

GLYNN COUNTY PERSONNEL POLICY

Adopted April 1, 1999
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GLYNN COUNTY PERSONNEL POLICY

TABLE OF CONTENTS

| | | PAGE |
|---|---|-------------|
| <u>CHAPTER I</u> - GENERAL | | |
| Section 1.1. | Title | 1 |
| Section 1.2. | Purposes | 1 |
| Section 1.3. | Administration | 1 |
| Section 1.4. | Definitions | 2 |
| Section 1.5. | Employees Subject to Personnel Policies | 8 |
| Section 1.6. | County Officer's Employees | 8 |
| Section 1.7. | Amendment of Personnel Policy | 9 |
| Section 1.8. | Employee Council | 9 |
| Section 1.9. | Neutral Language | 12 |
| Section 1.10. | Headings | 12 |
| Section 1.11. | Temporary Suspension of Benefits | 12 |
| <u>CHAPTER II</u> - POSITION CLASSIFICATION PLAN | | |
| Section 2.1. | Maintenance of the Position Classification Plan | 13 |
| Section 2.2. | Classification Appeals | 13 |
| Section 2.3. | Official Copy of the Position Classification Plan | 14 |
| Section 2.4. | Amendments to the Position Classification Plan | 14 |
| <u>CHAPTER III</u> - SALARY ADMINISTRATION | | |
| Section 3.1. | Pay Schedule and Compensation Plan | 15 |
| Section 3.2. | Entry Salary Rates | 15 |
| Section 3.3. | Salary Increases | 15 |
| Section 3.4. | Promotions | 18 |
| Section 3.5. | Demotions | 19 |
| Section 3.6. | Transfers | 19 |
| Section 3.7. | Reclassifications | 20 |
| Section 3.8. | General Salary Increases | 21 |
| Section 3.9. | Part-time Employment | 21 |
| Section 3.10. | Overtime | 21 |
| Section 3.11. | Extra Remuneration | 22 |
| Section 3.12. | Emergency Pay | 24 |

CHAPTER IV - RECRUITMENT AND SELECTION

| | | |
|--------------------------------|--|----|
| Section 4.1 . | Recruitment, Applications and Examination Employment Policy | 25 |
| Section 4.2 . | Announcement of Vacant Positions | 25 |
| Section 4.3 . | Open Continuous Applications | 26 |
| Section 4.4 . | Method of Application and Evaluation | 26 |
| Section 4.5 . | Disqualification | 27 |
| Section 4.6 . | Examination Program and Procedures | 27 |
| Section 4.7 . | List of Eligible Applicants | 28 |
| Section 4.8 . | Employment of Relatives | 28 |
| Section 4.9 . | Prohibited Acts | 29 |
| Section 4.10 . | Reinstatement | 29 |

CHAPTER V - APPOINTMENTS

| | | |
|-------------------------------|------------------------------------|----|
| Section 5.1 . | Appointing Authority | 31 |
| Section 5.2 . | Types of Appointments | 31 |
| Section 5.3 . | Emergency and Interim Appointments | 32 |

CHAPTER VI - PROBATIONARY PERIOD

| | | |
|-------------------------------|--------------------------------------|----|
| Section 6.1 . | Objective | 33 |
| Section 6.2 . | Duration | 33 |
| Section 6.3 . | Promotions | 33 |
| Section 6.4 . | Dismissal During Probationary Period | 33 |
| Section 6.5 . | Probationary Period Reports | 34 |

CHAPTER VII - PROMOTION, TRANSFER, AND DEMOTION

| | | |
|-------------------------------|---------------------------------|----|
| Section 7.1 . | Promotion Policy | 35 |
| Section 7.2 . | Initiation of Transfers | 35 |
| Section 7.3 . | Status of Transferred Employees | 35 |
| Section 7.4 . | Rights of Transferred Employees | 36 |
| Section 7.5 . | Demotions | 36 |
| Section 7.6 . | Reasons for Demotion | 36 |
| Section 7.7 . | Demotion Recommendation | 37 |
| Section 7.8 . | Notification of Demotion | 37 |

CHAPTER VIII - GRIEVANCES AND APPEALS

| | | |
|------------------------------|--|----|
| Section 8.1. | Policy | 38 |
| Section 8.2. | Administrative Review System | 38 |
| Section 8.3. | Informal Administrative Review | 38 |
| Section 8.4. | Formal Administrative Review | 39 |
| Section 8.5. | Exceptions to Grievance Procedural Steps | 41 |
| Section 8.6. | Representation | 42 |
| Section 8.7. | Probationary and Temporary Employees | 42 |

CHAPTER IX - DISCIPLINARY ACTIONS AND APPEALS

| | | |
|-------------------------------|--|----|
| Section 9.1. | Standard | 43 |
| Section 9.2. | Guidelines | 43 |
| Section 9.3. | Reports | 47 |
| Section 9.4. | Witnesses, Recordings and Transcripts | 47 |
| Section 9.5. | Minor Disciplinary Procedures/Adverse Action | 48 |
| Section 9.6. | Major Disciplinary Procedures/Adverse Action | 50 |
| Section 9.7. | Amended Disciplinary Action | 53 |
| Section 9.8. | Emergency/Crisis Situation | 53 |
| Section 9.9. | Effective Date of Action | 53 |
| Section 9.10 | Reduction in Disciplinary Action | 54 |
| Section 9.11. | Time | 54 |

CHAPTER X - SEPARATIONS

| | | |
|-------------------------------|--------------------------|----|
| Section 10.1. | Resignation | 55 |
| Section 10.2. | Abandonment of Position | 55 |
| Section 10.3. | Layoffs | 55 |
| Section 10.4. | Disability | 57 |
| Section 10.5. | Loss of Job Requirements | 57 |
| Section 10.6. | Dismissals | 57 |
| Section 10.7. | Death | 57 |

CHAPTER XI - ATTENDANCE AND LEAVE

| | | |
|-------------------------------|---------------------------------------|----|
| Section 11.1. | Hours of Work | 58 |
| Section 11.2. | Attendance | 58 |
| Section 11.3. | Holidays | 58 |
| Section 11.4. | Annual (Vacation) Leave | 59 |
| Section 11.5. | Sick Leave | 61 |
| Section 11.6. | Family and Medical Leave (FMLA Leave) | 64 |
| Section 11.7. | Other Types of Leave | 69 |
| Section 11.8. | Exempt Employee Leave | 74 |

CHAPTER XII - EMPLOYEE PERFORMANCE EVALUATION

| | | |
|--------------------------------|-----------------------|----|
| Section 12.1 . | Objective | 76 |
| Section 12.2 . | Evaluation Dates | 76 |
| Section 12.3 . | Evaluation | 76 |
| Section 12.4 . | Review with Employees | 76 |
| Section 12.5 . | Changes in Evaluation | 76 |
| Section 12.6 . | Merit Review Dates | 76 |

CHAPTER XIII - EMPLOYEE DEVELOPMENT

| | | |
|--------------------------------|---------------------------|----|
| Section 13.1 . | In-Service Training | 77 |
| Section 13.2 . | Educational Enrichment | 77 |
| Section 13.3 . | Quality Work Conditions | 79 |
| Section 13.4 . | Health and Life Insurance | 79 |

CHAPTER XIV - ETHICS AND CONDUCT

| | | |
|--------------------------------|---|----|
| Section 14.1 . | Outside Employment | 81 |
| Section 14.2 . | Gifts and Gratuities | 81 |
| Section 14.3 . | Political Activity | 82 |
| Section 14.4 . | Alcohol, Drugs or Controlled Substances in the Workplace | 83 |
| Section 14.5 . | Dress and Appearance | 89 |
| Section 14.6 . | Weapons in the Workplace | 93 |
| Section 14.7 . | Accident Review | 94 |

CHAPTER XV - RECORDS AND REPORTS

| | | |
|--------------------------------|---------------------------|----|
| Section 15.1 . | Personnel Transactions | 96 |
| Section 15.2 . | Public Inspection | 96 |
| Section 15.3 . | Process of Law; Liability | 97 |

CHAPTER XVI - ADOPTION OF POLICIES

| | | |
|--------------------------------|----------------|----|
| Section 16.1 . | Effective Date | 98 |
| Section 16.2 . | Saving Clause | 98 |
| Section 16.3 . | Repeal Clause | 98 |

CHAPTER I

GENERAL

- 1.1. **Title**: The policies established herein by the Board of Commissioners of Glynn County, Georgia shall be known as the “Glynn County Personnel Policy”.
- 1.2. **Purposes**: The general purpose of the Glynn County Personnel Policy is to establish a system of personnel administration that ensures equal access based on merit to employment opportunities within the government of Glynn County; to provide for the recruitment and development of the best available employee for each position in the personnel system of Glynn County; to establish a framework for the systematic review and evaluation of the quality with which these jobs are performed; and to establish orderly procedures for administering the personnel system so as to be consistent with the following merit principles:
 - 1.2.1. Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skill, including open competition of qualified applicants for initial appointment.
 - 1.2.2. Establishing pay rates consistent with the principles of providing comparable pay for comparable work.
 - 1.2.3. Training employees, as needed, to assure high-quality performance.
 - 1.2.4. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected.
 - 1.2.5. Establishing a procedure for the presentation and adjustment of employee grievances based on alleged inequitable treatment because of some condition of his or her employment; or based on alleged discrimination because of race, color, national origin, sex, age, religion, or disability.
 - 1.2.6. Prohibiting partisan political coercion and the use of official authority against employees to prevent interfering with or affecting the results of an election or the nomination for an office.
- 1.3. **Administration**: The responsibility for the administration and interpretation of the personnel policies and procedures is vested in the County Administrator in accordance with policy guidelines established by the Board of Commissioners.

1.4. **Definitions: (Amended May 6, 2010)**

"ADA" means Americans with Disabilities Act of 1990 and Americans with Disabilities Act of 2008.

"Adverse Action" means the disciplinary action which results in a reprimand, suspension without pay, probation, demotion, reduction in salary, or dismissal of a regular employee. It does not include actions resulting from reduction in force, insufficient funds, decrease in funds, or changes in the personnel needs of Glynn County.

"Appointing Authority" means the official who has the ultimate authority to hire or fire a County Officer's employee. The term shall include the County Officer and shall also include all deputies of a County Officer who are authorized to impose adverse action upon a County Officer's employee. Further, the term shall include all Officials with the authority to hire and fire employees under their control when the authority is derived from the Board of Commissioners.

"Base Pay" means the regular pay for the position without including overtime, holiday pay under Sections 11.3.3 and 11.3.4., temporary pay under Section 3.3.3., or any other pay.

"Board of Commissioners" means the duly elected Board of Commissioners of Glynn County.

"Child" means a biological child, adopted child, foster child, stepchild, legal ward of an employee, or a child for which the employee is standing *in loco parentis*, who is either:

- (A) Under eighteen (18) years of age; or
- (B) Eighteen (18) years of age or older and incapable of self-care because of mental or physical disability.

"Class" means a group of positions that has similar duties and responsibilities, requires like qualifications, and can be equitably compensated by the same salary range.

"Class Title" means the official designation or name of the class to which a position has been assigned. It shall be used on all personnel record actions.

"Classification Plan" means the systematic grouping of positions into appropriate classes.

"County" means Glynn County, a political subdivision of the State of Georgia.

"County Administrator" means the chief administrative officer of the County appointed by the Board of Commissioners.

"County Employees" means employees who are hired pursuant to authority granted by the Board of Commissioners. County Officer" means an officer who is elected by the qualified voters of Glynn County; however, the term shall not include members of the Board of Commissioners.

"County Officer's Employee" means an employee who is hired by a County Officer.

"Covered Employee" means an employee whose employment is subject to the policies and procedures of the Glynn County Personnel Policy.

"Covered Position" means a position subject to the policies and procedures of the Glynn County Personnel Policy.

"Demotion" means reassignment to a lower existing position with a lower rate of pay.

"Department" means all separate and distinct divisions of Glynn County Government, as established by the Board of Commissioners.

"Department Director" or "Department Head" means the person designated by the County Administrator and who has the responsibility and authority to manage and operate a division for and on behalf of Glynn County.

"Disability" means to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such an impairment, has a record of such an impairment, or is regarded as having such an impairment is a "disabled individual."

"Dismissal" means to be discharged or separated from County employment for definable cause such as inefficiency or inability to perform satisfactorily the work of the position for which a regular employee is employed; no cause need be shown for an employee serving a new hire probationary period.

"Direct threat to safety" means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

"Elected or Appointed Official" means the same as defined in "Appointing Authority" herein.

"Exempt Employee" means a covered employee who is exempt from the overtime provisions of the FLSA.

"Essential job functions" refers to those activities of a job that are the core to performing said job for which the job exists that cannot be modified.

“FLSA” means the Fair Labor Standards Act, 29 U.S.C.S. §§ 201 et seq.

“FMLA” means The Family and Medical Leave Act, 29 U.S.C.S. §§ 2601 et seq.

“FMLA Leave” means leave taken by an eligible employee for a serious health condition of the employee or the employee’s immediate family for a period not to exceed twelve (12) work weeks or equivalent shifts in a calendar year pursuant to the FMLA.

“Full-time” means a covered employee serving in an annually funded position and working the following periods of work:

- (A) Regular work period: Thirty-five (35) hours or more each week; or
- (B) Shift work period:
 - (1) Police officers: One hundred sixty (160) hours in a twenty-eight (28) day cycle.
 - (2) Firefighters: One hundred fifty-nine (159) hours in a twenty-one (21) day cycle.

“Health Care Provider” means a doctor of medicine, doctor of chiropractic, doctor of osteopathy, podiatrist, dentist, clinical psychologist, optometrist, nurse practitioner or nurse midwife, legally authorized to practice under the laws of the State of Georgia and performing within the scope of their practice. The term shall also include a Christian Science practitioner listed with the First Church of Christ, Scientist in Boston, Massachusetts.

“Illegal drugs” means marijuana/cannabinoids (THC), cocaine, amphetamines/methamphetamine, opiates or phencyclidine (PCP). The term illegal drug shall not include any drug when used pursuant to a valid prescription or when used as otherwise authorized by state or federal law.

“Immediate Family”:

- (A) Except insofar as that term relates to employment of relatives, means spouse, child, father, mother, brother, or sister.
- (B) Insofar as that term relates to employment of relatives, means spouse, child, father, mother, father-in-law, mother-in-law, brother or sister, grandparents, grandchildren, and the immediate family (as defined in this Subparagraph) of an employee’s spouse.

“Improper Use of Alcohol and Other Drugs”, “Improper Drug Use”, or “Improper Use of Other Drugs” means the use of or taking of alcohol or an otherwise legal drug in a way that constitutes a crime under state law, or which impairs the individual’s ability to perform the duties of the job; or creates a safety hazard to the individual, other employees, or the general public.

“In Loco Parentis” means an employee who is standing in the place of a parent and who has the rights, duties, and responsibilities to care for and financially support a child; no biological relationship is necessary.

“Intermittent Leave” means FMLA leave taken in blocks of time due to a single qualifying reason.

“Last Known Address” means a description of the location of the employee sufficient for the purpose of the delivery of mail as provided to the Glynn County Personnel Department in writing by the employee.

“Line of Authority” means a relationship when an individual supervises or is supervised by an immediate family member or has such an individual in their chain of command no matter how far removed.

“Minor Adverse Action” means final adverse action of the type described in Chapter IX, Disciplinary Actions and Appeals, Section 9.5., Minor Disciplinary Procedures/Adverse Action, Subsections 9.5.1., Formal Warning, and 9.5.2.. Probation, and Subsection 9.5.3., Suspension.

“Non-exempt Employee” means a covered employee who is entitled to overtime pay under the provisions of the FLSA.

“Overtime” means overtime as defined under the provisions of the FLSA.

“Parent” means the biological or legal parent, stepparent or guardian of a child; or an individual who stood *in loco parentis* to an employee when the employee was a child; or the biological or legal parent or stepparent of an employee or an employee’s spouse.

“Part-time” means a covered employee serving in an annually funded position of less than thirty-five (35) hours per pay period and eligible for prorated benefits except health insurance, disability and pension, based on budgeted hours compared to a full-time position.

“Personnel Committee” means that committee appointed as such by the Board of Commissioners.

“Personnel Director” means the person designated by the County Administrator to be in charge of personnel matters for and on behalf of Glynn County.

“Position” means an integration of currently assigned duties and responsibilities requiring the full or part-time employment of one person. A position may be occupied or vacant.

“Presiding Officer” means the individual conducting any hearing on behalf of Glynn County.

“Probationary Employee” means an employee who is serving in a capacity for which the employee has recently been hired, promoted, or disciplined, and who is expected to demonstrate to the satisfaction of the department head or the appointing authority, that he or she has the knowledge, ability or aptitude and other necessary qualities to perform satisfactorily the duties of the position.

“Promotion” means advancement to another position with a higher rate of pay.

“Qualified individual with a disability” means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or for which the individual has applied.

“Random Test Employee” means a covered employee in law enforcement, fire protection, in an occupation having direct involvement in drug interdiction and enforcement, in an occupation which involves the use of firearms, in an occupation for which a commercial driving license is required, and a life guard.

“Reasonable accommodation” means making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modification of examinations, adjustment or modification of training materials, adjustment or modification of policies, and similar activities.

“Reduced Leave Schedule” means a leave schedule that temporarily reduces an employee’s usual number of working hours per workday or workweek, normally resulting in part-time employment.

“Regular Employee” means a covered employee who has successfully completed the new hire probationary period.

“Seasonal” means an employee serving in a reoccurring position with a specified function which is funded for part of the fiscal year; eligible for holiday pay but ineligible for all other benefits.

“Serious Health Condition” means an illness, injury, impairment, or physical or mental condition which involves:

- (A) Inpatient care in a hospital, hospice, or residential health care facility;
- (B) Continuing treatment by a health care provider;
- (C) A period of incapacity requiring absence from work of more than three (3) consecutive calendar days and subsequent treatment including either two (2) visits to a health care provider or one (1) visit followed by continuing treatment under the health care provider's supervision;
- (D) A period of incapacity due to pregnancy or prenatal care;
- (E) Periodic treatment for chronic serious health conditions; or
- (F) Episodic periods of incapacity of less than three (3) consecutive days resulting from chronic health conditions which may not require treatment by a health care provider.

"Shift" means a daily work period interval for County employees.

"Temporary" means a position with a limited job function, ineligible for benefits, and for a period not to exceed ninety (90) days within the fiscal year authorized for non-reoccurring functions.

"Transfer" means reassignment for a specified or indefinite period of time from one position to another position within a department or to a different department.

Undue hardship means an action requiring significant difficulty or expense by the employer. Undue hardship will be determined on a case-by-case basis. The factors to be considered in determining an undue hardship include:

- (A) the nature and cost of the accommodation;
- (B) the overall financial resources of the department in which the reasonable accommodation is to be made;
- (C) the effect on expenses and resources or other impact upon that department;
- (D) the overall financial resources of Glynn County;
- (E) the operations of the particular department as well as the entire organization. These are not all of the factors but merely examples.

- 1.5. **Employees Subject to Personnel Policies:** This Personnel Policy shall apply to all positions in the personnel system except the following:
- 1.5.1. Members of the Board of Commissioners and other elected County Officers or Officials.
 - 1.5.2. Members of appointed or elected boards and commissions, judges, and the County Attorney.
 - 1.5.3. Persons employed to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the Board of Commissioners or a committee thereof.
 - 1.5.4. All temporary and seasonal positions unless specifically covered by action of the Board of Commissioners and except as otherwise set forth in Chapter VIII, Grievances and Appeals.
 - 1.5.5. Volunteer personnel who receive no regular compensation from Glynn County.
 - 1.5.6. The County Administrator.
 - 1.5.7. The Chief of Police.
 - 1.5.8. All department directors, who shall be covered employees for every other purpose, except that they are hired by the County Administrator. Prior to hiring a department director, the County Administrator shall notify the Board of Commissioners of the decision to hire such department director, be oral or written and may be made either to the Board of Commissioners itself or individually to each member. Department directors who are covered employees shall be subject to discipline by the County Administrator. **(Amended September 7, 2006)**
 - 1.5.9. Any covered employee to the extent these policies are prohibited by federal, state, or local law.
 - 1.5.10 All Assistant County Administrators, who shall be covered employees for every other purpose, except that they are hired by the County Administrator, subject to the approval of the Board of Commissioners. Assistant County Administrators who are covered employees shall be subject to discipline by the County Administrator. **(Amended September 7, 2006)**
- 1.6. **County Officer's Employees:** Any other provision of the Glynn County Personnel Policy to the contrary notwithstanding, an employee of a County

Officer may become a covered employee in the manner provided for in this Section, as follows:

1.6.1. The County Officer shall file a written document with the Board of Commissioners requesting that his or her employees be subject to the provisions of the Glynn County Personnel Policy. Upon approval of the request by the Board of Commissioners, the County Officer's employees shall be treated as covered employees.

1.6.2. The County Officer as the appointing authority shall retain the right to appoint, terminate and discipline his or her employees in accordance with the laws of the State of Georgia. However, and unless otherwise specified,

the County Officer shall implement all personnel decisions, including appointment, termination or disciplinary procedures, in accordance with the Glynn County Personnel Policy.

1.7. **Amendment of Personnel Policy:**

1.7.1. By Resolution: These policies may be amended at any meeting of the Board of Commissioners by adoption of any appropriate amendment.

1.7.2. Proposed Amendments:

(A) Amendments may be initiated by any member of the Board of Commissioners or the County Administrator and forwarded to the Personnel Committee for its consideration.

(B) Amendments shall be in writing when forwarded to the Personnel Committee for its consideration. The County Administrator or the Director of Human Resources shall coordinate with the County Attorney's office to finalize the proposed amendment prior to presentment to the Personnel Committee, except in instances when time is of the essence.

1.7.3. Personnel Committee Action: Upon review, the Committee may defer consideration of the proposed amendment or send the amendment, including an "Explanation of Changes", to the Board of Commissioners or to the Employee Council **(Amended August 7, 2008)**

1.8. **Employee Council:**

1.8.1. Creation and Purpose: There is hereby established an advisory Employee Council for the purpose of assisting the Board of Commissioners in adopting amendments to the Glynn County Personnel

Policy by providing a comprehensive employee review process for proposed amendments.

1.8.2. Composition and Selection: Non-management employees shall be selected to serve a two (2) year term, running from January 1 through December 31. No employee shall serve more than one (1) term.

(A) Two (2) employees shall be selected from each of the following departments and offices affected by this Personnel Policy:

(1) Group "A": Police, Fire, and Public Works departments.

(2) Group "B": Recreation and Administration departments, and elected or appointed officials' offices.

(B) Initial terms of service will be staggered as follows:

(1) Group "A" shall serve an initial term of two (2) years.

(2) Group "B" shall serve an initial term of one (1) year.

(C) If no full-time, active, regular employees within a group are selected, the Department Director or County Administrator, or elected or appointed official, as applicable, shall select employees to serve on the Employee Council.

1.8.3. Qualifications:

(A) Full-time, active, regular employee covered by this Personnel Policy.

(B) Employee below the level of department director, elected and appointed official shall be eligible to serve on the Employee Council. **(Amended August 7, 2008)**

1.8.4. Vacancies: If a vacancy occurs, the vacancy shall be filled by selection of a non-management employee from the same department or agency as the vacancy and shall serve the remainder of that term. Partial service of a two (2) year term shall constitute a full term for purposes of the above subsection 1.8.2.

1.8.5. Removal of Members: A non-management employee representative may be removed by the Director of a department or agency, or by an elected or appointed official at any time when participation in the

Employee Council compromises the ability of the employee to perform his or her work duties.

1.8.6. Officers, Procedures and Meetings:

- (A) After the selection of all members as set forth herein, the full membership of the Employee Council shall meet as soon as practicable and shall elect one of its members as Chairperson, one as Vice-Chairperson, and one as Secretary to serve in such positions for the succeeding year and until their successors are selected. The Chairperson shall preside over the meetings, the Vice-Chairperson shall preside in the Chairperson's absence, and the Secretary shall keep minutes and records of the Employee Council.
- (B) The Employee Council shall meet on an as needed basis as determined by the Chairperson. Meetings are to be conducted in accord with the Georgia Open Meetings law at O.C.G.A. § 50-14-1 *et seq.*

1.8.7. Duties:

- (A) Each member shall become familiar with the current Personnel Policy and his or her department's organizational rules and policies.
- (B) The Employee Council may review any proposed amendment to this Personnel Policy.
- (C) Members shall post any proposed Personnel Policy amendment in their respective departments; provide information to department employees regarding the proposed change and collect feedback and comments.
- (D) The Employee Council shall, within fifteen (15) working days of receipt, prepare a written report concerning any proposed amendment to the Personnel Policy including, but not limited to, comments from all departments in favor of any amendment and comments in opposition to such amendment. The report shall include a recommendation by the Employee Council in support of or in denial of any proposed amendment. The Chairperson shall present the report, along with any proposed amendment, to the Board of Commissioners for consideration; such time may be extended seven (7) working days to meet the scheduling and agenda requirements for the meetings of the Board of Commissioners. Concurrently, the Director of Human Resources

will present a management staff report on the Employee Council's recommendations. **(Amended August 7, 2008)**

- 1.9. **Neutral Language**: In keeping with the intent and purposes of the Glynn County Personnel Policy, when the term "he" or "she", or its grammatical equivalent, is used herein, the term shall be deemed to include both male and female genders.
- 1.10. **Headings**: All chapter titles, section headings, and captions are for the convenience of reference only and neither limit nor amplify any provision, right, or entitlement provided by these policies.
- 1.11 **Temporary Suspension of Benefits**: The Glynn County Board of Commissioners may at its sole discretion temporarily suspend annual merit increases, tuition reimbursements, compensable sick leave, career track promotions, wellness benefits, and/or other benefits as may be deemed appropriate. The suspension of any such benefit(s) may be of any duration and under such terms as are deemed appropriate and/or necessary by the Glynn County Board of Commissioners. **(Amended June 18, 2009)**

CHAPTER II
POSITION CLASSIFICATION PLAN

2.1. **Maintenance of the Position Classification Plan:**

- 2.1.1. It shall be the duty of each department head and appointing authority to maintain current position descriptions on file with the Personnel Director. Department heads and appointing authorities shall submit to the Personnel Director new position descriptions for all effected positions each time a department or division under his jurisdiction is permanently or substantially reorganized.
- 2.1.2. The Personnel Director may require departments or employees to submit position descriptions on a periodic basis or at any time the Personnel Director has reason to believe that there has been a change in the duties and responsibilities of one or more positions.
- 2.1.3. The County Administrator shall have the authority to establish position descriptions for positions in his direct line of authority; listing duties and responsibilities including, but not limited to, training, certification, education, and other requirements for a single position.
- 2.1.4. Each time a new class is established, a class specification shall be written and incorporated into the existing plan. Likewise, an abolished class shall be deleted from the classification plan.
- 2.1.5. Periodically, and not less than once every two (2) years, the County Administrator shall conduct, or cause to conduct, a general review of the classification and compensation plan including, but not limited to, a market study of competitive salary data for benchmark positions.
- 2.1.6. The Board of Commissioners reserves the right to establish position descriptions for those positions which report directly to the Board of Commissioners.

- 2.2. **Classification Appeals:** If an employee has facts which indicate to him or her that the employee's position is improperly classified, the employee may, with the knowledge of the department head, request the Personnel Director to review the classification of the employee's position. Such requests shall be submitted in writing and shall contain a statement of justification. If not resolved to the employee's satisfaction, the employee may appeal to the County Administrator.

- 2.3. **Official Copy of the Position Classification Plan:** The Personnel Director shall be responsible for maintaining an official copy of the classification plan. The official copy shall include a current list of class titles and class specifications. A copy of the official plan shall be available for inspection by the public under reasonable conditions during business hours.
- 2.4. **Amendments to the Position Classification Plan:** Each time a new position or class of positions should be established or a current position or class of positions abolished, the Personnel Director shall submit his or her findings to the County Administrator for recommendation to the Board of Commissioners. The Board of Commissioners shall determine whether the establishment and/or abolition of a position or a class is in order. Any such change shall be considered an amendment to the classification plan and must be adopted by resolution of the Board of Commissioners. All positions governed by the Personnel Policy are to be classified in a salary range approved by the Board of Commissioners. Any adjustments are to be reviewed with the County Administrator for disposition.

CHAPTER III
SALARY ADMINISTRATION

- 3.1. **Pay Schedule and Compensation Plan:** The Personnel Director, acting in conjunction with the appointing authorities, County Administrator and Board of Commissioners, shall devise, maintain, periodically amend and promulgate an appropriate Glynn County Pay Schedule and Compensation Plan which shall be applicable to all positions whose salaries are established within an approved salary range. Each established salary range shall include a minimum and a maximum salary rate and each employee affected thereby shall be paid at one of the rates set forth in the plan for the class and position in which he is employed.
- 3.1.1. All positions governed by these policies are to be classified within a salary range of the Glynn County Pay Schedule and Compensation Plan. The Personnel Director will report position exceptions in writing to the County Administrator, who may recommend corrective action to the Board of Commissioners.
- 3.2. **Entry Salary Rates:** The entry salary of a covered employee upon initial employment shall be at the minimum level of the range for that class to which the original appointment is made. Exceptions may be provided if approved by the County Administrator in the case of:
- 3.2.1. Shortage of qualified applicants available at the minimum level of the pay range.
- 3.2.2. Qualifications of the applicant are in excess of the minimum requirements for the class.
- 3.2.3. Applicants who are under-qualified but who may be capable of meeting the minimum position requirements within a twelve (12) month probationary period.
- 3.3. **Salary Increases:** Employees who receive an acceptable performance rating, as certified by the department director, shall be eligible to receive an annual base salary increase between zero (0) and five (5) percent based on the department director's recommendation, effective on the date indicated in this Section, as follows:
- 3.3.1. **Probationary Increases:** The first payroll period following the passage of twelve (12) months after the date of employment shall be the effective date of any salary increase, unless the probationary period has been extended and then the effective date shall be the first payroll period after the completion of the probationary period.

3.3.2. Procedure for Awarding Additional Salary Increases:

- (A) All regular employees will be eligible for an annual merit increase.
- (B) Merit increases will depend upon the department director's approval which is based on performance. The first payroll period following the twelve (12) month review period shall be the effective date of any merit increase.
- (C) Merit increases will not be paid retroactive to the date of eligibility when due to unsatisfactory performance and/or excessive absenteeism unless it can be clearly demonstrated and documented in writing to the County Administrator that the retroactive pay is warranted.
- (D) To facilitate the implementation of an annual merit based system, the following shall apply:
 - (1) An employee shall be eligible for a merit review and increase, if any, effective the date of the employee's next scheduled annual review and each twelve (12) months thereafter, as of January 1, 2002.
 - (2) "Annual review", as used in Subparagraph (1), above, means and has the effect of changing the date when an employee is eligible to receive a merit increase from a twenty-four (24) month or eighteen (18) month cycle to a twelve (12) month cycle, and every twelve (12) months thereafter.
- (E) A merit salary increase will be paid to an eligible employee in a lump sum for that portion of his or her base salary merit increase that is above the maximum for that classification.

3.3.3. Temporary Pay Increase: Upon an employee being required to perform work in a higher classified position or who is assigned additional work and significantly increased responsibilities on a temporary basis, the following shall apply:

- (A) Acting in the Capacity of a Higher Level Position: An employee performing temporarily the duties of and acting in the capacity of a higher level position shall receive a temporary salary increase of five percent (5%) commencing as follows:

- (1) Regular work period employees shall receive an increase in the third successive week of performance, and will be paid retroactively to the first week of such service. If the length of absence is known in advance and extends beyond two weeks, then the salary increase shall begin on the date of assuming the duties of the higher level position.
 - (2) Shift work period employees shall receive an increase in the fourth successive shift of performance, and will be paid retroactively to the first shift of such service. If the length of absence is known in advance and extends beyond the fourth shift, then the salary increase shall begin on the date of assuming the duties of the higher level position.
 - (3) An acting department director shall be appointed by the County Administrator. **(Amended September 7, 2006)**
- (B) Assignment of Additional Duties and Responsibilities: An employee who is assigned and required to perform extraordinary and significant additional duties and responsibilities on a temporary basis in his or her current classified position shall receive a temporary salary increase of one percent (1%) to ten percent (10%) up to the maximum period of one (1) year, as follows:
- (1) The County Administrator in fixing the amount of the temporary pay increase, may take into consideration the following criteria:
 - (a) Nature of the duties to be performed;
 - (b) Responsibility of the position held to include supervision of additional employees or projects;
 - (c) Subject matter or nature of the work to be performed relative to the employee's prior duties;
 - (d) Training requirements needed to perform the additional duties and responsibilities;
 - (e) Duration of the work to be performed; and
 - (f) The experience and performance of the particular employee whose is to receive the temporary pay increase.
 - (g) Time requirements demanded by the additional work.

(h) Additional duties are generally considered to be outside the normal duties.

(2) If the period of time for performing the additional work duties and responsibilities in the employee's current position is more than two weeks for regular employees or three successive shifts for shift work employees, then the temporary pay increase will commence in the third successive week or fourth shift of performance, and will be paid retroactively to the first week or first shift of such performance.

(3) The maximum period of time for which an employee is eligible for the temporary pay increase is one (1) year. Based on a change in criteria under subparagraph (B)(1), above, the percentage of temporary pay may be increased or decreased within the range provided herein.

3.4. **Promotions**: An employee who receives a promotion will have his or her salary increased, as follows:

3.4.1. **Salary Increase**:

(A) An employee is to receive an increase of five percent (5%) of his current base salary or an increase in an amount that will bring the employee's current base salary up to the minimum pay range of the new position, whichever is greater.

(B) An increase in salary of more than five percent (5%) is authorized only in situations when the employee would not receive the minimum pay for the position to which he is being promoted. An employee is to be paid at least the minimum pay established for the position to which he is promoted.

(C) The County Administrator may authorize a salary of up to the middle point of the approved range when there is a shortage of applicants available at entry level and the employee's qualifications exceed the minimum requirements for the class.
(Amended October 7, 2004)

3.4.2. **Review Dates**: The effective date of subsequent performance reviews and merit increases will remain the same as before the promotion.

- 3.4.3. Impartiality: Department heads will not be at liberty to promote employees personally chosen without regard for their experience or qualifications.
- 3.5. Demotions: An employee is to receive a decrease in his current base pay for demotion to a position having a lower rate of pay, as follows:
- 3.5.1. Range of Pay: A decrease in salary is authorized only in situations when the employee being demoted would be paid more than the maximum of the pay range for the lower position, excepting Subsection 9.6.4., Demotion. The employee is to be paid at the top of the pay range to which the demotion occurs.
- 3.5.2. Review Dates: The effective date of subsequent performance reviews and merit increases will remain the same as before the demotion.
- 3.6. Transfers:
- 3.6.1. Range of Pay: A qualified employee may be reassigned to another position within the range of pay for the new position. An unqualified employee may be reassigned from one position to another if the transfer would be in the best interests of the County, and the transfer has been reviewed by the Personnel Committee and approved by the Board of Commissioners.
- 3.6.2. Review Dates: Completion of probationary period, scheduled performance reviews and merit increases shall not be effected by a transfer. No salary adjustment is involved in a transfer from one position to another and the employee shall be paid at the same rate of pay the employee received prior to the transfer.
- 3.6.3. Exceptions:
- (A) When the disparity in the minimum range of pay between the two positions is ten percent (10%) or greater, the employee may receive up to a five percent (5%) increase in pay, or an increase in an amount that will bring the employee's current base salary up to the minimum pay range of the new position, whichever is greater.
- (B) The department head or appointing authority receiving the transferred employee will make the decision on accepting the employee at his/her current rate of pay or at a reduced rate of pay. Such decision shall be made so as to advance the best interests of the County.

3.7. **Reclassifications:**

3.7.1. It is the policy of the Glynn County Board of Commissioners to insure proper classification of employees based on an objective and quantifiable evaluation of an employee's job duties relative to operational requirements and budget considerations.

3.7.2. The manner in which reclassifications will be done is as follows:

- (A) The appropriate department head must approve all reclassification requests.
- (B) The reclassification process may involve a job factor analysis to be done at the request of the department head, County Administrator, Personnel Director, or County Officer on forms provided by the Personnel Department for this purpose. The initial job analysis will be done by the effected employee.
- (C) The employee's supervisor and/or department head will review the employee's analysis of each factor and comment on the ratings.
- (D) The Personnel Department will prepare a recommendation on the reclassification request based on the combined evaluation and/or competitive salary data for review with the department head.
- (E) The department head, Personnel Director and County Administrator will meet to discuss options, exchange views and determine funding sources before making a recommendation to the Personnel Committee, excepting that reclassification decisions which are within budgetary guidelines shall be made by the County Administrator.
- (F) For reclassifications not excepted from Paragraph (E), above, the Personnel Committee will receive a written report with the recommendation of staff on the reclassification request for possible action by the Board of Commissioners.
- (G) A position which is reclassified by the County Administrator or the Board of Commissioners as provided herein will be given to the incumbent employee who is qualified and capable of performing the work without the necessity for posting the position for a competitive selection process. The position from which the incumbent is reclassified will be automatically eliminated.
- (H) A reclassification request approved by the Board of Commissioners will become effective the following pay period.

The pay of an employee who is reclassified will be adjusted in the same manner as for promotions and demotions.

- 3.8. **General Salary Increases**: Upon approval by the Board of Commissioners, general salary increases may be granted to all employees. No change in increment dates would be effected.
- 3.9. **Part-time Employment**: When employment is on a part-time basis, the appropriate hourly rate of pay shall be paid for the hours worked. Part-time employees who work from month to month and year to year on a part-time basis shall be eligible for merit increases, and receive holiday pay. Part-time employees accrue vacation and sick leave at a percentage of the rate those benefits are accrued by full-time employees; the ratio being the same as the percentage of their part-time hours to full-time hours.
- 3.10. **Overtime**:
- 3.10.1. **General**: The normal workday and workweek or work period for all departments shall be established by the department head. Departments under the supervision of the County Administrator shall establish hours subject to his approval. Eligible employees may receive overtime pay.
- (A) As a general rule, the requirement for frequent and considerable overtime in a department shall be considered evidence of under staffing or improper organization and shall be subject to review by the County Administrator. Department heads are responsible for recommending to the County Administrator for approval any change of hours, shifts, to include split shifts, or other measures which will reduce or eliminate overtime for groups or individuals.
 - (B) Overtime work shall include only that work performed by employees at the direction of a department head or his authorized representative that is approved by the County Administrator and which exceeds the number of hours constituting both the established workweek and period of the shifts involved.
 - (C) All overtime shall be computed to the nearest one-quarter hour.
 - (D) Records of all overtime worked shall be kept by the department head as directed by the County Administrator.
 - (E) Department heads are responsible for assuring that required overtime is distributed among their employees on as equitable basis as the skills of their employees and department needs and the welfare of the employees will allow.

3.10.2. Employees to Whom Overtime is Paid:

- (A) Non-exempt employees.
- (B) Exempt employees, but only during a declared state of emergency pursuant to Section 3.12., Emergency Pay, since overtime is recognized as a natural condition of employment for administrative, supervisory, and executive positions as classified in accordance with the FLSA.
- (C) Overtime for police officers begins at 160 hours rather than 170 hours in a 28 day cycle.
- (D) For police and firefighters vacation will be counted as actual hours worked for the purpose of calculating overtime. Sick leave will not be counted as actual hours worked for the purpose of calculating overtime.
- (E) Call-back and holiday pay will count toward overtime for non-exempt employees.

3.11. Extra Remuneration:

3.11.1. Witness Fees: An employee required by a federal or state subpoena to attend court, grand jury or inquest called by the coroner or to be a witness on behalf of the County concerning job related duties in any penal or civil action, shall adhere to and be compensated as follows:

- (A) Notice: At least twenty-four (24) hours prior to attending any judicial proceeding herein, an employee shall notify his immediate supervisor of the intended absence or delay in reporting to work; however, if the employee receives process within twenty-four (24) hours of the required appearance, then the employee must notify the supervisor as soon as notice is received by the employee.
- (B) Non-exempt Employee:
 - (1) Hours will be paid at the employee's regular hourly rate of pay, except as provided in Subparagraph (2), below. The employee shall be paid a minimum of three (3) hours.
 - (2) Hours outside the employee's regular assigned duty hours shall be counted as actual hours worked for the purpose of calculating overtime.
 - (3) A mileage allowance will be provided for distances to and from the employee's usual place of employment to the

place where the testimony is to be given. No allowance will be provided when the employee is operating a County owned vehicle.

(C) Exempt Employee:

- (1) An employee shall receive for the initial three (3) hours a minimum of \$25.00 for hours worked outside the employee's regular hours. Hours worked in excess of three (3) hours shall be paid at the employee's regular rate of pay. The employee shall be paid a minimum of three (3) hours.
- (2) A mileage allowance will be provided for distances to and from the employee's usual place of employment to the place where the testimony is to be given. No allowance will be provided when the employee is operating a County owned vehicle.

(D) Witness Fee Verification/Certification:

- (1) The employee's claim for hours worked or witness fees, as provided for in this Section, shall be endorsed on the subpoena showing the dates of attendance and that the attendance was required during the hours other than regular assigned duty hours. The employee shall verify this statement.
- (2) The Chief of Police, the Fire Chief, or the Personnel Director, as appropriate, shall certify that the employee has not received any overtime pay or has otherwise been compensated for his or her attendance, and that the attendance was required during hours other than regular duty hours.
- (3) No employee may claim or receive more than one witness fee per day regardless of the number of subpoenas which the employee may have received.

(E) Additional Compensation: In addition to the employee's regular and overtime pay, any employee ineligible to receive a state authorized witness fee under O.C.G.A. § 24-10-27 shall be paid an additional \$25.00 for appearance on behalf of the County before any court, the grand jury or a coroner's inquest.

3.11.2. Reimbursement for Moving Expenses: Employees being appointed to certain positions requiring professional and/or technical training or

experience may be reimbursed for their transportation and/or moving expenses when such expenditures are required to recruit qualified employees as determined by the County Administrator.

3.11.3. Call-back Pay: Employees required to return to work following the completion of a normal work shift will be paid a minimum of two hours pay at a rate of time and one-half. This provision will not apply to the extension of a normal work shift.

3.12. **Emergency Pay: (Amended June 3, 2004)**

3.12.1. After a call for voluntary or mandatory evacuation in any part of the County, any employee whose home is in the evacuation area may be allowed to leave work to evacuate and may use his or her accrued annual leave or take authorized leave without pay to substitute for the regularly scheduled time not worked upon approval of the employee's department director. If a County facility is closed due to an emergency situation, then employees assigned to that location may use accrued annual leave or leave without pay to complete their regular scheduled time until the facility is reopened or relocated and the employee returns to work.

3.12.2. Non-Exempt employees required to be on the job during a mandatory evacuation, under a declared state of emergency as declared by or under the authority of the Board of Commissioners, shall be paid emergency pay at a rate of one and one half times the employee's regular rate of pay and will continue to be paid at the same rate for hours worked beyond 40 hours. Once residents are allowed to return to their homes after an evacuation in any part of the County or once the critical stage of the state of emergency has been declared over by the Chairman, whichever occurs first, the employee's emergency pay rate will cease and the employee's rate of pay shall revert back to that employee's regular rate of pay. Exempt employees will receive no additional pay for working during a declared state of emergency or for hours worked beyond 40 hours.

3.12.3 No employee, exempt or non-exempt, will be paid any compensation or wages except accrued annual leave, if desired, during a mandatory evacuation when County offices are closed and the employee does not work.

CHAPTER IV
RECRUITMENT AND SELECTION

- 4.1. **Recruitment, Applications and Examination Employment Policy:** It is the policy of the Board of Commissioners to promote truthfulness in employment applications and to prohibit discrimination in the employment of any person who is an applicant for a position because of race, religion, color, sex, age, disability, political affiliation, or national origin. Any official or employee of the County government with information concerning a violation of the provisions of this Section may file a written complaint alleging unlawful discrimination with the County Administrator or appointing authority, as applicable.
- 4.1.1 The Americans with Disabilities Act (ADA) requires employers to reasonably accommodate qualified individuals with disabilities. It is the policy of the Glynn County Board of Commissioners not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. Glynn County will make an individualized assessment of whether a qualified individual with a disability meets the selection criteria for employment decisions. To the extent Glynn County's selection criteria have the effect of disqualifying an individual because of a disability, those criteria will be job-related and consistent with business necessity. **(Amended May 6, 2010)**
- 4.2. **Announcement of Vacant Positions:** The Personnel Director shall prepare recruitment notices to publicize vacancies and to assist in locating qualified candidates for vacant positions, as follows:
- 4.2.1. **Contents of Announcements:** The announcement of vacancies shall specify the title of the position, salary range, minimum qualification requirements, manner of making application, and the final date on which applications shall be received.
- 4.2.2. **Publication:**
- (A) Various media of publicity and areas of recruitment shall be used as may be expected to bring notice of vacancies to as many qualified persons as possible and to ensure obtaining well qualified applicants.
- (B) Announcements should be placed in prominent places throughout County offices.
- 4.2.3. **No Announcement Required:** This Section shall not apply to County reorganizations or to any reclassification of a position.

- 4.3. **Open Continuous Applications:** As a general policy, in order not to lose competent applicants, the Personnel Department will accept applications at any time whether or not a vacancy has been announced.
- 4.4. **Method of Application and Evaluation:** (Amended May 6, 2010)
- 4.4.1. Each applicant for a position within the County government shall make application on a standard application form approved by the Personnel Director. The forms shall require information covering training, experience and other job related information. The application shall be submitted to the Personnel Department.
- 4.4.2. The Personnel Director shall establish reference and investigation requirements he or she deems necessary to verify qualifications and skills and to determine the reputation, competency, honesty, stability, and dependability of each applicant and each promotional candidate for a position. Such investigation may include fingerprinting and checking of arrest records if a factor in job performance.
- 4.4.3. An applicant selected for a position will be required to undergo a physical examination when job related and consistent with business necessity, and after an offer of employment but prior to reporting to work. Additionally, any applicant selected for a position shall be required to undergo an alcohol and drug screening test after an offer of employment but prior to reporting to work. Criminal background and motor vehicle records checks shall be conducted on each applicant to whom an offer of employment has been made by the County. Any test administered or records checked under this Section will be at the expense of the County.
- 4.4.4 Glynn County will make reasonable accommodations for qualified applicants with a temporary or long-term disability upon request unless the accommodation would cause an undue hardship on the operation of Glynn County's business. If an applicant requests a reasonable accommodation and the individual's disability and need for an accommodation are not readily apparent or otherwise known, Glynn County may ask the individual for information necessary to determine if the individual has a disability-related need for the accommodation.
- 4.4.5 An individual with a disability who can be reasonably accommodated for a job, without undue hardship, will be given the same consideration for that position as any other applicant. Glynn County will not ask an applicant about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform specific job functions.

4.4.6 All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, which threat cannot be eliminated by reasonable accommodation, will not be hired.

4.5. **Disqualification:**

4.5.1. **Grounds for Disqualification:** The Personnel Director shall remove from further consideration the application of any person who:

- (A) Does not possess the minimum job specified qualifications;
- (B) By reference check or investigation, evidences an unsatisfactory employment history or an unsatisfactory personal record that demonstrates unsuitability for employment;
- (C) Has made false statements of any material fact or practiced deception in his application;
- (D) Fails to pass a physical examination, alcohol or drug screening test administered pursuant to Section 4.4., Method of Application and Evaluation; or
- (E) Has been convicted, plead nolo contendere or guilty, or sentenced in any court of competent jurisdiction for a felony or committing a pattern of misdemeanors exhibiting a disregard or lack of respect for the laws of this State, or any state of the United States, during the two (2) years immediately preceding the date of the application; or upon investigation, is disclosed to have two (2) or more criminal convictions of felonies at any previous time; provided, however, that such convictions are deemed to be detrimental to the effective performance of the duties for which he is being considered.

4.5.2. **Appeal of Disqualification:** Any applicant who alleges discrimination in any personnel transaction shall have the right to counsel with the Personnel Director. If the claim is not satisfactorily resolved, the applicant may counsel with the County Administrator or appointing authority as the final authority.

4.6. **Examination Program and Procedures:** The Personnel Director may initiate and install, with the approval of the County Administrator, a suitable examination program for any class of positions, along with procedures to implement such a program. Any written or performance test must be validated as to its ability to

test for job performance, and must not be discriminatory as to race, sex, disability, or cultural factors.

- 4.7. **List of Eligible Applicants:** Applicants who are rated "qualified" or above shall be placed on an employment eligibility list established by the Personnel Director for that class of vacant positions. The Personnel Director may, for a period not to exceed six (6) months, add or delete applicants based on availability for employment.
- 4.8. **Employment of Relatives:**
- 4.8.1. **Line of Authority:** A department head or any other person serving in a supervisory capacity is prohibited from hiring an immediate family member into a position within his line of authority.
- 4.8.2. **Alternative Job Placement:** At the discretion of the Board of Commissioners, employees may be relocated in an alternative job placement by removal of one or both of the effected employees from their current position to some other position so that an immediate family member is not within the employee's line of supervision or responsibility. The Board of Commissioners' decision will be based upon which employees' removal would be least disruptive to the productivity and morale of the department(s) involved. No employee who is reassigned pursuant to the terms of this provision shall suffer any decrease in salary or benefits.
- 4.8.3. **New Hires:** No County employee who is appointed, employed or supervised by the Board of Commissioners or its employees shall hire any individual who has an immediate family member currently employed by the Board of Commissioners within their line of authority. All prospective new hires shall disclose the name and department of any County employee who is a member of their immediate family to the Personnel Director, prior to accepting a position with the County. Failure to make such disclosure shall be grounds for immediate termination. Advance approval by the Board of Commissioners shall be required prior to employment by the Board of Commissioners of any individual who is an immediate family member of any member of the Board of Commissioners or the County Attorney, Police Chief, Personnel Director, or the County Administrator.
- 4.8.4. **Acquisition of Status:** Any person who becomes a member of the immediate family of an existing employee within the employee's line of authority during his or her employment with the County shall notify immediately the Personnel Director of the acquisition of such status. The Personnel Director and the County Administrator shall advise the Board of Commissioners as soon as practicable that such a situation

exists, and make a recommendation to the Board of Commissioners whether such employment situation should be allowed to continue based upon the Board of Commissioners' determination of the potential for conflicts and adverse effects on morale or productivity in the effected department. If alternative job placement is deemed desirable, the County Administrator shall suggest to the Board of Commissioners what alternative job placement should be made. A decision shall be made by the Board of Commissioners whether to allow the situation to continue unchanged, or to require alternative placement of either or both employees and which employee(s) shall be reassigned based upon the potential for conflicts and adverse effects on morale and productivity.

- 4.8.5. Existing Employees: Any current employee who has an immediate family member who is also an employee or member of the Board of Commissioners at the time of passage of this policy shall be evaluated for possible alternative job placement, unless previously reviewed and decided by the Board of Commissioners. The Personnel Director and County Administrator shall make recommendations regarding same to the Board of Commissioners. Alternative job placement shall not be made in instances when the existence of the immediate family relationship does not present any substantial morale or productivity problems.

4.9. **Prohibited Acts:**

- 4.9.1. No person shall make any false statement, ratings or reports with regard to any test or appointment or in any manner commit or attempt to commit any fraud preventing the impartial execution of these policies.
- 4.9.2. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept money, service, or other valuable consideration for any appointment, proposed appointment, promotion, or proposed promotion, to, or any advantage in, a position in the County personnel system.
- 4.9.3. No employee of the Personnel Department, examiner, or other person shall defeat, deceive or obstruct any person in his right to examination, eligibility, or appointment under these policies, or furnish to any person any special or secure information for the purpose of affecting the rights of prospects of any person with respect to employment in the personnel system.

4.10. **Reinstatement:**

- 4.10.1. Break in Service: A regular employee who separates from County employment in good standing may be credited for prior years service when the break in service is less than or equal to twelve (12) months.

Upon completion of the probationary period, the employee will be given credit for prior years' service.

- 4.10.2. Sick Leave: After successful completion of the probationary period, an employee will be given credit for previously accumulated and unused or unpaid sick leave which shall be revived and restored to the employee.
- 4.10.3. Annual Leave: Annual (vacation) leave will begin accruing at the rate at which the employee accrued leave prior to the employee's separation from County employment. The employee will not be credited for any leave for which the employee was paid or forfeited upon separation.
- 4.10.4. Pension Benefits: Retirement and pension benefits will be restored pursuant to Article III, Service, of the Glynn County Defined Benefit Pension Plan.
- 4.10.5. Review Date: Section 3.3.2., Procedure for Awarding Additional Salary Increases, shall apply as to longevity to an employee reinstated pursuant to this Section. The employee's merit reviews shall be scheduled as of the date of reinstatement.

CHAPTER V **APPOINTMENTS**

- 5.1. **Appointing Authority:** The appointing authority for all positions within a department shall be the department director or County Official. The appointing authority for all department directors shall be the County Administrator. Prior to hiring a department director, the County Administrator shall notify the Board of Commissioners of the decision to hire such department director, which notification may, at the County Administrator's discretion, be oral or written and may be made either to the Board of Commissioners itself or individually to each member. The appointing authority for all Assistant County Administrators shall be the County Administrator, subject to the approval of the Board of Commissioners. Initial screening and identification of qualified applicants for interview will be completed by the Human Resources Director as requested by the department director or County Official. **(Amended September 7, 2006)**
- 5.2. **Types of Appointments:** A person initially employed by the County shall be given one of the following types of original appointments:
- 5.2.1. **Probationary:**
- (A) All covered full-time and part-time employees are hired on a probationary basis, may be discharged at will, and do not enjoy full benefits during the twelve (12) month probationary period, except as provided in Chapter XI, Attendance and Leave. Regular employees may be placed in a probationary status because of promotion or transfer to another position or as punishment or warning, as provided for elsewhere in this policy.
 - (B) After serving the twelve (12) month period as a probationary employee, an employee will be given full employment rights.
- 5.2.2. **Temporary:** Temporary appointments may be made to fill positions which are authorized and established for a specified period of time not to exceed ninety (90) days.
- 5.2.3. **Part-time:** A position with regular work periods which requires the person to work less than thirty-five (35) hours each week. A covered employee on a work period greater than one week, however, will continue to be classified as full-time employee if he works less than thirty-five (35) hours each week as part of his regular work schedule.
- 5.2.4. **Full-time:** A covered employee may be appointed to a position which is full-time, as defined in Chapter I, General, Section 1.4., Definitions.

5.2.5. Seasonal: An employee may be appointed to a position which is seasonal, as defined in Chapter I, General, Section 1.4., Definitions.

5.3. **Emergency and Interim Appointments:**

5.3.1. A person may be appointed to a position in an emergency employment situation for not more than ninety (90) days with the consent of the Personnel Director.

5.3.2. A person may be appointed to a position on an interim basis when there is no qualified applicant available. No interim appointment shall continue longer than six (6) months, nor shall successive interim appointments be allowed unless approved by the Board of Commissioners due to extenuating circumstances.

5.3.3. Persons hired on an interim basis may be terminated with or without cause at any time during the probationary period. Nothing in this Personnel Policy shall be construed as creating any proprietary interest in a job held on the basis of an interim appointment.

CHAPTER VI

PROBATIONARY PERIOD

- 6.1. **Objective**: The probationary period shall be regarded as an integral part of the selection process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his or her position, and for rejecting any employee whose performance is not satisfactory. Nothing in this Personnel Policy shall be construed as creating any proprietary interest in a position for a new hire probationary employee. Employees hired on a probationary basis may be terminated with or without cause at any time during the probationary period.
- 6.2. **Duration**: The probationary period shall be twelve (12) months in duration. If a department head requests an extension in writing of the probationary period at least ten (10) days prior to expiration, the Personnel Director may extend the duration of such period and notify the employee. No extension totaling more than six (6) months shall be allowed.
- 6.3. **Promotions**: The probationary period for promotional appointments shall be six (6) months. If a person is removed during the probationary period following a promotion, he or she shall be entitled to reemployment rights in this former class when a vacancy occurs. If no vacancy exists, every effort shall be made to place the employee in another position for which he or she may be qualified. No salary increase will be given following a promotional probationary period.
- 6.4. **Dismissal During Probationary Period**:
- 6.4.1. **Dismissal**: At any time during the new hire probationary period, the department head may remove an employee if, in the department head's opinion, the employee's performance indicates that the employee is unable or unwilling to perform the duties of the position satisfactorily, or that the employee's work habits and lack of dependability do not merit the employee's continued employment.
- 6.4.2. **Report**: Within a reasonable time, not to exceed five (5) working days, after the effective date of the dismissal, the department head shall prepare a written report and forward it to the Personnel Director for inclusion in the employee's file.
- 6.4.3. **Appeal**: An employee dismissed during a new hire probationary period shall not have the right to appeal the termination decision. An employee serving in a probationary period following a promotion attained after the employee had achieved regular employee status may retain the right to appeal subject to Chapter IX, Disciplinary Actions and Appeals, Subsection 9.5.2. and 9.6.1., Probation.

6.5. **Probationary Period Reports:**

- 6.5.1. During the probationary period, the employee's supervisor will confer with the employee as to progress made and acceptability of work performance. The employee will be given a Performance Evaluation Report at a minimum of three (3), six (6), and twelve (12) month intervals during the probationary period.
- 6.5.2. At least ten (10) days prior to the expiration of the probationary period, the department head shall notify the Personnel Director whether or not an employee has satisfactorily completed his probationary period by submitting a Final Performance Evaluation Report to the Personnel Department.
- 6.5.3. Performance Evaluation Reports will be provided to the department head by the Personnel Department. Each report of performance shall be discussed directly with the employee by the employee's department head or his designee. If an employee disagrees with any statement in the evaluation report, he may, in a space provided on the evaluation report, list any disagreements and sign the report.

CHAPTER VII
PROMOTION, TRANSFER, AND DEMOTION

- 7.1. **Promotion Policy**: Vacancies in positions above the lowest rank in any class shall be filled as far as practical by the promotion of regular employees. The Personnel Director, subject to the County Administrator's approval, shall in each case determine whether an open competitive examination or a promotional examination will best serve the interests of the County in attracting well qualified candidates. Promotions in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of affecting an increase in compensation.
- 7.2. **Initiation of Transfers**: Transfers may be initiated in the following ways:
- 7.2.1. **By Employee**: An employee may request a transfer by submitting a written request to the Personnel Director, and providing a copy to the department head. As vacancies occur in other departments to which he would be eligible to transfer, the employee's name will be submitted to the department head for consideration.
- 7.2.2. **By Department Head**: An employee may be transferred to a vacated staffing position upon written recommendation of the department head or department heads concerned, with the approval of the Personnel Director and the County Administrator; however, the receiving department head or appointing authority will make the decision on accepting the transferring employee at his or her current rate of pay or at a reduced rate of pay. Such decision shall be made so as to advance the best interests of the County.
- 7.2.3. **By County Administrator**: The County Administrator may initiate the transfer of a qualified employee from one position to another position under his administrative supervision by providing notice to the employee and the department heads involved at least ten (10) working days in advance of the transfer.
- 7.3. **Status of Transferred Employees**: The transfer of a covered employee shall not change the status (probationary or regular) which the employee has at the time of the transfer, nor shall the employee suffer loss of any of the benefits and privileges afforded covered employees, except as provided in Chapter III, Salary Administration, Section 3.5., Demotions, and Section 3.6., Transfers.
- 7.3.1. A transfer occurs when an employee is transferred to another position and is within the new range of pay in the same or a different department for a specified or indefinite period of time to meet operational requirements, for cross-training, or for developing skills associated with a

particular career path. The current pay of a transferred employee is not to be adjusted except as provided for in Chapter III, Salary Administration, Section 3.5., Demotions, and Section 3.6., Transfers. The effective date of subsequent performance reviews and merit increases is to remain the same as before the transfer.

7.4. **Rights of Transferred Employees:**

7.4.1. A regular employee may appeal a transfer which is to a position clearly having different duties, responsibilities, minimum qualification requirements and position title. Appeal should be made in writing in the same manner as other grievances are handled pursuant to Chapter VIII, Grievances and Appeals.

7.4.2. If a regular employee fails to perform the duties and responsibilities of the position to which he was transferred at an acceptable level of competence as determined by the employee's department head (except for reasons of misconduct), the employee may be permitted to transfer back to his former position or to a comparable position. If no vacancy exists, every effort shall be made to place the employee in another position for which he may be qualified.

7.5. **Demotions:** A demotion occurs when an employee is reassigned to a position having a lower rate of pay for reasons other than disability due to a work-related injury, illness, or disease covered by workers' compensation. The current pay of an employee being demoted is to be decreased pursuant to Chapter III, Salary Administration, Section 3.5., Demotions, and Section 3.6., Transfers, if on the effective date of the demotion the employee is earning more than the maximum pay established for the lower position. In this situation, the employee is to be paid at the top of the pay range to which the demotion occurs. The eligibility date for subsequent performance reviews and merit increases will not be adjusted for the demoted employee.

7.6. **Reasons for Demotion:**

7.6.1. When an employee does not perform the duties and responsibilities of his position at an acceptable level of competence as determined by the department head;

7.6.2. When an employee is insubordinate or uncooperative, or acts in a manner tending to lower discipline or morale within the County government, or who acts in a manner deemed not in the best interest of the County, or its good repute. The employee may be demoted when alternative personnel actions, such as suspension or dismissal, may not be warranted, appropriate or deemed in the best interest of the County;

- 7.6.3. When an employee voluntarily requests or accepts a demotion;
 - 7.6.4. When an employee would otherwise be laid off because his position is abolished due to lack of work or lack of funds or because it has been reclassified to a higher classification for which the incumbent is not qualified;
 - 7.6.5. When the former incumbent of the position returns to work from authorized leave in accordance with the policies on leave; or
 - 7.6.6. When an employee becomes physically incapacitated and with reasonable accommodation is unable to perform the duties of his position, either on the employee's own initiative or by action of the department head, County Administrator, or appointing authority, the employee may be reassigned to a position which he is able to perform and which has a lower rate of pay.
- 7.7. **Demotion Recommendation:** A department head may recommend to the Personnel Director that an employee be demoted when the department head determines such action is necessary, appropriate and in the best interest of the County. The recommendation shall be in writing and shall contain the reasons why it is necessary to recommend demotion rather than alternative personnel actions.
- 7.8. **Notification of Demotion:** Upon notification or approval of a demotion, the department head shall notify the employee. The notification to the employee shall be in writing and shall contain the reasons for demotion, the effective date, and the signature of the department head, County Administrator, or County Officer, as applicable. If the employee believes the demotion to be unjust, the employee will state, in writing, his reasons on the notification form. A copy of the notification of demotion together with the employee's reply, if any, will be forwarded to the Personnel Director for inclusion in the employee's personnel file. A regular employee shall be informed of his or her right of appeal as outlined in Chapter IX, Disciplinary Actions and Appeals.

CHAPTER VIII

GRIEVANCES AND APPEALS

- 8.1. **Policy:** It is the policy of the Board of Commissioners and the appointing authority to treat all employees in an impartial manner. The Board of Commissioners and the appointing authority are firmly committed to the belief that undisclosed problems will remain unresolved, and eventually lead to a decay of working relationships, dissatisfaction in working conditions, and a decline in operational efficiency. Accordingly, the Board of Commissioners hereby establishes an administrative review system for regular employees with a grievance against an employee under the direction and control of the Board of Commissioners, or the appointing authority, the intent of which is to solve problems as quickly and informally as possible. Probationary and temporary employees shall report grievances pursuant to Section 8.7., Probationary and Temporary Employees.

Employees who seek resolution of employment disputes by using established procedures will not be subjected to unlawful discrimination or be penalized for their use of these procedures provided their use is made in good faith to redress reasonably perceived inequitable treatment. An employee who knowingly provides false or misleading information in a grievance, including written or oral evidence or testimony, or who attempts to harass, intimidate, or otherwise misuses the grievance process shall be subject to disciplinary action up to and including termination of employment.

- 8.2. **Administrative Review System:** Regular employees who have complaints, problems, concerns, or disputes with another employee not related to a proposed or pending adverse action, the nature of which adversely affects the employee, may file a grievance according to the procedures established herein. The grievance must be reasonably related to specific working conditions such as job safety, compensation, job classification, reassignment, or any form of alleged discrimination or harassment prohibited by law. It is deemed in the best interests of the County to consider all relevant evidence including, but not limited to, any prior disciplinary actions or information from whatever source that is available and which may include events before and during employment with the County.

- 8.3. **Informal Administrative Review:**

8.3.1. A regular employee who has a complaint, problem, concern, or dispute shall make every effort to resolve the matter through an informal discussion with his or her immediate supervisor within five (5) working days of the occurrence or cause of the matter. In the alternative, if the employee's work unit structure is such that the immediate supervisor is subordinate to another supervisor, the aggrieved employee may request a discussion with both supervisors within this time period.

- 8.3.2. The supervisor(s) will take the grievance matter under consideration and attempt to resolve it verbally within ten (10) working days. The supervisor may extend the time period when additional time is needed to gather information or to resolve the matter.
- 8.3.3. If the department head is the employee's immediate supervisor, the employee shall proceed directly to formal administrative review within five (5) working days of the occurrence.

8.4. **Formal Administrative Review:**

- 8.4.1. If the employee's grievance remains unresolved after an informal administrative review, or is not resolved to the employee's satisfaction, the aggrieved employee may file a written request for an Administrative Review with his or her department head or with the appointing authority within five (5) working days following the supervisor's written decision. The department head or the appointing authority will arrange a meeting with the employee within ten (10) working days of the employee's request to allow the employee an opportunity to present a personal and complete description of the grievance. The department head or the appointing authority will take into consideration all matters presented to him, including any investigation or evaluation of the facts related to the situation, and render a written decision within ten (10) working days from the date of the meeting with the employee. The department head or the appointing authority may extend the period of time when additional time is needed to gather information or to resolve the matter or to issue a decision.
- 8.4.2. If an employee is not satisfied with the outcome of the decision rendered by the department head or the appointing authority, the employee may appeal the decision in writing to the Human Resources Director within five (5) working days from the date of the decision.
 - (A) Upon receipt of a written appeal from an employee, the Human Resources Director shall review the decision of the department head or the appointing authority and shall render a written decision, which shall include any recommendation for imposition of discipline, within ten (10) working days. The Human Resources Director may extend the period of time in which a written decision is to be rendered when additional time is needed to gather information or to resolve the matter. The Human Resources Director shall render a decision based upon a written record and an informal hearing. If the department head or appointing authority agrees with the Human Resources Director's decision, including any

recommendation for imposition of discipline, the department head or appointing authority shall issue a Notice of Discipline, which imposes the Human Resources Director's recommendations of discipline.

- (B) If the department head or appointing authority does not agree with the Human Resources Director's written decision, including any recommendation for imposition of discipline, the department head or appointing authority shall, in lieu of issuing the Notice of Discipline in accordance with subsection (A) above, request a review of the matter by the to the County Administrator or, if applicable, the County Officer by submitting a written request to the Human Resources Director within five (5) working days from the date of the Human Resources Director's written decision. Within ten (10) working days of receipt of the request for review, the Human Resources Director shall transfer the matter to the County Administrator or, if applicable, to the County Officer for a written decision to be rendered within ten (10) working days of receipt of the transfer. The County Administrator or, if applicable, the County Officer may extend the period of time in which a written decision is to be rendered when additional time is needed to gather information or to resolve the matter. The decision of the County Administrator or, if applicable, the County Officer shall include any imposition of discipline and shall be final and conclusive. The County Administrator or, if applicable, the County Officer may render a decision based solely upon a written record, but may also hold an informal hearing to assist in making a decision when it is deemed by the County Administrator or, if applicable, the County Officer to be beneficial. If disciplinary action is imposed, the County Administrator or, if applicable, the County Officer will issue a Final Notice of Discipline.

- (C) If the department head or appointing authority agrees with the Human Resources Director's written decision and issues a Notice of Discipline in accordance with subsection (A) above, the employee shall be entitled to a review of the matter by the County Administrator or, if applicable, the County Officer by submitting a written request to the Human Resources Director within five (5) working days from the issuance of the Notice of Discipline. Within ten (10) working days of receipt of the request for review, the Human Resources Director shall transfer the matter to the County Administrator or, if applicable, to the County Officer for a

written decision to be rendered within ten (10) working days of receipt of the transfer. The County Administrator or, if applicable, the County Officer may extend the period of time in which a written decision is to be rendered when additional time is needed to gather information or to resolve the matter. The decision of the County Administrator or, if applicable, the County Officer shall include any imposition of discipline and shall be final and conclusive. The County Administrator or, if applicable, the County Officer may, in the exercise of his or her discretion, render a decision based solely upon a written record, but may also hold an informal hearing to assist in making a decision when it is deemed by the County Administrator or, if applicable, the County Officer to be beneficial. If disciplinary action is imposed, the County Administrator or, if applicable, the County Officer will issue a Final Notice of Discipline.

- 8.5. **Exceptions to Grievance Procedural Steps:** The County recognizes that there may arise certain situations in which it may be inappropriate for employees to pursue the resolution of a grievance in the prescribed sequence. Consequently, the following exceptions are instances when an employee may bypass these procedural steps, after having obtained the written approval of the Personnel Director, to seek resolution of a grievance by the next higher authority under circumstances appropriate to the relief sought. The Personnel Director shall provide a written response to the employee within ten (10) working days of receiving the employee's request. Employees who are uncertain as to the proper authority or the method of appeal should discuss the matter with the Personnel Director. The following matters may warrant a change in the procedural steps:
- 8.5.1. If the complaint or problem involves a known or suspected violation of law;
 - 8.5.2. If the complaint or problem is clearly not within the authority of the employee's supervisor to resolve;
 - 8.5.3. If the employee and superior mutually agree to bypass the superior's review;
 - 8.5.4. If the nature of the complaint, problem or dispute involves or has been caused by the employee's superior, and the employee, with the concurrence of the Personnel Director, has reason to believe the superior may be less than impartial;
 - 8.5.5. If the nature of the complaint or problem involves sexual harassment; or

- 8.5.6. If the nature of the complaint or problem involves any sort of deprivation or discrimination prohibited by the Constitution of the United States, the Constitution of the State of Georgia, or any federal, state, or local law.
- 8.6. **Representation**: An employee shall not be entitled to be represented by legal counsel in any grievance proceeding or hearing conducted under the provisions of Sections 8.2 through 8.5. of this Chapter.
- 8.7. **Probationary and Temporary Employees**: The provisions of Sections 8.2. through 8.6. of this Chapter shall not apply to employees hired on a probationary or temporary basis. Nothing in the Glynn County Personnel Policy shall be construed as creating any proprietary interest in a job for a probationary or temporary employee. However, a probationary or temporary employee who may have a complaint, problem, or concern of an alleged discriminatory act or practice reasonably related to the employee's working conditions or harassment, as prohibited by law, is encouraged to inform his or her supervisor or department head, or the Personnel Director within five (5) working days of the incident.

CHAPTER IX
DISCIPLINARY ACTIONS AND APPEALS

9.1. **Standard:** The purpose of this Personnel Policy is to help employees work together harmoniously and to provide efficient, safe and courteous service to our citizens. Reasonable rules concerning personal conduct, performance, safety, and responsibilities are necessary. It is the policy of Glynn County to implement discipline in a consistent manner and provide regular employees notice of pending disciplinary action and afford an employee the opportunity to respond or appeal.

9.2. **Guidelines:**

9.2.1. Employees are not covered by the steps outlined in this Personnel Policy until they have completed their new hire probationary period and may be terminated before the completion of the probationary period without benefit of these provisions and without cause.

9.2.2. Elected officials have the ultimate authority to discipline and dismiss any employee in their department or office. Any appeal or review of discipline findings will be in the form of a recommendation to the elected official who shall make the final decision.

9.2.3. Degrees of discipline are generally progressive and are used to ensure that the employee has the opportunity to correct or improve his or her job performance. Glynn County management may depart from progressive discipline and skip any step or steps of the disciplinary process after investigation and analysis of the situation and circumstances.

9.2.4. Disciplinary action may be initiated as management deems appropriate including, but not limited to, cases involving any of the following types of misconduct. Should instances arise of unacceptable conduct not listed below, the County may find it necessary and appropriate to initiate disciplinary proceedings in accordance with policies and procedures contained in Glynn County's Personnel Policy and written department operational rules that have been explained and acknowledged in writing by the employee.

(A) **Attendance:**

- (1) Improper or unauthorized use or abuse of paid leave;
- (2) Excessive absenteeism, the effect of which is to disrupt or to diminish the operational effectiveness of the employee's department; or

- (3) Being absent without authorized leave or repeated unauthorized late arrivals or early departures from work.

(B) Behavior:

- (1) Soliciting, dispensing or accepting special favors or privileges or making private promises to anyone or accepting favors which might be construed as influencing the performance of County duties;
- (2) Revealing information received confidentially in the performance of County duties which is in opposition to the best interests of the County. Confidential information includes, but is not limited to, computer access password, sealed bid data, medical records and similar files, social security number, home address of law enforcement officers, judges, prosecutors, police officers, judges, and prosecutors or identification of their immediate family members;
- (3) Engaging in criminal, dishonest, immoral or disgraceful conduct or conviction of a crime which is in opposition to the best interests of the County;
- (4) Willful or negligent violation of rules, regulations, policies, or related directives;
- (5) Failure to carry out a direct order from a superior, except when the employee's safety may be unreasonably jeopardized by the order or when such order constitutes a violation of law or policy;
- (6) Engaging in a conflict of interest activity as defined in the Code of Ethics adopted by the Board of Commissioners or elected or appointed official;
- (7) Falsification, removal, or destruction of information related to employment, payroll, or work-related records or reports including, but not limited to, application for examination or employment or any action or lack of action that materially effects the employment of an individual employee or class of employees;
- (8) Soliciting outside work for personal gain during business hours; participating in any off-duty employment of a type

previously prohibited by a resolution of the Board of Commissioners or appointed or elected official;

- (9) Discourteous treatment of the public or other employees, including harassing, coercing, threatening, or intimidating others;
- (10) Conduct designed to materially interfere with the management of the County's operations or reflecting discredit on the County or elected or appointed official, or which poses an unreasonable risk to the health and safety of the employees, the public, or the County or its finances;
- (11) Lying to, stealing from, or cheating co-workers, supervisors, elected or appointed officials or the public, or when an employee has knowledge of same or fails to disclose same to his/her immediate supervisor, and which is in opposition to the best interests of the County.
- (12) Violation or neglect of safety rules, or contributing to hazardous conditions;
- (13) Fighting or physical horseplay which poses a danger to self or others in the workplace;
- (14) Violation of written department operational rules formulated by the department director or the elected or appointed official which the employees have previously been made aware of and have acknowledged this awareness in writing; or
- (15) Any act or conduct that is intended to be discriminatory in nature and directed toward another person's race, religion or religious beliefs, color, national origin, sex (including sexual harassment), disability or physical condition, age, or political affiliation.

(C) Performance:

- (1) Inefficiency, incompetence, or negligence in the performance of duties, including failure to perform assigned tasks or training, or failure to discharge duties in a prompt and competent manner;

- (2) Refusal or inability to improve job performance in accordance with written or verbal direction after a reasonable trial period;
- (3) Refusal to accept reasonable and proper assignments from an authorized supervisor;
- (4) The use of alcohol or illegal drugs on duty or off duty when such use interferes with the employee's performance of assigned job duties;
- (5) Being or driving under the influence of alcohol or drugs while on duty, except prescribed medication ingested within the limits set by a physician;
- (6) Careless, negligent, or improper use of County property, equipment or funds, including unauthorized removal or use for private purpose, or use involving damage or unreasonable risk of damage to such property;
- (7) Unauthorized release of confidential information or official records with the intent to injure or damage another employee or the County, its programs and operations;
- (8) Release of password or other information which would allow unauthorized persons access to computer records;
- (9) Refusing to take a drug test when reasonable suspicion exists that an employee is using illegal drugs;
- (10) Refusing to take or submit to any alcohol or drug screening test, or receiving a test result of positive for the use or presence of alcohol or drugs as determined by the tolerance levels set forth in Chapter XIV, Ethics and Conduct;
- (11) Litigation of, participation in, or leadership of a strike, work stoppage, slowdown, or artificial restriction of productive work; or
- (12) Operating a vehicle on County business with a revoked or suspended operator's permit or a citation for driving under the influence of alcohol or illegal drugs.

9.3. **Reports:**

- 9.3.1. Each department director, supervisor, or elected or appointed official involved with a problem, complaint, dispute or disciplinary action with an employee shall develop and maintain a written, dated record of the matter.
- 9.3.2. The report shall include, but is not limited to, the following:
- (A) The date(s) when the incident(s) was brought to the employee's attention by his or her supervisor, department director, or elected or appointed official;
 - (B) A narrative of each and every discussion with the employee, and the dates thereof;
 - (C) The disciplinary action taken; and
 - (D) A subsequent evaluation of the results.
- 9.3.3. The report and all disciplinary action forms will be forwarded to the Human Resource Department in a timely manner for inclusion in the employee's personnel file.

9.4. **Witnesses, Recordings and Transcripts:**

- 9.4.1. The employee, the department director, elected or appointed official, or the hearing officer may request the attendance of employees or other persons as witnesses when their testimony will aid in establishing the facts in the case. Requests for witnesses should be made to the Director of Human Resources who will schedule the attendance of County employees. When requested to testify as a witness, attendance by a County employee is mandatory. When a witness is unavailable to attend the hearing, written, for cause, supporting documentation will be submitted to the Director of Human Resources for determination whether to excuse the witness or reschedule the hearing. All witnesses shall testify under oath. No person shall directly or indirectly use, or threaten to use, any authority or influence to discourage any person from testifying.
- 9.4.2. Time spent in attendance as a witness by non-exempt employees outside regular assigned duty hours shall be counted as actual hours worked for the purpose of calculating overtime. For exempt employees, overtime is recognized as a natural condition of employment for administrative, supervisor, and executive positions as classified in accordance with the FLSA.

9.4.3. Audio or video recording or written transcript or other type of recording made by either party during the fact-finding hearing will be made available to the other party. The requesting party will be charged a reasonable cost of reproduction.

9.5. **Minor Disciplinary Procedures/Adverse Action:** Minor disciplinary actions may be brought against an employee by his or her immediate supervisor. Minor disciplinary actions may be brought against an employee by his or her department director or the elected or appointed official when the department director or elected or appointed official is the employee's immediate supervisor.

9.5.1. **Formal Warning:** A written reprimand that specifies the unsatisfactory element of job performance and is corrective or cautionary in nature. A written reprimand must define the area or areas of needed improvement by the employee, set up goals for achievement of the improvement, and inform the employee that failure to improve the area(s) of deficiency may result in a more serious adverse action. A written reprimand shall be issued by the employee's immediate supervisor.

9.5.2. **Probation:** A regular employee may be placed in a probationary status for disciplinary reasons for a period not to exceed three (3) months during which time the employee will be expected to meet specific goals which have been outlined and given to the employee in writing. The supervisor will review periodically with the employee the progress the employee has attained toward meeting these written goals during and at the completion of the probationary period. If the employee fails to meet these goals, then the employee will be subject to additional disciplinary action.

9.5.3. **Suspension Without Pay:** A regular employee may be suspended for a period not to exceed five (5) consecutive working days, five (5) consecutive working shifts, or three (3) consecutive twenty-four (24) hour shifts in the case of fire department personnel. **(Amended May 6, 2010)**

9.5.4. **Employee Notice and Request for Review:** This review is created to protect the employee from erroneous or arbitrary disciplinary action.

(A) An employee receiving a Formal Warning, Probation, or Suspension Without Pay will be given by the employee's immediate supervisor, in writing, a Notice of Pending Discipline. The Notice will include:

(1) The effective date of the Notice of Pending Discipline which may be presented to the employee or mailed to the employee's last known address.

- (2) The specific charges or reasons for the pending discipline;
 - (3) A statement advising the employee has the right to request a review. The Request for Review must be made to the employee's supervisor no later than five (5) working days from receipt of Notice of Pending Discipline. Failure by the employee to respond within the five (5) working day period will result in a waiver of all further appeal or review rights pertaining to the disciplinary action.
- (B) The employee has the right to respond and request a review of the circumstances and incident(s). The employee's Request for Review may be made in person or by writing to his or her immediate supervisor. The effective date of the disciplinary action will be the beginning of the sixth (6th) working day from receipt of Notice of Pending Discipline, or at the discretion of the department director.

9.5.5. **Review:**

- (A) Within ten (10) working days from the effective date of the Notice of Pending Discipline, the employee's department director or elected or appointed official, as applicable, will hear the appeal unless there is a direct conflict of interest. In situations in which the department director has a conflict of interest, the department director will request the Director of Human Resources to appoint another department director or uninvolved individual who will have the authority to countermand, uphold, or amend the pending discipline after hearing the Review. The hearing officer has the right to conduct a further investigation of relevant facts, review any relevant evidence submitted by the employee, the employee's supervisor or the department director, and interview witnesses. The decision of the hearing officer will be rendered, in writing, within ten (10) working days of the Review unless a one (1) time, ten (10) working day extension due to extenuating circumstances has been granted by the Director of Human Resources. All parties will be notified, in writing, when an extension is granted. The decision of the department director or hearing officer will be final and binding in all cases of minor disciplinary action, excepting elected officials who shall take the hearing officer's decision under consideration in the form of a recommendation, and then make the final determination.
- (B) An employee shall not be entitled to be represented by legal counsel during the review hearing of a minor disciplinary action.

The hearing officer's report and all documentation of the disciplinary action will be forwarded to the Human Resource Department, within ten (10) working days of the final decision, for inclusion in the employee's personnel file.

- 9.6. **Major Disciplinary Procedures/Adverse Action:** Major disciplinary action will be taken after an investigation and review of the circumstances. Disciplinary action must be taken when warranted. The severity of the misconduct and review of the employee's work record will determine the severity of the disciplinary action. Based on the severity of the misconduct, the department director may depart from progressive discipline and immediately discharge any employee. Major discipline is to be administered by the employee's department director, County Administrator, or elected or appointed official.
- 9.6.1. **Probation:** A regular employee may be placed in a probationary status for disciplinary reasons for a period not to exceed six (6) months during which time the employee will be expected to meet specific goals outlined in writing and signed by the employee. The department director, County Administrator, or elected or appointed official will review periodically with the employee the progress the employee has attained toward meeting these written goals during and at the completion of the probationary period. If the employee fails to meet these written goals, then the employee will be subject to subsequent disciplinary action, up to and including termination, without the right of further appeal.
- 9.6.2. **Suspension Without Pay:** A regular employee may be suspended without pay from County employment for up to but not exceeding two hundred forty (240) hours. The suspension may be imposed by the department director, elected or appointed official, or County Administrator, as applicable. **(Amended May 6, 2010)**
- 9.6.3. **Pay Reduction:** A regular employee's pay rate may be reduced for disciplinary reasons by the department director, elected or appointed official, or by the County Administrator after consultation with the Director of Human Resources.
- 9.6.4. **Demotion:** An employee may be demoted for disciplinary reasons to a job having fewer responsibilities, skill requirements, performance standards and a lower rate of pay by the department director, elected or appointed official, or the County Administrator, as applicable. A demotion is possible only when there is an open lower ranked position that the employee is qualified to perform or the department director chooses to reclassify the employee's current position to one with a lower classification within the department. When extenuating circumstances exist, disciplinary demotions may be imposed at the discretion of the department director, elected or appointed official, or County

Administrator, as applicable, on a temporary basis and will not exceed six (6) months in duration.

9.6.5. **Dismissal**: A regular employee may be terminated for disciplinary reasons, or as the final step in an accumulation of infractions, from County employment by the department director, elected or appointed official, or County Administrator.

9.6.6. **Appeal**: A regular or former employee shall have the right to appeal any major disciplinary action in accordance with the procedures outlined below:

(A) Request for Appeal of a major disciplinary action must be made in writing to the Human Resource Director within five (5) working days following the date on which the employee receives written notification of discipline, or mailed to the employee's last known address. All Requests for Appeal must be submitted in writing.

(B) The Human Resource Director will schedule the fact-finding hearing and advise all parties of the date, time and place of the hearing. Notification to the parties of the hearing date will be at least ten (10) working days in advance of the hearing. The hearing will be held within thirty (30) calendar days of the employee's Request for Appeal.

(C) The Human Resource Director will appoint a three (3) member Panel to hear evidence, prepare findings of fact, and issue a decision based thereon. The Panel will consist of two (2) department directors or elected or appointed officials and one (1) employee in a comparable position to the employee who is appealing, not however, from the appealing employee's department. The Panel will consider prior disciplinary problems, hear relevant evidence presented by the department director or elected or appointed official and the employee or his or her legal representative, and interview witnesses. All arrangements for providing legal counsel shall be the responsibility of the party desiring such representation. The Panel will have the authority to uphold, countermand, or amend the disciplinary action, excepting that an elected official may substitute his or her decision as the final determination of the disciplinary action under appeal.

(D) Each party will be granted time to conduct a cross-examination of the witnesses. Members of the Panel also may examine the witnesses. All proceedings shall be informal, but orderly. Both parties shall have an opportunity to make a brief oral or written closing statement.

- (E) Evidence which is irrelevant, immaterial, or unduly repetitious may be excluded. Documentary evidence may be received in the form of copies of excerpts if the original is not readily available. Upon request, and at the discretion of the Panel, both parties will be given an opportunity to compare the copy with the original. Rules of evidence as generally understood in civil or criminal courts are not binding under this Personnel Policy.
- (F) Upon the request of the employee, the Request for Appeal may be dismissed at any time before the Panel's determination.
- (G) The Panel shall issue its decision within ten (10) working days from the conclusion of the fact-finding hearing. The written determination of the Panel will be forwarded to the Director of Human Resources for inclusion in the employee's personnel file and distribution to the employee or his or her legal representative, the department director, County Administrator, or elected or appointed official.

9.6.7. **Executive Review:** The employee, department director, County Administrator, or elected or appointed official may request an Executive Review within five (5) working days of the Panel issuing its decision.

- (A) The Executive Review will be the final determination and will be based upon a review of the Panel's written determination and the employee's record. No further evidentiary hearing will be held unless requested by the Review Officer.
- (B) The County Administrator, or his designee, will serve as the Review Officer in all cases of discipline except those cases when the County Administrator has represented the County in prior steps of the present disciplinary action. In cases such as these, the Review Officer will be the Glynn County Chief of Police, or his designee. In all cases, the decision of the Executive Review Officer will be binding and not subject to further appeal, excepting that elected officials shall take the Executive Review Officer's decision under consideration in the form of a recommendation, and then make the final determination.
- (C) The decision of the Executive Review Officer, or elected official, as applicable, shall be filed with the Director of Human Resources in a timely manner. The Director of Human Resources will mail copies of the decision to all parties.

9.7. **Amended Disciplinary Action:** If the Department Director or Hearing Officer in a minor disciplinary action or the Panel or Executive Review Officer in a major disciplinary action determines, after consideration and review of the circumstances and evidence presented, that charges in addition to, or substantially different from, those enumerated in the Notice of Pending Discipline should be made, or that the pending discipline should be more severe than the pending discipline specified in the Notice of Pending Discipline, then said person shall rescind the disciplinary portion of the Notice of Pending discipline by written notice to the employee. A Notice of Pending Discipline, as amended, shall be issued in accordance with the provisions of the Personnel Policy.

9.8. **Emergency/Crisis Situation:**

9.8.1. The County Administrator or the elected or appointed official may take immediate action against an employee under the following circumstances:

- (A) Based on circumstances, it is reasonably suspected that the employee has committed a felony or other act or crime involving moral turpitude; or
- (B) The retention of the employee in an active status may result in damage to property or may be disruptive, detrimental or injurious to the employee, co-workers, persons under the employee's charge, or the public.

9.8.2. The Notice of Discipline issued in an Emergency/Crisis Situation is the final determination. The Notice may be presented to the employee or mailed to the employee's last known address, and must include:

- (A) The specific charge(s) on which the discipline is based;
- (B) The effective date of the disciplinary action;
- (C) A statement advising the employee of his or her right to appeal; and
- (D) A warning that failure by the employee to appeal within the established time limits will waive this and all further appeal rights.

9.9. **Effective Date of Action:** The disciplinary action will become effective on the date the department director, hearing officer, elected or appointed official issues the Final Notice of Discipline. Should the discipline be appealed by the employee, the appeal does not change the effective date. Should the discipline be revised, any monies owed the employee will be paid, without interest, and

benefits reinstated effective on a date determined by the Panel or Executive Review Officer.

- 9.10. **Reduction in Disciplinary Action**: Notwithstanding any provision herein to the contrary, the hearing officer, the County Administrator, the Panel, the Executive Review Officer, or the County Officer may reduce a disciplinary action taken against an employee at any time during the disciplinary action process, to include without limitation deletion of certain charges, when it is in the best interests of the County.
- 9.11. **Time**: When the last day of any time period established by this Chapter falls upon a Saturday, Sunday, or any holiday recognized by the County, that time period will be extended so that the last day thereof will be the Monday following the Saturday, Sunday or holiday.

CHAPTER X **SEPARATIONS**

10.1. Resignation:

10.1.1. **Notice:** To resign in good standing, an employee must give in writing to his immediate supervisor or department head at least fourteen (14) calendar days prior notice of resignation. Department heads shall give notice at least four (4) weeks prior to resignation. Resignation notices shall include the date the resignation is submitted, the effective date of the resignation, and the reason for resigning.

10.1.2. **Status:** Failure to comply with Subsection 10.1.1., Notice, shall be viewed as having resigned not in good standing and shall be entered on the service record of the employee.

10.1.3. **Reduction in Payout of Annual Leave:** For each day or each shift the employee fails to give notice of resignation, the same amount of the employee's accrued annual leave shall be forfeited up to and including all the periods of work within the fourteen (14) days or four (4) weeks during which the resignation notice would have been effective.

10.1.4. **Exception:** The Board of Commissioners may make an exception to this Section upon a demonstration that a resignation was made under extraordinary circumstances not subject to the employee's control.

10.2. **Abandonment of Position:** An employee who, without valid reason, fails to report to work for three (3) consecutive work days without authorized leave shall be separated from the payroll and reported as having abandoned his position. The employee is not eligible for re-employment for a period of two (2) years and shall be considered as resigning not in good standing.

10.3. Layoffs:

10.3.1. **Policy:** It is the policy of the Glynn County Board of Commissioners to ensure proper staffing levels to meet operational requirements, and to maintain a stable work force as a vital part of its overall employee relations objectives. However, certain economic and budgetary considerations and changes in the organization and programs of the County government may necessitate layoffs to reduce the size of its workforce.

10.3.2. Criteria:

- (A) Employee(s) are to be laid off in order of the following criteria. Once a criteria is reached upon which a decision can be made, the remaining criteria are not considered.

First criteria: Availability of a funding source.

Second criteria: Availability of a funding with the department.

Third criteria: Availability of funding for a particular program.

Fourth criteria: Deletion of job classification or position within the program.

Fifth criteria: Job performance as shown on the last two performance evaluations or any such evaluation within a two-year period.

When an employee possesses a critical skill essential to the efficient operation of the department, he may be retained in preference to a person with a higher rating. Documentation and request for such action must be presented to the Personnel Director for presentation to the County Administrator who will make the final decision. The request shall set forth in detail the specific skills and abilities possessed by the individual and the reasons why such individual is essential to the effective operation of the department.

Sixth criteria: Length of service with the County.

(B) Employees of Elected or Appointed Officials:

(1) Non-covered Employees: Elected or appointed officials whose employees are not covered by the Glynn County Personnel Policy will determine which employees are to be laid off, preferably according to the above-referenced criteria.

(2) Covered Employees: Elected or appointed officials whose employees are covered by the Glynn County Personnel Policy must recommend employees for layoff to the County Administrator for concurrence with the Glynn

County Board of Commissioners before such layoffs become effective.

- 10.4. **Disability**: A department head may request, with the concurrence of the Personnel Director, any employee under his jurisdiction to be examined by a physician designated by the County to determine whether the employee is an individual with a disability and the nature and severity of the disability, but only when the inquiry is job related and consistent with business necessity.
- 10.5. **Loss of Job Requirements**: An employee who is unable to do his job adequately because of loss of a necessary license or other requirement may be separated by a layoff until such license or requirement is acquired.
- 10.6. **Dismissals**: Regular employees shall be discharged only after having been presented the reasons for the discharge, unlike the discharge of a probationary employee serving an initial probationary period (as may be extended) who may be dismissed without cause. An original report stating the reasons for the discharge shall be forwarded in a timely manner, after the effective date of the action, to the Personnel Department for inclusion in the employee's file.
- 10.7. **Death**: When a regular employee dies while employed with the County, his estate shall be eligible to receive payment for his accumulated annual leave.

CHAPTER XI
ATTENDANCE AND LEAVE

11.1. **Hours of Work**: The established workweek and the hours of work shall be uniform with occupational groups and shall be determined in accordance with the needs of the County and the reasonable needs of the public as established by the department head under the supervision of the County Administrator.

11.2. **Attendance**:

11.2.1. Each department head shall be responsible for the primary attendance of all employees in the department and shall keep attendance records on forms provided by the Personnel Director. Leave shall be authorized in one-half hour units only.

11.2.2. Time sheets are to be signed by each employee and supervisor, verifying actual hours, or parts thereof, worked during a pay period according to the FLSA.

11.3. **Holidays**: The following days are designated as official holidays for employees in the personnel system:

New Year's Day
Martin Luther King's Birthday
President's Day
Memorial Day
Independence Day
Labor Day
Veterans Day
Thanksgiving Day
Day after Thanksgiving Day
Christmas Day

Holidays falling on Saturday will be observed the preceding Friday. Holidays falling on Sunday will be observed the following Monday by employees who normally work weekdays (between Monday and Friday). Police officers, firefighters, detention officers and others who have irregular shifts will celebrate the designated day or as directed by the County Administrator.

11.3.1. **Eligibility**: All regular full-time, regular part-time and seasonal employees are eligible to receive holiday pay. Temporary employees are not eligible. An employee who is not on approved leave and who fails to report on a scheduled work day before or after a holiday shall not be paid for the holiday. Regular

employees working less than full-time shall be paid for their regular number of hours at their regular rate of pay.

- 11.3.2. Holidays Within a Vacation Period And Sick Leave: Holidays which occur during annual or sick leave shall not be charged against annual or sick leave.
- 11.3.3. Holidays on Scheduled Work Day: Holiday pay is defined as the number of duty hours regularly scheduled. Non-exempt employees who are required to work on a holiday shall be paid at a rate of time and one-half for all hours worked in addition to regular pay. For personnel working on shifts, the holiday will be observed from the Day Shift beginning on the holiday. No hours worked or scheduled as a canine handler during any holiday shall be eligible for holiday pay.
- 11.3.4. Holidays for 24-Hour Fire Personnel: Twenty-four (24) hour fire personnel who are scheduled to work on designated County holidays, in addition to their regular pay, will receive time and one-half for the twenty-four (24) hour shift. Twenty-four (24) hour fire personnel not working the holiday receive no additional pay.
- 11.4. Annual (Vacation) Leave: Vacations are for the purpose of rejuvenating both physical and mental faculties and all employees are urged to avail themselves of vacation periods.
 - 11.4.1. Eligibility: All full-time employees in the personnel system shall be entitled to earn and accrue annual leave. Regular part-time employees shall be entitled to leave in proportion to the number of hours worked. Temporary employees shall not be eligible for annual leave.
 - 11.4.2. Rate of Leave Accrual:
 - (A) Regular employees begin to accrue annual (vacation) leave immediately upon employment; however, they cannot take leave during the first six (6) months of probation. Employees under temporary or emergency appointments, pursuant to Chapter V, Appointments, and employees not deemed to be in the personnel system, will not be granted annual leave under these policies.
 - (B) Vacation is accrued per the following schedule for regular full-time employees: **(Amended September 6, 2007)**

| <u>Service Length</u> | <u>Hours Earned Per Month</u> |
|---------------------------|-----------------------------------|
| 0 to end of year 7 | 6.67 |
| Start year 8-end year 15 | 10.00 |
| Start year 16-end year 20 | 13.33 |
| Start year 21 | 16.67 |

- (C) Department Directors shall accrue leave per the following schedule: **(Amended December 20, 2012)**

| <u>Service Length</u> | <u>Hours Earned Per Month</u> |
|-----------------------|-----------------------------------|
| 0 to end of year 20 | 13.33 |
| Start year 21 | 16.67 |

- (D) Twenty-four (24) hour fire personnel shall accrue annual leave per the following schedule:

| <u>Service Length</u> | <u>Hours Earned Per Month</u> |
|---------------------------|-----------------------------------|
| 0 to end of year 3 | 10.00 |
| Start year 4-end year 7 | 14.00 |
| Start year 8-end year 15 | 18.00 |
| Start year 16-end year 20 | 22.00 |
| Start year 21 | 28.00 |

- (E) The total number of hours of accumulated annual (vacation) leave on December 31 of any year shall not exceed four hundred (400) hours for regular employees and six hundred (600) hours for 24-hour fire personnel. On December 31, any remaining leave over 400 hours (600 for 24-hour fire personnel) will be converted to sick leave if a minimum of 80 hours (five shifts for 24-hour fire personnel) of vacation leave have been used during the calendar year. Otherwise, the time will be considered forfeited and lost, excepting when a hardship would result and as approved by the Board of Commissioners on a case-by-case basis, or when sell back is requested pursuant to Subparagraph 11.4.4(C), below.

- (F) Twenty-four (24) hour fire personnel shall not accumulate more than six hundred (600) hours at any

one time with the exception of the provision set forth in Subparagraph (D), above.

11.4.3. Request for Leave: A request for annual leave shall be submitted to the employee's immediate supervisor. Leave may be taken only after approval by the appropriate department head so that, insofar as practical, the department can function without the hiring of additional temporary help. These provisions do not apply to annual leave taken pursuant to Section 11.6., Family and Medical Leave (FMLA Leave).

11.4.4. Payment for Unused Leave (Amended August 19, 2004):

(A) Termination of Employment: Upon termination, an employee shall be paid for all unused and accrued annual leave, including all leave in excess of four hundred (400) hours for regular employees or six hundred (600) hours for 24-hour fire personnel providing the termination date is effective before midnight on December 31. However, the amount of leave paid may be reduced when the employee fails to give proper notice of resignation as provided in Chapter X, Separations, Section 10.1., Resignation. When an employee has a just debt owing to the County for which a payroll deduction would be authorized, such debt shall be deducted and collected from the employee and will be paid to the County.

(B) Debt Owing to the County: An employee shall be permitted to, upon written request from the employee and prior to a notice of termination, use up to forty (40) hours of unused annual leave each calendar year to repay the County for any just debt owing to the County for which a payroll deduction would be authorized. The use of annual leave to pay the debt shall be in lieu of a cash payment or payroll deduction from the employee's earnings.

11.5. Sick Leave: Sick leave benefits become effective after the completion of the first six (6) months of the probationary period and will be retroactive to the date of employment.

11.5.1. Eligibility: Those employees entitled to earn annual leave shall also be eligible to earn sick leave.

11.5.2. Rate of Accrual and Accumulation of Sick Leave:

- (A) Eligible employees begin to accrue sick leave immediately upon employment at the rate of eight (8) hours per month or as prorated for part-time employees. Twenty-four (24) hour fire personnel accrual will be twelve (12) hours per month.
- (B) Employees are not eligible to take sick leave during the first six (6) months of their probationary period. Employees on probation will be allowed to use their accrued sick leave after the first six (6) months have expired.
- (C) Sick leave may be accumulated from month-to-month and year-to-year with no limit to the amount that can be accumulated.

11.5.3. Use of Accrued Sick Leave: An employee may use accrued sick leave for personal illness or disability, or for medical, dental, or eye examinations for which arrangements cannot be made outside of working hours. Medical appointments pursuant to Section 11.6., Family and Medical Leave (FMLA Leave), may be made during working hours. Accrued sick leave may also be used to care for immediate family members when the leave does not otherwise qualify as FMLA leave.

11.5.4. Notice Requirements:

- (A) Regular Absence: The employee shall report the illness prior to scheduled work time, if possible. If not, the absence is to be reported within thirty (30) minutes after the time work is scheduled to begin. Department heads may require employees to report illness two (2) hours prior to beginning a shift as department policy.
- (B) FMLA Absence: Employees using sick leave during any foreseeable family and medical leave period must give thirty (30) days notice in advance of taking the leave; or if family and medical leave is to begin within thirty (30) days or the leave is not foreseeable, then notice shall be given as soon as practicable.

11.5.5. Medical Certification:

(A) Certification by Physician for Regular Absence: A medical certificate signed by a licensed physician may be required by the department head, Personnel Director, County Administrator, or appointing authority to substantiate a request for sick leave for the following reasons:

- (1) Any period of absence consisting of three (3) or more consecutive working days for regular employees or two (2) shifts for twenty-four (24) hour fire personnel.
- (2) Leave of any duration if absence from duty recurs frequently or habitually provided the employee has been notified or warned that a certificate will be required.

(B) Certification by a Health Care Provider for FMLA Absence: A medical certificate signed by a health care provider shall be required to substantiate a request for sick leave, as follows:

- (1) Leave due to the serious health condition of the employee or the employee's immediate family provided the employee has received written notification that certification will be required. Second and third opinions also may be required.
- (2) Recertification of a serious health condition may be required on a reasonable basis, but no more often than one time in any thirty (30) day period during an employee's absence due to pregnancy, chronic, or permanent and long-term conditions under continuing supervision of a health care provider. No second or third opinion on recertification may be required.

(C) Failure to Provide Proper Certification:

- (1) An employee's use of sick leave may be delayed or denied until proper certification is provided; or
- (2) If the employee never produces the requested certification, then the leave will not be counted

as FMLA leave, and the employee may be subject to disciplinary action up to and including termination.

11.5.6. Exhausted Sick Leave: No sick leave in excess of that accumulated may be granted unless specifically authorized by the department head and the County Administrator or his representative. The County Administrator may, for good reason, advance up to two (2) weeks sick leave to employees after the first six (6) months of their probationary period has expired. Valid reasons shall include the following: prolonged illness or disability, or FMLA leave when the employee is expected to return to work. All accrued vacation leave shall have been used before the employee is eligible for consideration for advanced sick leave. If an employee is indebted for unearned paid sick leave at the time of termination of employment, the amount due may be deducted from the employee's pay.

11.5.7. Compensable Sick Leave: A regular employee who has worked a full calendar year without using any sick leave during the year will be eligible to receive eight (8) hours pay of accumulated sick leave in the pay period preceding Christmas Day. Twenty-four (24) hour fire personnel will be eligible for twenty-four (24) hours pay.

11.5.8. Termination of Employment: An employee, upon separation from the County, shall forfeit accrued sick leave and shall not receive payment for accumulated sick leave.

11.6. **Family and Medical Leave (FMLA Leave): (Amended October 21, 2011)**

11.6.1. Eligibility: An employee who has been employed for at least twelve (12) months, and for at least 1,250 hours during the twelve (12) months immediately preceding the start of the leave.

11.6.2. Leave Requirement: An eligible employee is allowed up to twelve (12) weeks of family and medical leave during a twelve (12) month period under any one of the following circumstances:

- (A) For the birth of a child and to care for the newborn child;
- (B) For placement of a child with the employee for adoption or foster care;
- (C) To care for a member of the employee's immediate family with a serious health condition; or

- (D) Due to the employee's own serious health condition that renders the employee unable to perform one or more of the essential functions of the job.

11.6.3. Amount of Leave:

An eligible employee is allowed up to twelve (12) weeks of family and medical leave during a twelve (12) month period. Glynn County will measure the twelve (12) month period as a rolling twelve (12) month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, Glynn County will compute the amount of leave the employee has taken under this policy in the last twelve (12) months and subtract it from the twelve (12) weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

11.6.4. Employment of Spouses:

- (A) A husband and wife who are eligible employees are limited to a combined total of twelve (12) weeks leave in a twelve (12) month period for the birth or care of the employee's child, for placement or care of an adopted or foster child, or to care for an employee's parent with a serious health condition.
- (B) If one spouse is ineligible for the leave, then the other spouse, who is an eligible employee, is entitled to the full twelve (12) weeks of leave.

11.6.5. Designation of FMLA Leave:

- (A) Designation: The department head, County Administrator, or appointing authority, after consultation with the Human Resources Director, will determine when leave is to be counted as FMLA leave based on information received from the employee or the employee's spokesperson. Notice of the designation shall be provided in writing to the employee within two (2) working days, absent extenuating circumstances, of acquiring knowledge that the leave is being taken for family and medical leave reasons.
- (B) Retroactive Designation:

- (1) If the reasons for taking sick leave are made known and qualify for FMLA leave after the paid leave has begun, but before the employee returns to duty, the entire or some portion of the paid leave period may be retroactively designated as FMLA leave to the extent that the paid leave period qualifies as family and medical leave.
- (2) Leave may not be designated retroactively as FMLA leave after the employee returns to work, except as follows:
 - (a) When an employee is absent for a short period of time and the reason for the absence is not known until after the employee returns to work; or
 - (b) When the reason for the leave cannot be confirmed as qualifying as FMLA leave, or when a requested medical certification or recertification has not been received, in which case, a preliminary designation may be made and finalized when the requisite information is available.

(C) Denial and Appeal:

- (1) An employee whose application for FMLA leave has been denied shall be notified in writing of the reasons for the denial, of the right of appeal within three (3) working days to the department head or appointing authority, including providing all supporting documentation, and that failure to respond in a timely manner will result in forfeiture of any further right of appeal. The employee's response must be in writing.
- (2) The department head or appointing authority shall review the employee's information and issue a final determination within three (3) working days to include the reasons for the denial, of the right of appeal within three (3) working days to the County Administrator or the County Official, and that failure to respond in a timely manner will result in forfeiture of any further right of appeal. The employee's response must be in writing.

- (3) The County Administrator or the County Official shall review the record and issue a final determination within three (3) working days following receipt of the appeal. The decision of the County Administrator or the County Official shall be binding on the employee, the department head and the appointing authority.
- (4) The department head, County Administrator, or appointing authority may extend the time limits herein when more time is needed to gather additional supporting documentation to make a determination.

11.6.6. Intermittent Leave or Reduced Leave Schedule:

- (A) Leave taken after the birth or placement of a child for adoption or foster care may not be taken on an intermittent basis or on a reduced leave schedule without the approval of the department head or appointing authority.
- (B) Leave taken for a serious health condition of the employee or an employee's immediate family member may not be taken on an intermittent basis or on a reduced leave schedule unless medically necessary.
- (C) An employee may be transferred temporarily to an available alternative position for which the employee is qualified, that has equivalent pay and benefits, and that better accommodates recurring periods of absence.

11.6.7. Medical Certification: Each designation of leave as FMLA leave for a serious health condition of the employee or the employee's immediate family shall be supported by a medical certificate issued by a health care provider attending the seriously ill person. The provisions of Subsection 11.5.5., Medical Certification, shall apply also to this Subsection. Additionally, foreseeable family and medical leave may be delayed until proper certification is provided.

11.6.8. Health Coverage:

- (A) Continuation: Benefits to eligible employees covered by the County's group health plan shall continue for the

duration of the leave at the same level and under the same conditions as if the employee was still at work.

- (B) Cancellation: The employee is responsible for payments, if any, owing to the group health plan during the leave period. Health benefits may be canceled when the employee's payment is more than thirty (30) days late and the employee has been given fifteen (15) days notice of the impending cancellation.
- (C) Recoupment of Premiums: The County may recover its share of health plan premiums during any period of FMLA leave not covered by paid leave if the employee fails to return to work after FMLA entitlements have been exhausted or expires, unless the reason the employee does not return to work is due to:
 - (1) The continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member, which would otherwise entitle the employee to leave under FMLA; or
 - (2) Other circumstances beyond the employee's control, such as caring for a seriously ill family member, in which case the employee shall provide a medical certification of such illness within thirty (30) days of the request for such certification from the County.

11.6.9. Substitution of Paid Leave:

- (A) An employee may elect to use accrued vacation leave to run concurrently with any part or all of the employee's unpaid FMLA leave.
- (B) Accrued sick leave shall run concurrently with FMLA leave.
- (C) Workers' compensation leave shall run concurrently with FMLA leave.

11.6.10. Return to Work: An employee who returns to work for at least thirty (30) calendar days, or shift equivalents, shall be deemed to have "returned" to work for FMLA purposes. An employee who transfers directly from taking FMLA leave to retirement or who retires within the first thirty (30) days after returning to work also is

deemed to have “returned” to work. However, an employee who resumes the duties and responsibilities of his or her position shall furnish a health care provider’s written statement of release to return to work. The statement shall include any limitations or restrictions in ability to perform the employee’s duties and responsibilities.

- (A) On return from FMLA designated leave, the employee will be reinstated to the same position the employee held when leave commenced, or to an equivalent position with the same pay, benefits, and other terms and conditions of employment.
- (B) If the employee is unable to perform an essential function of the employee’s former position because of a physical or mental condition, the employee may not be restored to the same or equivalent position unless the nature of the illness is a disability for which reasonable accommodation may be required by federal or state law.
- (C) Employees who are salaried and who are among the highest paid ten percent (10%) of all County employees may be denied job restoration when necessary to prevent substantial and grievous economic injury to the business operations of the County unless the nature of the illness is a disability for which reasonable accommodation may be required by federal or state law.
- (D) If an employee’s performance review date occurs during a long term FMLA leave period, the employee must not be evaluated until the employee returns to work. The performance review will be completed within the first thirty (30) days upon the employee resuming his or her job responsibilities. This Paragraph shall not apply to intermittent leave or reduced schedule leave.
- (E) If an employee fails to return to work from FMLA leave after the allowed twelve (12) weeks of leave have been taken, the employee may be subject to lay-off.

11.7. Other Types of Leave:

- 11.7.1. Military Leave: Any covered employee who is a voluntary member of the National Guard or any organized military reserve force or component of the United States armed forces, pursuant

to O.C.G.A. § 38-2-279, will be allowed leave of absence with pay not to exceed a total of eighteen (18) calendar days in any one continuous period of absence to go or to return from or to attend ordered military duty upon presentation of orders. In the event the Governor declares an emergency and orders an employee into state active duty as a member of the National Guard, the employee shall be entitled to paid leave not to exceed (30) calendar days. The employee will be allowed paid leave only for those days for which he or she is regularly scheduled to work. Twenty-four (24) hour shift fire personnel will be paid for scheduled shifts within an eighteen (18) or thirty (30) calendar day period covered by the orders, as applicable. Such leave shall not be charged to annual leave. This Section shall not apply to employees hired on a temporary basis or to employees involuntarily drafted or inducted into military service.

- (A) An employee on military leave shall continue to be eligible to accrue sick leave, annual leave, holiday pay, pension benefits, insurance coverage, seniority rights or any other right or privilege by reason of such absence, in the same manner the employee was earning immediately prior to commencing the authorized leave of absence with or without pay, subject to state and federal law, as amended.
- (B) If an employee's performance review date occurs during the military leave period, the employee must not be evaluated until he or she returns to work. The performance review will be completed within the first thirty (30) days upon the employee's return to work. The effective date of the review will be the actual date of the review. Subsequent performance and merit reviews will be consistent with Chapter XII, Employee Performance Evaluation.

11.7.2. Jury Duty:

- (A) An employee shall be given time off with pay when attending a judicial proceeding in response to a summons for jury duty.
- (B) At least twenty-four (24) hours prior to reporting for jury duty, an employee shall notify his immediate supervisor of the intended absence or delay in reporting to work; however, if the employee receives a jury summons within twenty-four (24) hours of the required appearance, then

the employee must notify the supervisor as soon as notice is received by the employee.

- (C) After performing the required judicial appearance, an employee shall promptly contact his immediate supervisor who will determine if sufficient time remains in the employee's regularly scheduled workday for the employee to return to work after the judicial appearance.

11.7.3. Funeral Leave: Funeral leave with pay of up to three (3) regular shifts for regular employees and up to forty-eight hours, two (2) shifts, for twenty-four (24) hour fire personnel will be granted for absence from duty as a result of death in the immediate family, to include father-in-law and mother-in-law, or any relative who is domiciled in the employee's household. For purposes of this Subsection only, immediate family shall include a regular employee's step children, step father and step mother; provided, however, that leave shall be granted for either a natural parent or a step parent but not both. One regular shift off with pay shall be given to attend funerals for grandparents, grandchildren, brothers-in-law, and sisters-in-law when the funeral occurs on a regularly scheduled day to work.

11.7.4. Workers' Compensation Salary Supplement: An employee who is disabled because of injury or illness sustained directly in the performance of his work may be covered by the provisions of the State Workers' Compensation Act. If the employee has leave accrued, he may choose to also receive supplemental pay that will be the difference between workers' compensation disability income payments and his regular base pay. Such supplement will be deducted from accrued leave on an hourly basis as needed to make up the difference between workers' compensation payments and regular base pay before the workers' compensation injury or illness. Personal disregard for prescribed safety rules and procedures, carelessness, horseplay, and failure to follow reasonable safety precautions may be grounds for denial of claims.

(A) Method of Calculation:

- (1) Beginning with the first (1st) calendar day after an on-the-job injury and continuing through the seventh (7th) calendar day following the injury, an absence resulting from the injury shall be charged to sick leave or annual leave, if the employee has

such leave accrued. If no leave is accrued, the employee may take leave without pay.

- (2) Beginning with the eighth (8th) calendar day following the injury, the employee may elect to use accrued sick or annual leave, to supplement workers' compensation benefits payable under the Compensation Schedules established by state law but not to exceed the employee's weekly base pay.
- (3) When an employee has been absent due to an on-the-job injury for twenty-one (21) calendar days, the employee may be granted workers' compensation benefits for the first week of injury. When this occurs, the employee's sick or annual leave accounts shall be credited with leave equivalent to workers' compensation benefits allowed during the first seven (7) calendar days of absence.

(B) Hazardous Duty:

- (1) An employee determined injured in a hazardous duty assignment shall be eligible to receive pay to supplement workers' compensation benefits to a maximum of full salary--without charge to annual or sick leave--for a period of ninety (90) days. Hazardous duty injury leave may be extended for an additional ninety (90) days under the same circumstances, pending approval by the committee as formed pursuant to Subparagraph (2), below.
- (2) Determination of hazardous duty injuries will be made upon recommendation of the department head or appointing authority to a committee composed of the Personnel Director, Police Chief, Fire Chief, department head from other than a public safety department, and a representative from the County Administrator or County Official. Upon receipt of the department head's request, the Personnel Director will call together the committee to make a determination whether the injury qualifies for hazardous duty pay.

- (3) A hazardous duty injury shall be defined as bodily injury to an employee resulting from an activity within the scope and course of employment and that is due to circumstances threatening life or limb of the public. Occupational disease also may be considered a hazardous duty injury.

- (C) Workers' Compensation Alternate Duty: Alternate duty is encouraged when a physician states in writing that an employee can return to work which might consist of job duties different from those the employee initially had. Alternate duty is considered part of rehabilitation with the objective to return the employee to the previously held position as quickly as possible. The employee on alternate duty may use sick or vacation leave, if accrued and available, to supplement workers' compensation benefits and alternate duty pay in order to reach regular base pay before the workers' compensation injury or illness. Alternate duty will consist of several different jobs as the workload allows in a variety of County departments.

11.7.5. Leave of Absence Without Pay:

- (A) Policy: When it is deemed in the best interest of the County, a regular employee or a department head may be granted leave without pay for personal or other reasons, provided such leave is approved by the department head or appointing authority, and by the County Administrator in the case of department heads. This Subsection shall not apply to periods of leave the employee may be entitled to pursuant to Section 11.6., Family and Medical Leave (FMLA Leave).

- (B) Reasons for Granting:
 - (1) For any good and sufficient reason, leave without pay may be granted for a period not to exceed one (1) year when it is deemed to be in the best interest of the County.

 - (2) Valid reasons shall include the following:
 - (a) Prolonged illness or disability of the employee or a member of the employee's household;

(b) Pregnancy and childbirth; or

(c) Educational or training enrichment.

(C) All Departments are Required to Adhere to the Following Practices:

- (1) Leave without pay shall be granted only when it will not adversely effect the interest of the County.
- (2) Failure of an employee to return to work at the expiration of approved leave shall be considered as absent without leave and grounds for disciplinary action.
- (3) An employee granted leave of absence without pay under this Subsection and who wishes to return before the leave period has expired shall be required to give his department head or appointing authority at least one (1) week written notice. Upon receipt of the employee's written notice, the employee must be permitted to return to work.
- (4) No sick leave, annual leave, or credit toward merit increases will be earned by an employee for the time that the employee is on leave of absence without pay, nor shall the person be considered an employee for purposes of health or pension benefits. Employees on FMLA designated leave, pursuant to Section 11.6., Family and Medical Leave (FMLA Leave), or engaged in military duty, pursuant to Subsection 11.7.1., Military Leave, are exempt from the provisions of this Subparagraph in accord with state and federal law.
- (5) An employee shall return from leave without pay to the same salary or equivalent class wherein employed when leave began.
- (6) An employee, while on an authorized leave of absence without pay, who obtains either part-time or full-time employment elsewhere, is required to notify his department head or appointing authority, in writing, within three (3) days of accepting such employment.

11.8. **Exempt Employee Leave:**

- 11.8.1. The County Administrator and the Board of Commissioners shall have the authority to allow additional leave with pay to employees who are exempt from the overtime, minimum wage and timekeeping provisions of the FLSA including, without limitation, the Chief of Police, the County Attorney, and the County Administrator.
- 11.8.2. The County Administrator shall notify the Board of Commissioners of any additional exempt employee leave requested or granted as soon as circumstances permit. The County Administrator shall inform the Chairman of the Board of Commissioners of any leave request made as soon as reasonably possible.
- 11.8.3. Leave granted under these provisions shall be in addition to any other leave of any kind otherwise provided. Employees who are exempt from the overtime provisions of the FLSA are not entitled to nor do they have a right to any leave hereunder. Any leave granted under the terms of this policy shall be totally within the discretion of the Board of Commissioners and may be executed through the County Administrator.

CHAPTER XII
EMPLOYEE PERFORMANCE EVALUATION

- 12.1. **Objective**: The Personnel Director shall prepare or cause to be prepared a job related system for evaluating the work performance of all covered employees. The purpose of the employee evaluation shall be primarily to inform employees how well they are performing their work and how they can improve their work performance. The performance evaluation may also be used in determining merit increases; as a factor in determining order to layoff; as a basis for training, promotion, demotion, transfer or dismissal, and for other purposes as set forth in these policies.
- 12.2. **Evaluation Dates**: Upon original appointment, all employees except temporary and seasonal workers, shall be evaluated at intervals set forth in Subsection 6.5.1. All regular employees shall be given a performance evaluation annually on or about twelve (12) months from the date of their last performance review. Employees shall also be evaluated at the time of separation. In addition to the above dates, each meeting of the Board of Commissioners shall be an evaluation date for all public officers and employees.
- 12.3. **Evaluation**: Evaluations shall be prepared by the immediate supervisor of each employee and reviewed by the department head or appointing authority.
- 12.4. **Review with Employees**: The evaluator shall discuss each performance evaluation with the employee being evaluated. If an employee disagrees with any statement in an evaluation, the employee may, within five (5) working days following the conference with the employee's supervisor, (a) submit a written statement which shall be attached to the evaluation form and forwarded to the Personnel Director for inclusion in the employee's personnel file, or (b) file a grievance pursuant to Chapter VIII, Grievances and Appeals.
- 12.5. **Changes in Evaluation**: If a department head shall request an alteration of the performance evaluation form of an employee after it has been officially submitted to the Personnel Director, such requests shall be in writing and shall set forth fully the reasons for the request.
- 12.6. **Merit Review Dates**: Regular employees shall be eligible for a merit review pursuant to Chapter III, Salary Administration, Subsection 3.3.2., Procedure for Awarding Additional Salary Increases, and every twelve (12) months thereafter.

CHAPTER XIII
EMPLOYEE DEVELOPMENT

- 13.1. **In-Service Training**: It will be the responsibility of the Personnel Director, under the direction of the County Administrator, to foster and promote in-service training of employees for the purpose of improving the quality of personal service rendered to the County and to assist employees to equip themselves for advancement. The Personnel Director shall establish standards for training; ensure that the training is conducted as approved; prepare certificates or other forms of recognition to employees who satisfactorily complete approved courses and programs; provide assistance to department heads in developing and conducting training to meet the specific needs of their departments; and develop supervisory and management training and other types of training programs common to all departments.
- 13.2. **Educational Enrichment**: The Glynn County Board of Commissioners authorizes the reimbursement of the cost of tuition and books, subject to the following terms and conditions, as an incentive for employees to enroll in education courses that will enhance their job performance. **(Amended August 7, 2008)**
- 13.2.1. **Eligibility**: Regular, full-time and non-probationary employees are eligible for tuition reimbursement.
- 13.2.2. **Course Work**:
- (A) The course work is part of a curriculum leading to a degree (Associate, Bachelor, and Master) or vocational certificate and/or diploma in a field of study related to the employee's current job or career path with the County.
 - (B) The course work is offered by an accredited vocational school, technical school, college or university. The accrediting agency must be recognized by the U. S. Department of Education.
 - (C) The course work is completed while the employee is on the active payroll of the County.
 - (D) The course is completed with at least a "C" grade or better. Grades for graduate courses must meet the requirements of the graduate school.

- (E) The course work is not to interfere with the work schedule of the employee or adversely effect the workload of the department.

13.2.3. Reimbursement:

- (A) Fees for tuition and books are eligible for reimbursement. Reimbursement is limited to a maximum of ten (10) quarter hours or six (6) semester hours per quarter/semester. Registration and health fees, parking fees, mileage and/or travel fees, lab fees, late fees, property deposits, computer hardware, computer software, materials and other supplies are not eligible for reimbursement.
- (B) The employee must complete a Tuition Reimbursement Request form and obtain the approval of the department head and Personnel Director prior to the start of the course work.
- (C) Employees are required to apply for any educational benefits such as grants, scholarships, Veteran's benefits, student aid programs, etc., for which they are eligible. Employees must verify that they have applied for these educational benefits and provide documentation of the awarding agency's decision.
- (D) A final grade report, receipt for the actual cost of tuition and books, and any documentation of educational benefits awarded to the employee are required within thirty days of the last day of class are required to obtain reimbursement. The County will not pay the cost of tuition which is paid by other sources such as scholarships, grants, Veteran's programs, U. S. Military Reserve, aid programs or other subsidies. The amount eligible for reimbursement will be less any educational benefits or grants paid by another source.
- (E) Reimbursement will be made at rates not to exceed current In-State Tuition Rates adopted by the University System of Georgia. Employees may receive a copy of the current rates from the Human Resources Department.
- (E) Reimbursement is limited to coursework towards one Vocational Certificate, one Associate's degree, one Bachelor's degree, and one Master's degree per eligible employee. Coursework towards a Doctoral degree is not eligible for reimbursement.

- 13.2.4. Separation from County Employment: Employees who voluntarily separate from the employ of the County within one (1) year of receiving tuition reimbursement authorize the County to deduct the amount of tuition paid during the immediate twelve (12) months prior to their separation from their final paycheck. The reimbursement amount is calculated on a pro-rated monthly basis.
- 13.2.5. Bonus: An employee who obtains an associate, bachelors or masters degree after April 15, 1999, will be paid a one-time educational incentive bonus twelve (12) months after the degree is conferred by the educational institution provided, however, that the employee obtained the department head's approval for enrollment prior to budget approval, as follows:
- (A) For an Associate Degree, the sum of four hundred fifty dollars (\$450.00);
 - (B) For a Bachelor Degree, the sum of nine hundred dollars (\$900.00); or
 - (C) For a Master Degree, the sum of twelve hundred dollars (\$1,200.00).
- 13.3. Quality Work Conditions: The Personnel Director will cooperate with the department heads, employees and others to promote measures directed toward more sanitary, safe, and healthful working conditions; toward greater security and economic advantage; and toward any other means of enhancing the conditions and improving the morale of County employees. **(Amended May 6, 2010)**
- 13.3.1 Glynn County will make reasonable accommodations for employees with a temporary or long-term disability upon request unless the accommodation would cause an undue hardship on the operation of Glynn County's business. If an employee requests a reasonable accommodation and the individual's disability and need for an accommodation are not readily apparent or otherwise known, Glynn County may ask the individual for information necessary to determine if the individual has a disability-related need for the accommodation.
- 13.3.2 All employees are required to comply with safety standards. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employee's immediate employment situation.
- 13.4. Health and Life Insurance: Eligible employees of the County may receive group health, life, accidental death and dismemberment, and long term disability

insurance coverage, or such benefits as prescribed by the Board of Commissioners, effective thirty (30) days after the date of employment. Employees may be required to pay a portion of the costs of these benefits as determined by the Board of Commissioners.

CHAPTER XIV
ETHICS AND CONDUCT

- 14.1. **Outside Employment:** Employees are discouraged but not restricted from engaging in other employment during their off duty hours. However, County employment shall be considered the primary employment and no employee may engage in outside employment which would interfere with the interests of the County.
- 14.2. **Gifts and Gratuities:** (Amended September 6, 2007)
- 14.2.1. An employee shall not solicit or accept a gift under circumstances in which it reasonably could be inferred that the gift was intended to influence him/her in the performance of his/her duties or was intended as a reward for an official act on his/her part. A gift is defined as any benefit, favor, service, privilege or thing of value which could be interpreted as influencing an employee's impartiality and includes, but is not limited to meals; trips; money; loans; rewards; merchandise; tickets to sports, civic or cultural events; entertainment; hospitality and personal services or work provided by County suppliers or contractors. These limitations do not apply to the occasional acceptance of items of negligible value, \$20 or less.
- 14.2.2. Under no circumstances shall employees accept alcoholic beverages, cash or its equivalent in any form. With the exception of gifts valued at \$20 or less, employees shall report any gift received to their immediate supervisor with a description of the gift, the name of the donor (if known) and the date the gift was received. The supervisor shall forward this information to the department director. The department director shall notify the donor that County employees are prohibited from accepting such gifts and request that the donor pickup the gift. If the gift is not picked up within seven (7) days, it shall be thrown away.
- 14.2.3. On occasion, particularly during the holiday season, clients, business persons, or suppliers of goods and services, may want to give the staff members of a department a gift in appreciation for services rendered or for business received from the County during the year. Glynn County does not prohibit the occasional donation of perishable goods that are consumed at the worksite and donated for the good of the entire department. Such perishables may include candy, cookies, soft drinks, fruit baskets, cakes, etc. The value of such gifts shall not exceed \$50. Gifts exceeding the \$50 ceiling will be returned to the donor. Donated catered meals are prohibited, with the exception of meals provided in the course of an emergency situation, work meeting, training session or presentation to a civic or professional organization.

14.3. **Political Activity:**

- 14.3.1. No County employee shall be appointed, promoted, demoted, favored or discriminated against with respect to employment in the personnel system because of his political opinions or affiliations.
- 14.3.2. No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any individual an appointment or advantage in appointment to a position in the personnel system or an increase in pay or other advantage in employment in any such position with the purpose of influencing the vote or political action of that individual.
- 14.3.3. Nothing herein contained shall effect the right of an employee to contribute to, hold membership in, serve as an officer of, or support a political party, vote as he chooses, support or campaign for City, County, State or National political candidates, express privately his opinions on all political subjects and candidates, maintain political neutrality or attend political meetings. Provided, however, that no employee may campaign or solicit contributions for any political organization, party or candidate during the hours of his or her employment with Glynn County, Georgia.
- 14.3.4. Exception to Subsection 14.3.3., above: Any County employee who, as a normal and foreseeable incident to his principal job or position, performs duties in connection with an activity financed in whole or in part by federal loans or grants, comes under the Federal Hatch Act which prohibits the following:
 - (A) Use of official authority or influence for the purpose of interfering with an election or nomination for office or of effecting the results thereof.
 - (B) Directly or indirectly coercing, attempting to coerce, commanding or advising any other state or local officer or employee to pay, lend, or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes.
 - (C) Active participation in political party management or in political campaigns.
 - (D) Being a candidate for elective office in a partisan election.

14.3.5. No County employee in the personnel system shall hold an elective office as a Glynn County Commissioner, nor shall he solicit any contributions or assessments or services, nor publicly endorse any candidate for any County elective office during hours of employment with the County. However, an elected official, other than a Glynn County Commissioner, may be an employee of the County provided that the two positions are not incompatible or present a conflict of interest, that the individual complies with the Hatch Act, and that the individual is able to fulfill the duties of the position held as a County employee.

14.4. **Alcohol, Drugs or Controlled Substances in the Workplace**: The intent and purpose of this policy is to outline the County's standards for post-offer of employment drug tests and for drug and alcohol tests of County employees when deemed necessary and to ensure a safe work environment, to promote the greatest efficiency of its employees, and to protect the County from liability and employees from injury caused by an employee under the influence of alcohol or drugs. An employee who uses illegal drugs or alcohol on the job creates a risk of serious danger to the safety, security and health of not only himself or herself but to innocent co-workers and members of the public. The County and all its officials will take reasonable steps to ensure that drug abuse does not occur at any of its facilities.

14.4.1. **Applicability**: All County employees are prohibited from the following activities:

- (A) Reporting for work or performing work under the influence of alcohol, a controlled substance, or illegal drugs;
- (B) Possessing or using alcohol, a controlled substance, or illegal drugs on County property, in County vehicles, or while on duty as an employee of the County; or
- (C) Using County property or one's position to facilitate the manufacture, distribution, sale, dispensation, possession, or use of a controlled substance or illegal drug.

It is a condition of employment that all employees subject to this policy abide by its terms.

14.4.2. **Alcohol and Drug Tests**:

(A) **Post-Offer of Employment Testing**:

- (1) All prospective new employees will be tested (urinalysis) for the use of illegal drugs and the improper use of alcohol

and other drugs provided that an initial offer of employment has been made.

- (2) Each prospective new employee is required to sign a notice and acknowledgment form consenting to a drug screening and authorizing disclosure of the results to the County.
- (3) When the test indicates illegal or improper drug use, the individual will not be employed. However, the individual may reapply for employment after one year, and if the result of the drug test administered at the time of reapplication is satisfactory, the suitability of the prospective employee may be reconsidered.

(B) Post-Accident and/or On-the-Job Behavior: An employee who is involved in a serious on-the-job incident or accident, and any employee whose on-the-job behavior indicates that the employee may be under the influence of drugs or alcohol will be tested for the use of drugs or alcohol. If the tests indicate evidence of illegal drugs or the improper use of other drugs or that the employee is under the influence of alcohol, appropriate action will be taken as set forth in the Glynn County Personnel Policy.

(C) Alcohol: The use of alcoholic beverages by employees on County property or while performing duties assigned by the County is prohibited. Furthermore, an employee is not permitted to report to work while under the influence of alcoholic beverages. An employee will be considered to be "under the influence" when consumption of any alcoholic beverage has impaired, or is likely to impair, the employee's job performance in the judgment of his/her supervisor. Employees who violate this policy will be subject to disciplinary action up to and including termination of employment.

(D) Drugs: The possession or use of illegal drugs or the improper use of other drugs during working hours or on County property is prohibited. An employee is not permitted to report to work while under the influence of any illegal drug. Any employee who engages in illegal or improper drug use will be subject to disciplinary action up to and including termination of employment.

14.4.3. Random Testing:

(A) Applicability: This provision shall apply to all employees in law enforcement, fire protection, those occupations having direct

involvement in drug interdiction and enforcement, those occupations which involve the use of firearms, those occupations for which a commercial driving license is required, and life guards. To preserve the County's compelling interest in having random test employees remain drug and alcohol free, RANDOM TESTING of those employees may be performed at any time either singly or in any combination of employees without warning and without the necessity of reasonable suspicion that such employee(s) is using or under the influence of drugs or alcohol.

- (B) Test Results: Should the test be positive for the use or presence of alcohol or drugs, the initial specimen shall be given a confirmation test as soon as possible. Refusal by the employee to take or submit to any test under this Section, including any other confirmation test that may be required, for the presence or use of alcohol or drugs, or a positive result of any confirmation test, shall be grounds for dismissal. Results are to be reported to the Personnel Director and the employee's supervisor. Test results shall be considered confidential records and disclosed only as necessary to perform any act required under this Personnel Policy, to consider any adverse action hereunder or appeal thereof, to defend the County in any action, to perform any other County function, or as required by law.

Any test specimen given pursuant to this Section shall be kept by the testing facility for ten (10) days to enable the employee to have a portion thereof tested at his or her expense. After the ten (10) day period, the sample need not be retained.

- 14.4.4. Tolerance Levels: An alcohol or drug screening test result shall be deemed to be positive if the test result meets or exceeds the following tolerance levels:

| <u>Test Name</u> | <u>Tolerance Level</u> | |
|--------------------|------------------------|----------------------|
| Creatinine, Urine | 19 | milligrams/deciliter |
| Amphetamine/Meth. | 1000 | nanograms/milliliter |
| Cannabinoids | 50 | nanograms/milliliter |
| Cocaine Metabolite | 300 | nanograms/milliliter |
| Opiates | 2000 | nanograms/milliliter |
| Phencyclidine | 25 | nanograms/milliliter |
| Barbiturates | 200 | nanograms/milliliter |
| Benzodiazepine | 200 | nanograms/milliliter |
| Ethanol, Urine | 40 | milligrams/deciliter |

- 14.4.5. Release of Test Results: Every individual who takes or submits to an alcohol and drug screening test shall be entitled to a copy of the confidential test results upon written request.
- 14.4.6. Testing Agency: All drug or alcohol tests will be administered by an independent, qualified testing agency.
- 14.4.7. Searches in the Workplace: When reasonable suspicion exists that an employee has possession of alcohol, illegal drugs or controlled substances without a valid prescription, a supervisor with the concurrence of the department head shall have the right, to the extent not prohibited by law, to require the employee to submit immediately to a search of his or her desk, cabinet, locker or other items on the County premises to which he or she has or had access. The reasonable suspicion must be based on objective facts and inferences rationally drawn from these facts. Refusal to agree to a lawful inspection requested by the authorized County personnel is considered insubordination and grounds for disciplinary action as deemed by the County to be appropriate, including termination.
- 14.4.8. Notices of Convictions: An employee who is convicted or pleads guilty or nolo contendere under a criminal drug statute for a violation must notify his or her department head no later than five (5) calendar days after such a conviction or plea. A criminal drug statute is any law (federal or state) which makes unlawful the manufacture, distribution, dispensation, use, or possession of any illegal drug or controlled substance. Failure to notify the County of such a conviction or plea will be grounds for dismissal.
- 14.4.9. Employee Assistance Program: The County is willing to offer confidential assistance to an employee that voluntarily identifies himself to his department head or immediate supervisor as needing assistance with an alcohol or drug problem by providing education, training, counseling and referral for medical assistance when appropriate.
- (A) Voluntary Entry: The County encourages all employees to seek help either from sources available through County employment or from independent sources for their alcohol and/or drug problem.
- (1) The County will not seek disciplinary action against an employee that voluntarily identifies himself to his department head or immediate supervisor as needing assistance with an alcohol or drug problem, provided the employee simultaneously enters and successfully

completes treatment under the Employee Assistance Program.

- (2) An employee may decline, without penalty, to perform or continue to perform his job if the employee knows that he or she is, or may be, impaired by alcohol or a controlled substance, provided the employee simultaneously enters and successfully completes treatment under the Employee Assistance Program.
 - (3) The County, if notified, will use its best efforts to work with an employee that has identified himself as needing assistance, and will use its best efforts to accommodate the employee for a reasonable period of time needed in evaluation and treatment.
 - (4) The self-identification program, as outlined herein, shall not be utilized once an employee has been instructed to participate in a drug and/or alcohol test under the terms of this policy.
- (B) Involuntary Entry: A department head, the County Administrator, or an appointing authority, as applicable, may require an employee to enter the Employee Assistance Program as an alternative to a Proposed Adverse Action. An employee who refuses to participate in or fails to complete the rehabilitative program may be subject to disciplinary action as originally proposed without further recourse to a treatment program.
- (C) Employment: Participation in any treatment or rehabilitation program will not guarantee continuance of employment if the employee's work performance is not satisfactory, if the employee tests positive for alcohol, illegal drug or a controlled substance, or after undergoing treatment, or fails to complete the treatment or rehabilitation.

14.4.10. Discipline:

- (A) Any employee who engages at work in the illegal manufacture, distribution, dispensation, sale or use of a controlled substance or illegal drug, or tests positive for same as stated herein, or who is found on County property to be in possession of such a substance or drug, or who is convicted under a criminal drug statute for a violation occurring on the County's premises, in a

County vehicle, or off premises while on County business will be terminated immediately.

- (B) Violation of any aspect of this policy may result in notification to law enforcement agencies.

14.4.11. Prescription Drugs: An employee whose job performance is adversely effected by prescription drugs creates a risk of serious danger to the safety, security and health of not only himself or herself but to innocent co-workers and members of the public. Based on the job-relatedness of the disclosure of prescription drug usage and consistent with business necessity, the following procedures shall apply:

- (A) Any employee who is using a prescribed drug for any medical reason or other condition which impairs the ability to perform an essential function of his or her job or creates a safety hazard should discuss this matter with his or her immediate supervisor with the concurrence of the department head.
- (B) Based on a written statement from the employee's prescribing physician, the department head will determine whether the employee can work safely while taking the medication, whether an essential function of the job is effected, and whether reasonable accommodation is required to enable the employee to continue in the job.
- (C) If it is determined that the employee is unable to perform an essential function of his or her duties without impairment caused by the medication and cannot be reasonably accommodated, then the employee shall be directed not to work until the medication that is being taken is no longer present or use of medication causing the impairment is discontinued. The employee may be placed on accrued sick or annual leave. If an employee has no accrued leave, then the employee may be placed on leave of absence without pay unless the employee is otherwise qualified for FMLA Leave.

14.4.12. Periodic Testing of Employees:

- (A) Drug testing of County employees subject to random drug testing and engaged in law enforcement, fire protection, those occupations having direct involvement in drug interdiction and enforcement, those occupations which involve the use of firearms, those occupations for which a commercial driving license is required, and life guards may be conducted

periodically during each calendar year for drugs and/or alcohol abuse.

- (B) Periodic testing of the aforesaid employees is done in the compelling interest of the County to ensure public safety and to safeguard the community and its citizens.

14.4.13. Employee Acknowledgment: Each employee who is subject to this policy will be furnished a copy and be required to sign a statement acknowledging that he or she has received, reviewed and understands this policy.

14.4.14. Drug-free Awareness Programs: The Personnel Department will assist all County departments in maintaining a drug-free awareness program which informs employees about (a) the dangers of drug abuse in the workplace, (b) the contents of this policy, (c) any available drug counseling, rehabilitation, and employee assistance programs, and (d) the discipline that might be imposed upon employees for drug abuse violations. The program will incorporate such measures for communication to employees and determined suitable to the circumstances of the department, and may utilize employee group meetings, posters, bulletins, newsletters, or other written materials.

14.4.15. Test Results as Health Records: Test results are confidential health records except to the extent the records are involved in a disciplinary action.

14.5. Dress and Appearance: Glynn County is a professional organization which values providing quality service to its citizens. The general public frequently forms its first impression of professional credibility based on employee appearance. Good grooming and appropriate dress reflect on employee pride and inspire citizen confidence. All employees should present a professional appearance in order to promote a positive image to the public. This policy applies to all employees regardless of classification. If an employee believes that his/her religious beliefs or medical conditions require some deviation from these standards, this should be brought to the attention of his/her supervisor and it will be considered on an individual basis. This policy is intended to provide guidelines on dress and appearance and not meant to address all situations. There may be differences in some departments' dress guidelines depending on the nature of the work environment, nature of the work performed, involvement with the public, or required uniforms. **(Amended September 6, 2007)**

14.5.1. Clothing and Footwear:

- (A) Employees who wear uniforms are expected to report to work in the departmentally assigned uniform. Uniforms must be clean and pressed/ironed.
- (B) Employees who are not required to wear uniforms are required to wear business casual clothing on normal business days unless the nature of the job requires otherwise. Business casual dress provides employees with an opportunity to dress more informally while maintaining a professional appearance. Employees should dress more formally, wearing business attire, as required by a specific assignment or by the duties of their job. In any case, clothing must be clean, pressed/ironed and well fitting.
- (C) All footwear is expected to be appropriate for the employee's position. Shoes must be neat, clean and in good repair. Examples of appropriate and inappropriate clothing are listed below.

| | BUSINESS CASUAL | BUSINESS ATTIRE |
|-----------------------------|---|---|
| WHAT | Business casual provides employees with an opportunity to dress more informally while maintaining a professional appearance. | Business attire is the traditional, professional business look. |
| WHEN | Business casual is appropriate on normal business days when employees' duties do not involve the necessity to dress more formally. | As needed to present a professional appearance for meetings or special events, including but not limited to regular Commission meetings, meetings with businesses, and/or when representing the County. |
| APPROPRIATE EXAMPLES | <p>Everything listed for business attire plus the following:</p> <ul style="list-style-type: none"> • Slacks (twill, khaki, wool, synthetic - not denim) • Capri/crop pants (dress casuals, usually worn with jacket/blazer & dress blouse or sweater set) • Blazer/sport coat • Sweaters/cardigans • Knit golf shirts, polo shirts, | <ul style="list-style-type: none"> • Traditional 2 or 3 piece suit with tie • Slacks and sports coat, dress shirt with collar and tie • Two piece dress • Business dresses, coat dresses • Pant suits • Blouse/shells • Dress shirts (oxford, broadcloth, pinpoint) • Skirts with modest hemlines |

| | BUSINESS CASUAL | BUSINESS ATTIRE |
|---|---|---|
| APPROPRIATE EXAMPLES (Continued) | <ul style="list-style-type: none"> • pullover tops/shirts, County logo shirts • Sports shirts with collars (short or long sleeve) • Banded collar shirts • Vests (with appropriate shirt) • Skirts with modest hemlines • Business shoes (loafers, flats, leather boots, pumps) • Dark, neutral colored (black, grey, navy) athletic shoes appropriate in office environment • Clean, unstained white athletic shoes appropriate in field environment • Thong sandals • Hosiery when appropriate | <ul style="list-style-type: none"> • Hosiery when appropriate • Business shoes (loafers, pumps) |
| ALWAYS INAPPROPRIATE EXAMPLES | <ul style="list-style-type: none"> • Shirts with slogans or large emblems • Halter or tube tops • Tank tops • See-through or fishnet tops • Sweat suits (shirts or pants) • Wind suits • Jeans (only appropriate when in the field for the majority of the workday) • Shorts • Capri/crop pants (casual wear) • Exercise tights (leggings) • Overalls • Skorts • Short skirts (more than 2 inches above the knee) • Skirts with revealing splits • Sun dresses • Un-tucked shirttails (excluding tunics, banded bottom shirts or sweaters) • Provocative or revealing attire | <ul style="list-style-type: none"> • Knit golf shirts, polo shirts, County logo shirts • Banded collar shirts • Anything listed as inappropriate for business casual |

| | BUSINESS CASUAL | BUSINESS ATTIRE |
|--|---|-----------------|
| ALWAYS INAPPROPRIATE EXAMPLES (Continued) | <ul style="list-style-type: none"> • Clothes that do not fit properly (too tight or too baggy) • Clothing not properly laundered or not in good condition (e.g., having tears or holes) • Clothing with inappropriate advertising (e.g., cigarettes, beer or anything which portrays a negative image) • Flip-flops • Hiking boots | |

14.5.2. Tattoos and Jewelry: Tattoos should be covered. All jewelry must be appropriate and not distract from professional appearance. All facial piercing is prohibited while on duty (nose piercing, tongue piercing, eyebrow piercing, and lip piercing or other facial piercing). Earrings are permitted.

14.5.3. Personal Hygiene:

- (A) Personal hygiene is essential. It is necessary for employees to maintain a clean, presentable appearance. This includes a regular bath/shower, use of deodorant and appropriate oral hygiene.
- (B) Strong odors caused by perfumes, scented hair sprays, and aftershave can be offensive and can cause allergic reactions. These items are to be used in moderation out of concern for the comfort and health of others.
- (C) Employees are expected to maintain appropriate and professional hairstyles. Beards, mustaches, and sideburns must be clean and neatly groomed.

14.5.4. Discipline: Violation of this policy will result in disciplinary action.

14.6. **Weapons in the Workplace** (Amended May 21, 2009)

14.6.1. Definition of a Weapon: A weapon, as defined by this policy, means any firearm, gun, pistol, rifle, bows and arrows, spring guns, air rifles, slingshots, stun gun, stun baton or other electroshock device, bludgeon, chemical spray, metal knuckles, knife with a blade longer than three inches, ballistic knife, explosive device, incendiary device, any device designed or intended to expel a projectile by the action of an explosive or the frame or receiver of such weapon, or any device that is designed or intended to cause actual bodily harm.

14.6.2. Applicability: All County employees are prohibited from the following:

- (A) Possessing on or about his or her person a weapon, in a visible or concealed fashion, while on duty as an employee of the County
- (B) Transporting a weapon in a county owned vehicle of any kind at any time;
- (C) Carrying or storing a weapon in or on county property, including a county building, while on duty as an employee of the County; and
- (D) Having a weapon in the employee's privately owned motor vehicle while it is parked on county property or at a county facility unless the weapon is not readily visible from the exterior of the vehicle and the vehicle is locked or the weapon is locked out of sight within the trunk, glove box, or other enclosed compartment or area within such privately owned motor vehicle.

In cases where carrying or use of an item that would be classified as a weapon by this policy is required for the performance of the employee's job duties, that employee is exempt from the policy in relation to that specific item. Public Safety officers are exempt from this policy as it pertains to official or assigned weapons in the performance of their duties. Such employees must comply with all official weapon policies of their department.

Additionally, employees may possess a weapon classified as a chemical spray as long as he or she signs a declaration of intent to carry such a spray and keeps it, at all times, on his or her person or in a personal desk, locker, or cabinet. Copies of the declaration will be given to the employee's immediate supervisor, department director, and to human resources for the employee's personnel file.

14.6.3. Searches in the Workplace: When reasonable suspicion exists that an employee has possession of a weapon a supervisor with the concurrence of

the department director shall have the right, to the extent not prohibited by law, to require the employee to submit immediately to a search of his or her person, desk, cabinet, locker or other items on the County premises to which he or she has or had access provided, however, that this search requirement shall not apply to an employee's privately owned motor vehicle located on the County premises. The reasonable suspicion must be based on objective facts and inferences rationally drawn from these facts. Refusal to agree to a lawful inspection as requested by a supervisor is considered insubordination and grounds for disciplinary action, up to and including termination.

14.6.4. Discipline:

- (A) Any employee who is found to be in violation of this policy will be subject to disciplinary action, up to and including, termination.
- (B) Violation of any state law regarding the possession of weapons may result in notification to law enforcement agencies.

14.7 **Accident Review (Amended October 21, 2011)**

14.7.1 Function and Purpose: The accident review process is a function of the Safety Management Committee as established in section 3.1.1(D) of the Glynn County Safety and Loss Control Manual. Its purpose is the review all county accident reports for employee injury accidents and incidents, lost time accidents, motor vehicle accidents, multiple injury accidents and deaths. The goal of the review process is to discover root causes of accidents, determine if the accident was preventable and help establish best practices.

14.7.2 Applicability: Accidents subject to review include those incidents that meet the following criteria:

- (A) Wherein the employee needs treatment from a medical professional;
- (B) Wherein the employee misses time from work;
- (C) There is an injury to a non-employee;
- (D) There is damage to property;
- (E) It is a motor vehicle accident;
- (F) Wherein there are multiple injuries;
- (G) There is a resulting death of a person.

Other accidents with unusual circumstances that may not meet these criteria may be reviewed at the request of a Safety Management Committee member, the county administrator, or a Glynn County Department Director.

- 14.7.3 Process: Accidents that meet the criteria will be reviewed within 30 days of the accident date. An extension of this deadline may be approved by a majority vote of the members of the Safety Management Committee. Members of the Safety Management Committee will have an opportunity to examine all reports relating to an accident prior to the date of review. Members are also permitted to request additional information they feel is needed about the accident from the Safety Coordinator, who is responsible for compiling all report information. The review goals are as follows:
- (A) Determine the root cause of the accident;
 - (B) Determine if the accident was preventable;
 - (C) Discover if there are things (procedure, process, training, equipment, etc.) that can be changed in order to be able to prevent a similar, future accident from occurring.

Opinions of the committee shall be reached through discussion and finalized by a consensus of the Committee members. In those areas of opinion where a consensus cannot be reached, the majority opinion will be the official one, with a notation of the dissenting opinion.

- 14.7.4 Reporting: After an accident is reviewed, the Safety Coordinator will prepare a report on each reviewed accident that will contain the recommendations of the committee in the areas of cause, preventability, procedures, training, equipment, , and any other relevant conclusions that are reached. This report will be submitted to the county administrator and the director of the department in which the personnel that were involved in the accident are employed.

CHAPTER XV
RECORDS AND REPORTS

- 15.1. **Personnel Transactions**: All appointments, separations and other personnel transactions shall be made on forms designated by the Personnel Director. A separate official file folder shall be prepared and maintained for each employee by the personnel office and shall contain the original copy of all pertinent documents. An employee's medical record shall be maintained separately from the personnel file.
- 15.2. **Public Inspection**: Access to personnel records of employees covered under these policies and all other records and materials relating to the administration of the personnel system shall be governed by Georgia's Open Records Act except when access or denial of access to a record is governed by a specific law or authority or when in the opinion of the Personnel Director the release of information would create a potential risk of personal harm to the safety of the employee or his family members. Information which is obtained in the course of official duties shall not be released by any employee other than by those charged with this responsibility as part of official duties.
- 15.2.1. **Disclosure**: Subject to the restrictions stated in this Section, the following information relative to employees and former employees is available for public inspection during regular business hours and in accordance with such procedures as the Personnel Director may prescribe:
- (A) Name of employee.
 - (B) Job application and resume.
 - (C) Class title, position, and salary.
 - (D) Disciplinary history, but not until ten (10) days after the record has been presented for action, including appeal of a final adverse action, or the investigation is otherwise concluded.
- 15.2.2. **Nondisclosure**: Records that are by their very nature confidential, private, privileged, or create a potential risk of harm to the safety of the employee or his family members will not be disclosed to the public, as follows:
- (A) Medical records and similar files.
 - (B) Social security number.

- (C) Records that would reveal the home address, telephone number, or insurance information of law enforcement officers, judges, prosecutors, and or identification of immediate family members or dependents thereof.
- (D) Records of police officers and candidates for police officer required to be kept confidential pursuant to O.C.G.A. § 35-8-15.
- (E) Confidential evaluations submitted to, or examinations prepared by, the County and prepared in connection with the appointment or hiring of a public officer or employee.
- (F) Performance rating reports are accessible only to the department head concerned, the County Administrator, the appointing authority, the Board of Commissioners, and the employee involved.
- (G) Other personnel information may be made available for official purposes.

15.3. **Process of Law; Liability:**

- (A) Nothing in this Chapter shall give rise to a cause of action against the County, its officers, employees, or agents, nor shall anything in this Chapter prohibit the release of information pursuant to process of law.
- (B) The County reserves the right, but does not assume the obligation, to balance the interest of the public in favor of inspection of documents against privacy interests and the interest of the public in favor of non-inspection.

CHAPTER XVI
ADOPTION OF POLICIES

- 16.1. **Effective Date**: These policies shall become effective on the date adopted by resolution of the Board of Commissioners and shall remain in effect until duly amended.
- 16.2. **Saving Clause**: If any chapter, section or other portion of these policies is found to be invalid by duly constituted authority, it shall not affect the validity of the balance of these policies.
- 16.3. **Repeal Clause**: All laws or parts of laws and rules in conflict with the provisions of these policies are hereby repealed, including the Glynn County Personnel Ordinance, contained in Chapter 2-12 et seq., of the Glynn County Code of Ordinances, and the Glynn County Personnel Policy as it exists on the date of adoption of the policies set forth herein.