Director must have received required training, including one hour of training relating to drug abuse and one hour of training relating to alcohol abuse, prior to ordering a reasonable suspicion test.
  - e. **Return-to-Duty Testing (all Employees):** Before an employee returns to duty after engaging in conduct prohibited by this policy and Part 382 Subpart B (FMCSR), the employee shall undergo a return to duty alcohol test with a result of less than a 0.02 BAC or receive a confirmed negative result from a controlled substance urinalysis test. Costs for this test shall be the responsibility of the employee.
  - f. **Follow-up Testing (all Employees):** Following successful completion of any approved treatment program, the employee will be required to submit to at least six (6) random drug tests during the first year (at employee's expense), and follow-up testing may be conducted for up to sixty (60) months. Failure to adhere to this condition is grounds for immediate dismissal. Costs for this test shall be the responsibility of the employee.

#### IV. Alcohol Testing Methodology/Testing

- a. **The Breath Alcohol Test** - This test will be conducted either on site or at a prearranged location by a qualified Breath Alcohol Technician according to CFR 49 Part 40 procedures. Refusal to complete and sign the testing form or refusal to provide breath will be considered a positive test, and the employee will be removed from the workplace until problem is resolved.

#### V. Specimen Collection Procedures

- a. **Urine Specimen Collection (49 CFR Part 40 Requirements)** - Specimen collection will be conducted in accordance with applicable state and federal law. The collection procedures will be designed to ensure the security and integrity of the specimen provided by each

employee and those procedures will strictly follow federal chain-of-custody guidelines. Moreover, every reasonable effort will be made to maintain the dignity of each employee submitting a specimen for analysis in accordance with these procedures.

## **VI. Testing Methods**

- a. Appropriate Laboratory, Certified by the Federal Department of Health and Human Services** - As required by FHWA regulations, only a laboratory certified by U.S. Department of Health and Human Services (DHHS) to perform urinalysis for the detection of the presence of controlled substances will be retained by the County. The laboratory will be required to maintain strict compliance with federally approved chain-of-custody procedures, quality control, maintenance, and scientific analytic methodologies.

## **VII. Confidentiality and Recordkeeping**

- a. Confidentiality and Access to Records.** - Under no circumstances, unless required or authorized by law, will alcohol or drug testing information or results for any employee or applicant be released without written request from the applicable employee. Employees are entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substance tests.
- b. Maintenance and Disclosure Records Concerning EBTs and BATs** - Collection of breath and urine samples must always be documented and sealed with a tamper-proof sealing system in the presence of the employee, to ensure that all tests can be correctly traced to the employee. Drug test analysis from the DHHS approved laboratory will be forwarded directly to the alcohol and drug program administrator. Alcohol test results will be forwarded to the alcohol and drug program administrator for confidential recordkeeping.

**VIII. Employee Assistance Provider (EAP)** – The Director of Human Resources shall assist employees with obtaining an EAP when their services are required.

## **IX. Consequences of Positive Tests**

- a.** All employees who test positive for either alcohol or drug presence shall be suspended work until cleared to return to work by the Substance Abuse Professional. A Return-to-Duty test shall be required prior to the employee receiving clearance to return to work.
- b.** Disciplinary actions for a first positive test range from suspension without pay to termination, depending upon the circumstances involved. A second positive test shall result in immediate termination from employment with the County. During the first twelve months after returning to work, the employee must have a minimum of six (6) Follow-Up tests conducted on a random basis.
- c.** If allowed to return to work, an employee shall be on probationary status for the following twelve months, during which time

## **X. Record Keeping and Reporting**

- a. Recordkeeping** - All negative drug tests and alcohol tests with results below 0.02 must be retained for one (1) year. Records detailing collection procedure and training must be kept for two (2) years. All records dealing with tests results of alcohol results above 0.02

and all refusals to be tested must be retained for five (5) years. All drug test records from positive tests and all refusals to be tested must be retained for five (5) years.

- b. Annual Reporting** – The County shall maintain an annual summary, on a calendar year basis, of the following information:
- i.** The total number of controlled substance tests administered;
  - ii.** The number of controlled substance tests administered in each category (i.e. pre-employment, post-accident, reasonable suspicion, random);
  - iii.** The total number of individuals who did not pass a controlled substance test;
  - iv.** The total number of individuals who did not pass a controlled substance test by testing category;
  - v.** The disposition of each individual who did not pass a controlled substance test;
  - vi.** The number of controlled substances tests performed by a laboratory that indicated evidence of a prohibited controlled substance or metabolite in the screening test in a sufficient quantity to warrant a confirmatory test;
  - vii.** The number of controlled substance tests performed by a laboratory that indicated evidence of a prohibited controlled substance or metabolite in the confirmatory test in a sufficient quantity to be reported as a “positive” finding;
  - viii.** The number of controlled substance tests that were performed by a laboratory that indicated evidence of a prohibited controlled substance in a sufficient quantity to be reported as a “positive” by substance category.



**SCOTT COUNTY FISCAL COURT  
OBSERVED BEHAVIOR REASONABLE SUSPICION RECORD**

**Alcohol test must be administered immediately following a reasonable suspicion determination**

Employee's Name: \_\_\_\_\_  
Date Observed: \_\_\_\_\_ Time Observed: \_\_\_\_\_  
(From.....To) (From.....To)

Complete Address of Incident: \_\_\_\_\_  
\_\_\_\_\_

*Mark items that apply and describe specifics*

1) APPEARANCE: normal\_\_\_\_sleepy\_\_\_\_tremors\_\_\_\_clothing\_\_\_\_cleanliness\_\_\_\_

**Description:** \_\_\_\_\_

2) BEHAVIOR: normal\_\_\_\_erratic\_\_\_\_irritable\_\_\_\_inappropriate gaiety\_\_\_\_  
mood swings\_\_\_\_lethargic\_\_\_\_

1)

**Description:** \_\_\_\_\_

3) SPEECH: \_\_\_\_\_

**Description**

4) BODY ODORS: \_\_\_\_\_

**Description**

5) INDICATIONS OF THE CHRONIC AND WITHDRAWAL EFFECTS OF CONTROLLED SUBSTANCES:

YES \_\_\_\_\_ NO \_\_\_\_\_

**Explain:** \_\_\_\_\_

6) OTHER OBSERVATIONS FOR REASONABLE SUSPICION: \_\_\_\_\_  
\_\_\_\_\_

**WITNESSED BY:**

\_\_\_\_\_  
Signature and Title

\_\_\_\_\_  
Preparation Date and Time

\_\_\_\_\_  
Signature and Title

\_\_\_\_\_  
Preparation Date and Time

**SCOTT COUNTY FISCAL COURT  
ALCOHOL AND CONTROLLED SUBSTANCE  
EMPLOYEE'S CERTIFIED RECEIPT**

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**EMPLOYEE'S NAME**

**DEPARTMENT**

This is to certify that I have been provided educational materials that explain the requirements of Subsection 382.601 and my employer's policies and procedures with respect to meeting the requirements. The materials include detailed discussion of the following checked items:

- \_\_\_1) The designated person to answer questions about the materials.
- \_\_\_2) The categories of employees subject to part 382
- \_\_\_3) Sufficient information about the workplace and periods of the workday that compliance is required.
- \_\_\_4) Specific information concerning prohibited conduct.
- \_\_\_5) Circumstances under which an employee will be tested.
- \_\_\_6) Test procedures, employee protection and integrity of the testing procedures, and safeguarding the validity of the test.
- \_\_\_7) The requirement that tests are administered in accordance with Part 382.
- \_\_\_8) An explanation of what will be considered a refusal to submit to a test and the consequences.
- \_\_\_9) The consequences for Part 382 Subpart B violations including removal from safety-sensitive functions and Subsection 382.605 procedures.
- \_\_\_10) The consequences for employees found to have an alcohol concentration of 0.02 or greater but less than 0.04.
- \_\_\_11) Information on the effects of alcohol and controlled substances use on:
  - an individual's health
  - signs and symptoms of a problem
  - work
  - available methods of intervening
  - personal life when a problem is suspected
- \_\_\_12) Optional information: \_\_\_\_\_

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**Applicant's Signature**

---

**Date**

---

**Authorized Employer Representative**

---

**Date**

# Appendix D: Code of Ethics

ORDINANCE NO. 94-014

AN ORDINANCE RELATING TO THE ESTABLISHMENT OF A CODE OF ETHICS FOR ELECTED AND APPOINTED COUNTY OFFICIALS AND EMPLOYEES OR CANDIDATES FOR PUBLIC OFFICE IN SCOTT COUNTY, KENTUCKY

WHEREAS, the Scott County Fiscal Court has the authority pursuant to KRS Chapter 65, to enact an ordinance establishing a Code of Ethics to guide the conduct of elected and appointed officers and employees of Scott County, including members of the Fiscal Court, Sheriff, County Attorney, County Clerk, Jailer, Coroner, Surveyor, Constable; and

WHEREAS, public office and employment are a public trust and government has a duty both to provide their citizens with standards by which they may determine whether public duties are being faithfully performed, and to apprise their officers and employees of the behavior which is expected of them while conducting their public duties; and

WHEREAS, it is the purpose of this ordinance to provide a method of assuring that standards of ethical conduct for local government officers and employees shall be clear, consistent, and uniform in their application, and to provide local officers and employees with advice and information concerning possible conflicts of interest which might arise in the conduct of their public duties.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF SCOTT COUNTY, KENTUCKY, AS FOLLOWS:

## I: DEFINITIONS

- A. "Business associate: includes the following:
- 1) A private employer;
  - 2) A general or limited partnership, or a general or limited partner within the partnership;
  - 3) A limited liability company, member or manager/member within the limited liability company.
  - 4) A corporation that is family-owned or in which all shares of stock are closely held, and the shareholders, owners, and officers of such a corporation;
  - 5) A corporation, business association, or other business entity in which the county government officer or employee serves as a compensated agent or representative.
- B. "Business organization" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation, limited liability company, or any legal entity through which business is conducted for profit;
- C. "Candidate" means an individual who seeks nomination or election to a county government office. An individual is a candidate when the individual:
- 1) Files a notification and declaration for nomination for office with a county clerk or the Secretary of State; or

- 2) Is nominated for office by a political party under KRS 118.105, 118.115, 118.325, or 118.760.
- D. "County government agency" means any board, commission, authority, nonstock corporation, or other entity formed by the county government or a combination of local governments.
- E. "County government employee" means any person, whether compensated or not, whether full-time or part-time, employed by or serving the county government or county government agency who is not a county government officer, but shall not mean any employee of a school district or school board, nor shall it mean any volunteer who is not serving on a county board or agency.
- F. "County government officer" means any person, whether compensated or not, whether full-time or part-time, who is elected to any county government office; or any person who serves as a member of the governing body of any county government agency or special taxing or non-taxing district.
- G. "Family member" means a spouse, domestic partner, parent, child, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, half-brother, half-sister, or step-parent.
- H. "Immediate family" means spouse, domestic partner, parents or step-parents, and/or any dependents as claimed on the preceding years' income tax return.
- I. "Non-Publicly Traded Securities" shall include shares or interests in corporations, partnerships and limited liability companies.
- J. The terms "he", "his" and "him" as used in this Ordinance shall be construed to encompass and include both genders.

## **II: STANDARDS OF CONDUCT**

- A. No county government officer or employee or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;
- B. No county government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has immediate family, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence or judgment;
- C. No county government officer or employee shall undertake any employment or service, compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties;
- D. No county government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, political contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office as governed by the Kentucky Revised Statutes;
- E. No county government officer or employee shall be prohibited from giving or receiving an award publicly presented in recognition of public service, commercially reasonable loans made

in the ordinary course of the lender's business, or reasonable hosting, including travel and expenses, entertainment, meals, or refreshments furnished in connection with public events, appearance, ceremonies, or fact finding business, public relations, site evaluations or economic development trips related to his or her county government duties;

- F. No county government officer or employee shall be prohibited from accepting gratuity for solemnizing a marriage;
- G. No county government officer or employee shall use, or allow to be used, his public office or employment or any information not generally available to the members of the public which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his immediate family, or any organization with which he is associated or anyone else;
- H. No county government officer or employee or business organization in which he has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he serves;
- I. No county government officer or employee shall be deemed in conflict with these provisions if, by reason of his participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group;
- J. No elected county government officer shall be prohibited from making an inquiry for information or providing assistance on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to, or accepted by the officer or a member of his immediate family, whether directly or indirectly, in return therefore; and
- K. Nothing shall prohibit any county government officer or employee, or member of his immediate family, from representing himself, or themselves, in negotiations or proceedings concerning his, or their, own interests.

### **III: NEPOTISM**

After the effective date of this ordinance, a family member of a county officer shall not be initially employed or appointed to a position in a county governmental agency in the same agency in which the officer serves. This provision shall not apply to a public officer's family members who, on the date of the officer's election or appointment, have been employed for at least six months in the same county in which the officer serves.

### **IV: FINANCIAL DISCLOSURE**

- A. The following individuals shall be required to file a financial disclosure statement:
  - 1) The Scott County Judge/Executive, Scott County Fiscal Court members, Scott County Attorney, Scott County Clerk, Scott County Constables, Scott County Coroner, Scott County Sheriff, Jailer, and County Surveyor.
  - 2) Candidates who have filed for the offices enumerated in subsection (1) above, in this section.
  - 3) All county and jointly appointed members of the Georgetown-Scott County Joint Planning and Zoning Board and the Scott County Board of Adjustments;
  - 4) Scott County Treasurer
  - 5) Department Heads

- B. The Statement of Financial Disclosure should include the following information:
- 1) Name, address, telephone number of filer, title of filer's public office or office sought, and occupation of filer and spouse.
  - 2) Creditors names and addresses (not including family members) to whom the officer, candidate, nominee, employees, appointee or member of his or her immediate family, separately or together, owe \$20,000.00 or more during the preceding calendar year, excluding, however, debt from a commercially regulated financial institution or entity;
  - 3) Offices or Directorships held by the officer, candidate, nominee, employees, appointee or members of his immediate family during the preceding calendar year;
  - 4) Non-Publicly Traded Securities valued at \$5,000.00 or more owned by the officer candidate or member of his immediate family, during the preceding calendar year.
  - 5) Source of Income of officer, candidate, and spouse listing name and address of each source, during the preceding calendar year.
  - 6) Real Estate, location and type (commercial, residential, agricultural) excluding the primary residence, which an officer, candidate or member employee of his immediate family had an interest of five thousand (\$5,000.00) or more during the preceding calendar year.
  - 7) Gifts and/or Honoraria, listing the name and address source, having an aggregate fair market value of \$200.00 or more, from any single source received by an officer, candidate or members of his immediate family during the preceding calendar year, excluding gifts from or between family members.
  - 8) Disclosure, as set out hereinabove, is not to be construed as to require any officer, candidate, nominee, employee, appointee or members of their immediate families to disclose any specific dollar amount nor the names of individual clients or customers or businesses listed as sources of income.
- C. The Statement of Financial Disclosure shall encompass the requirements outlined in Section IV A & B. The Statement of Financial Disclosure shall be provided to the persons required to file the disclosure as follows:
- 1) The Scott County Clerk's Office shall supply the Statement of Financial Disclosure to all candidates for office at the time the individual files to run for an elected office. All candidates shall file a Statement of Financial Disclosure with the Ethics of Commission on or before March 1<sup>st</sup> of the year in which they are a candidate for office. "Filing" of the Statement of Financial Disclosure shall be considered completed as of the date of the postmark on the envelope, if the form is mailed, or if emailed, the date the email is received. The Ethics of Commission shall inform the County Attorney's Office of those candidates who have not returned the fully complete Statement of Financial disclosure form by March 1<sup>st</sup>. The County Attorney's Office will send a Letter of Non-Compliance to those persons.
  - 2) It shall be the duty of the office of the Judge Executive to send out to all persons required to file a Statement of Financial Disclosure Form, other than those persons who are required to file solely by reason of their candidacy for office, by May 15 of each year. The Statement of Financial Disclosure Form shall be returned to the Ethics Commission by July 1<sup>st</sup> each year/ The Ethics Commission shall inform the Judge Executive's Office of those persons who have not returned the fully completed Statement of Financial Disclosure Form by the deadline. The Ethics commission shall make this notification to the Judge Executive's Office within thirty (30) days after the deadline has passed.

- D. The Statement of Financial Interests shall be signed, dated and verified by the individual required in Section A above. Signing a fraudulent Statement of Financial Interest shall be a Class A misdemeanor.
- E. All pay and benefits shall be withheld until a non-complying individual is in compliance with the filing requirements. Candidates or members of immediate families of any person required to disclose in Section A above, who fail to comply with these filing requirements may be fined \$25.00 for each day they are in non-compliance, up to a maximum total civil fine of \$500.00.
- F. A Statement of Financial Interests shall be subject to the law pertaining to open records. Those individuals who have timely filled his/her Statement of Financial Disclosure may be identified on the County's website.
- G. The Statement of Financial Disclosure shall be submitted to the County Ethics Commission. Any person who fails or refuses to submit shall be guilty of a civil offense and may be subject to a civil fine to be imposed by the Ethics Commission in an amount not to exceed \$25.00 per day, up to a maximum total civil fine of \$500.00.
- H. After review and acceptance by the Scott County Ethics Commission all Statements of Financial Disclosure will be filed annually with the Scott County Clerk's Office. This shall be done no later than December 31 of each year. The Scott County Clerk Shall retain the forms for a minimum of four (4) years.

#### **V: COUNTY ETHICS COMMISSION**

- A. The County Ethics Commission shall consist of five (5) members; the Commission member selected as Chairperson shall be a citizen member. The members shall be appointed by the County Judge/Executive with the approval of the Fiscal Court. Members shall receive no compensation but may be reimbursed for all necessary expenses. The terms of members shall be staggered and no longer than four (4) years.
- B. Power and Duties:
  - 1) The Commission shall have jurisdiction over the administration of this code and enforcement of the civil penalties prescribed by this Code including maintenance of the Statement of Financial Disclosure until the time for the forms are annually filed with the office of the Scott County Clerk. The Statement of Financial Disclosure shall be available for public inspection, whether the forms are in the possession of the Ethics omission or the Scott County Clerk's Office once the forms are completed and accepted by the commission.
  - 2) The Commission may receive and initiate complaints, initiate investigations on its own motion; and conduct investigations, inquiries, and hearings concerning any matter covered by this code.
  - 3) The Commission may administer oaths and issue orders requiring the attendance and testimony of witnesses and the production of documentary evidence relating to an investigation or hearing being conducted by the Commission.
  - 4) The Commission may render advisory opinions whether or not a given set of facts and circumstances constitute a violation of any provision of this code.
  - 5) The Commission shall prescribe and provide forms for reports, statements, notices, and other documents required by this code.
  - 6) The Commission shall determine whether the required statements and reports have been filed and, if filed, whether they conform to the requirements of this code. The Commission shall promptly give notice to the filer to correct or explain any omission or

deficiency.

- 7) The Commission may retain private counsel at the expense of the county if the county attorney has an actual or potential conflict.

C. Complaint procedure; preliminary investigations.

- i. Upon a complaint signed under penalty of perjury by any person, or upon its own motion, the Commission shall investigate any alleged violation of this code.
  - ii. Not later than ten (10) days after the Commission received the complaint, the Commission shall initiate a preliminary inquiry into any alleged violation of this code.
  - iii. Within thirty (30) days of the commencement of the inquiry, the Commission shall forward a copy of the complaint and a general statement of the applicable law to the person alleged to have committed a violation.
- 2) All Commission proceedings and records relating to a preliminary investigation shall be confidential except where in conflict with the Kentucky Open Records Act and Open Meeting Act:

The Commission may turn over to the Commonwealth's attorney or county attorney of the jurisdiction in which the offense allegedly occurred, evidence which may be used in criminal proceedings.

- 3) The Commission shall afford a person who is the subject of a preliminary investigation an opportunity to respond to the allegations in the complaint. The person shall have the right to be represented by counsel, to appear and be heard under oath, and to offer evidence in response to the allegations in the complaint.
- 4) If the Commission determines in the preliminary investigation that the complaint does not allege facts sufficient to constitute a violation of this code, the Commission shall immediately terminate the inquiry and notify in writing the complainant and the person alleged to have committed a violation.
- 5) If the Commission, during the course of the preliminary investigation, finds probable cause to believe that a violation of this code has occurred, the Commission shall notify the alleged violator of the finding, and the Commission may, upon majority vote:
  - i. Due to mitigating circumstances such as lack of significant economic advantage or gain by the alleged violator, lack of significant economic loss to the county, or lack of significant impact on public confidence in government, reprimand, in writing, the alleged violator for potential violations of the law and provide a copy of the reprimand to the County Judge Executive.
  - ii. Initiate an adjudicatory proceeding to determine whether there has been a violation.
- 6) Any person who knowingly files with the Commission a false complaint of misconduct on the part of any elected or appointed official or other person shall be guilty of a Class A misdemeanor.

D. Adjudicatory proceedings; action by Commission; appeal.

- 1) The Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence shall apply to all Commission adjudicatory hearings. All testimony in the Commission adjudicatory proceeding shall be under oath. All parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses, to submit evidence, and to

be represented by counsel and any other due process rights, privileges, and responsibilities of a witness appearing before the courts of the Commonwealth of Kentucky. All witnesses shall be entitled to be represented by counsel.

- 2) Any person whose name is mentioned during adjudicatory proceedings of the Commission and who may be adversely affected thereby may appear personally before the Commission on the person's own behalf, with or without attorney, to give a statement in opposition to such adverse mention or file a written statement of that opposition for incorporation into the record of proceeding.
- 3) All adjudicatory proceedings of the Commission carried out pursuant to the provisions of this section shall be public, unless the members vote to go into executive session in accordance with KRS 61.180.
- 4) Within thirty (30) days after the end of an adjudicatory proceeding in pursuant to the provisions of this section, the Commission shall meet in executive session for the purpose of reviewing the evidence before it. Within thirty (30) days after completion of deliberations, the Commission shall publish a written report of its findings and conclusions.
- 5) The Commission, upon a finding pursuant to an adjudicatory proceeding that there has been clear and convincing proof of a violation of this code, may:
  - i. Issue an order requiring the violator to cease and desist the violation.
  - ii. Issue an order requiring the violator to file any report, statement, or other information as required by this code.
  - iii. In writing, publicly reprimand the violator for potential violations of the law and provide a copy of the reprimand to the County Judge Executive.
  - iv. Issue an order requiring the violator to pay a civil penalty of not more than five hundred dollars (\$500.00).
- 6) The Commission may refer to the county attorney or Commonwealth's attorney for prosecution evidence of criminal violations of this code.
- 7) Findings of fact or final determinations by the Commission that a violation of this code has been committed, or any testimony related to the Commission's findings of fact or final determinations, shall not be admissible in criminal proceedings in the courts of the Commonwealth of Kentucky. Evidence collected by the Commission may be used in a criminal proceeding if otherwise relevant.
- 8) Any person found by the Commission to have committed a violation of this code may appeal the action to the Scott Circuit Court. The appeal shall be initiated within thirty (30) days after the date of the final action of the Commission by filing a petition with the court against the Commission. The Commission shall transmit to the clerk of the court all evidence considered by the Commission at the public hearing. The court shall hear the appeal upon the record as certified by the Commission.

#### **VI: SEVERABILITY**

If any provision of this ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provisions of this ordinance shall continue in full force and effect.