

701 EMPLOYEE CONDUCT AND WORK RULES

701.1 WORK STANDARDS

These rules and regulations are designed to express what Hall County expects from each employee. In brief, your employer depends on you to do your best and to be on the job regularly. Your employer and fellow employees expect you to be responsive and to cooperate with others in a spirit of teamwork.

Violations of established work standards, depending on frequency and severity, may result in such disciplinary actions as oral or written reprimand, suspension, demotion and/or termination. Work standards violations requiring supervisor intervention and possible disciplinary action include, but are not limited to:

701.1.1 PERFORMANCE

Unsatisfactory job performance resulting in inefficiency or ineffectiveness; unsatisfactory work practices or procedures; lack of cooperation with directives from supervisors; negligence in carrying out duties; disregard for safety and security rules of the department; and job abandonment.

701.1.2 ATTENDANCE

Excessive absenteeism and/or tardiness including but not limited to partial days absences; failure to keep supervisor properly informed concerning absences or tardiness; unauthorized time-swapping and/or shift-swapping; and falsifying attendance or time keeping record.

701.1.3 PERSONAL CONDUCT

INAPPROPRIATE CONDUCT INCLUDES BUT IS NOT LIMITED TO:

- a. insubordination
- b. conflict of interest
- c. reporting to work/or working under the influence of drugs and alcohol
- d. threatening bodily injury
- e. use of abusive or obscene language
- f. violation of telephone/computer usage/or political activity policy
- g. theft
- h. gambling
- i. falsifying records
- j. fighting
- k. sabotage
- l. deliberate damage to County property
- m. acceptance of a bribe
- n. mishandling cash or other County property

Hall County Government
Hall County Employee Handbook & Policy Guidelines
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701.2 ATTITUDE AND BEHAVIOR

County employees must conduct themselves in a courteous and professional manner. Employees shall not use inflammatory, provocative or profane language, sexual slurs; or demonstrate unresponsiveness, or disrespectful behavior to the public or fellow employees.

701.3 INSUBORDINATION

Insubordination includes, but is not limited to, failure to follow rules, policies, ordinances, professional practices and willful failure to follow directives by supervisors or management. Any employee who demonstrates unresponsiveness, either verbal or physical towards a department director or supervisor in authority shall be subject to immediate suspension and/or termination.

702 DRUG AND ALCOHOL USE

702.1 GENERAL

It is Hall County's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks.

702.2 DRUG FREE WORKPLACE

Under the DrugFree Workplace Act, no employee shall store or allow storage of illegal drugs or alcohol or intoxicants upon any land or within any building owned, rented, or leased by, or under the control of Hall County. No employee shall transport any form of an intoxicant in any County vehicle equipment or machine

While on Hall County premises and while conducting business-related activities off Hall County premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Engaging in the unlawful manufacture, distribution, dispensation, possession or use of illegal drugs in the workplace is strictly prohibited. Such activity interferes with the ability to perform and may become an increased risk for accidents and injuries involving employees and others. Employees must notify the Director of Human Resources of a violation of any criminal drug statute, including a charge indictment, arrest or conviction for a violation occurring in the workplace within five (5) days of the arrest or conviction.

To help ensure a safe and healthful working environment, job applicants and employees may be asked to provide body substance samples (such as urine and/or blood) to determine the illicit or illegal use of drugs and alcohol. Refusal to submit to drug testing may result in disciplinary action, up to and including termination of employment.

702.3 COUNSELING AND REFERRAL SERVICES

The Employee Assistance Program (EAP) provides confidential counseling and referral services to employees for assistance with such problems as drug and/or alcohol abuse or addiction. It is the employee's responsibility to seek assistance from the EAP prior to reaching a point where his or her judgment, performance, or behavior has led to imminent disciplinary action. Participation in the EAP after the disciplinary process has begun may not preclude disciplinary action, up to and including termination of employment.

702.4 DRUG AND ALCOHOL POLICY

702.4.1 PURPOSE

The purpose of this policy is to establish guidelines for maintaining a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988 and in accordance with Civil Service Rule 3.4. Hall County recognized its obligation to employees and the public to take reasonable steps to assure safety in the workplace and in the community. Hall County is aware that alcohol and substance abuse may have an adverse effect on safe, effective and productive job performance, and recognizes that employees who are impaired in their ability to perform their jobs because of their use or abuse of drugs and alcohol, jeopardize the integrity of the workplace, place the public at risk, and jeopardize the County's overall mission.

702.4.2 APPLICABILITY

This drug and alcohol policy applies, in its entirety, to all Hall County employees who hold safety-sensitive positions.

For purposes of this policy, the following positions are considered safety sensitive:

- a. Paramedic and paramedic trainee
- b. Positions requiring a CDL license
- c. Equipment operators
- d. Firefighter and firefighter trainee
- e. Positions requiring the use and possession of a fire arm
- f. All sworn law enforcement positions
- g. All employees involved in policy development and administration
- h. Employees required to operate County vehicles
- i. Employees involved in the handling of public funds

702.4.3 SCOPE OF TESTING

Testing will include at a minimum, but not be limited to the testing for marijuana, cocaine, opiates, amphetamines, and phencyclidine.

702.4.4 RANDOM TESTING

All safety-sensitive employees will be subjected to random, unannounced testing. The selection of employees shall be made by randomly generating an employee identifier from a pool of safety-sensitive employees.

- a. Selections will be unannounced and spread reasonably throughout the calendar year.
- b. The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than 20% of the average number of safety-sensitive employees.
- c. Each safety-sensitive employee will have an equal chance of being drawn each time selections are made. Employees will remain in the pool and subject to selection, whether or not the employee was previously tested.
- d. A safety-sensitive employee may be tested for drug and alcohol anytime the employee is on duty.
- e. Upon notification of their selection, employees are required to proceed to the collection site immediately and must complete testing within two hours of notification.
- f. Should a result be inconclusive, a re-test will be ordered and upon notification a supervisor will accompany the employee to the testing site.

702.4.5 POST-ACCIDENT TESTING

County employees involved in a work related accident or automobile accident (regardless of fault) will be required to undergo drug and alcohol test regardless of injury to the employee. Employees will be directed by their supervisor or department director to proceed immediately to testing site for breath and urine testing. In the case of a workers' compensation injury, a workers' compensation panel physician will conduct the urine and breath test for drug and alcohol.

- a. Any employee who is subject to post accident testing who fails to remain readily available for such testing, may be deemed to have refused to submit to testing.
- b. Any employee, who is subject to post accident testing and leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.
- c. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
- d. Supervisors do not have discretion to waive post accident testing. Supervisors who waive testing will be subject to disciplinary action.

702.4.6 REASONABLE SUSPICION TESTING

Hall County employees will be subject to a reasonable suspicion drug and or alcohol test when there are reasons to believe that drug or alcohol use is impacting job performance and safety. Reasonable suspicion testing can be conducted anytime the employee is on duty. Observations must be made by a supervisor who is knowledgeable of the signs and symptoms of drug use and alcohol misuse.

a. Reasonable suspicion shall mean:

There is objective evidence, based upon specific, contemporaneous, observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and or alcohol misuse, such as but not limited to:

- Slurred speech
- Unsteady gait
- Dilated pupils
- Odor of alcohol or controlled substance

b. Upon determination of reasonable suspicion, the supervisor shall:

- Take the employee aside to a private area
- Express his/her observations
- Require the employee to submit to a drug and or alcohol test in accordance with this policy
- Remove the employee from performing safety-sensitive functions pending the outcome of the test result(s)

c. Transportation to testing site

Hall County shall be responsible for transporting the employee to the testing site. This is to avoid placing the employee or others in a situation that might endanger the physical safety of the employee or the public.

d. Documentation

Reasonable suspicion must be documented in writing at or near the time of observation. A written record of the observations leading to the reasonable suspicion for drug/alcohol testing must be prepared and signed by the supervisor making the observation.

e. An employee who refuses an instruction to submit to drug or alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary actions up to and including termination.

702.4.7 PRE-EMPLOYMENT TESTING

All applicants being considered for employment shall be required to pass a drug and alcohol screening test prior to being hired.

a. Refusal to Test

- Job Applicants

Any applicant for a job with the Hall County Government who refuses a drug and alcohol test shall be denied employment.

- Employees

Any employee who refuses to submit to a drug and alcohol test as required will be subject to disciplinary action up to and including termination.

b. The following are also considered a refusal to test if the employee:

- Fails to appear for any test within a reasonable time, as determined by Hall County, after being directed to do so.
- Fails to remain in the testing site until the testing procedure is complete
- Fails to provide a urine specimen for any drug test
- In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the provision of a specimen
- Provide a sample that does not meet required standards
- Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
- Fails or declines to take a second test the employer or collector has directed
- Fails to undergo a medical examination or evaluation, as directed by the Medical Review Officer as part of the verification process, or as directed by the Designated Employer Representative as part of the “shy bladder” procedures
- Fails to cooperate with any part of the testing process (e.g. refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); and
- If the Medical Review Officer reports that there is verified adulterated or substituted test result;
- Fails or refuses to sign required documents.

c. TEST RESULTS

Refusal to test or a positive result will result in disciplinary actions up to and including possible termination. Probationary employees who test positive will be terminated. If an employee is allowed to return to work, he or she must first complete a course of rehabilitation as prescribed by an approved counselor hired at the discretion.

d. POSITIVE TEST RESULTS

Should an employee wish to appeal a positive test result, a second test will be performed at the expense of the employee. The retest will be conducted from the original sample and must be requested within 72 hours of notification.

e. PRESCRIPTION AND LEGALLY OBTAINED DRUGS OR ALCOHOL

An employee using prescription medication while on the job shall do so in strict accordance with medical directions. It is the employee's responsibility to notify the prescribing physician of the duties required by the employee's position and to ensure that the physician approves the use of the prescription medication while the employee is performing their duties. The employee shall be responsible for notifying his or her supervisor of any restrictions that may affect/prevent the safe performance of the required duties.

The abuse of legally prescribed drugs shall be prohibited. Any employee whose job performance or attendance deficiencies result from abuse shall be subject to disciplinary actions. If the employee's behavior and/or job performance gives rise to a reasonable suspicion that the employee is abusing prescription drugs, the employee may be required to submit to drug testing and must not be permitted to return to duty.

Employees taking medications that are sedating in nature are required to inform their supervisor of use. The supervisor will be authorized to reassign or send home the employee so as not to place the employee or the public at risk.

F. ASSISTANCE AND REHABILITATION

- Voluntary participation in an employee assistance program prior to an employee being requested to submit to a test is encouraged and such participation shall be kept confidential. No disciplinary action shall be implemented because an employee volunteers to participate in such a program. Employees who, prior to being requested to take a drug and/or alcohol test, voluntarily identify themselves as a drug user or alcohol abuser and obtain counseling and rehabilitation through the government's employee assistance program shall not be disciplined for their drug use and/or alcohol abuse if they thereafter refrain from use.
- Employees who have been terminated under the provisions of this chapter shall be provided with the names, addresses and telephone numbers of substance abuse professionals, counseling and treatment programs that can determine what assistance, if any, the employee may need to help him or her resolve any problems associated with substance abuse. Hall County shall not be responsible to pay for such evaluation, treatment, rehabilitation, or counseling. Hall County also has no obligation to rehire terminated employees.

g. SUPERVISOR TRAINING

At least one hour of training on drug misuse symptoms and one hour of alcohol misuse symptoms will be provided for supervisors of safety-sensitive employees. The training will cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

h. RECORD RETENTION

The Hall County Government will maintain records of the alcohol misuse and controlled substances testing programs as required in federal rules and regulations. The records will be maintained in a secure location with controlled access.

i. RECORDS ACCESS

The Human Resources Department will keep testing records. The County will not release employee information except as specifically allowed. Employees may obtain copies of any records pertaining to his/her alcohol or drug use with a written request. DOT agencies will have access to all drivers' records.

j. GENERAL

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

Employees with questions or concerns about substance dependency or abuse are encouraged to use the resources of the Employee Assistance Program. They may also wish to discuss these matters with their supervisor or the Human Resources Department to receive assistance or referrals to appropriate resources in the community.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program. Leave may be granted if the employee agrees to abstain from use of the problem substance; abides by all Hall County policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave will not cause Hall County any undue hardship.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor or the Human Resources Department without fear of reprisal.

703 SEXUAL AND OTHER UNLAWFUL HARASSMENT

703.1 HARASSMENT

Hall County is committed to maintaining a work environment that is free of inappropriate or unlawful conduct. In keeping with this commitment, we will not tolerate harassment, discrimination or the unlawful treatment of employees by anyone, including any supervisor, co-worker, vendor, client or citizen of Hall County.

703.1.1 DEFINITION OF HARASSMENT, DISCRIMINATION, AND/OR IMPROPER CONDUCT.

Harassment, discrimination and/or improper conduct consists of misconduct that includes unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, color, race, religion, national origin, age, disability or other protected group status or activity (e.g. opposition to prohibited discrimination or participation in the statutory complaint process) as provided for by law. Hall County will not tolerate conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment. No supervisor or County employee has authority to engage in such conduct. If you feel you have been subject to the type of conduct prohibited by this policy, you must report this conduct. If you feel circumstances warrant, you may bypass your supervisor and directly file a complaint with the Human Resources Department as provided for in this policy. If you make a complaint to your supervisor and no action is taken, you are directed to report the conduct as described below to the Human Resources Department. You should report any improper conduct before it becomes severe or pervasive and do not have to wait until it rises to the level of an unlawful action.

703.1.2 COMPLAINT PROCEDURE

All employees are responsible for helping to assure that we avoid any form of unlawful treatment. If you feel that you have experienced or witnessed harassment, discrimination or unlawful treatment, you must immediately notify your supervisor, director or the Director of Human Resources immediately (preferably in writing within 24 hour). You may also file a complaint with any member of the Human Resources Staff in their offices. If you are not contacted promptly about your complaint, you are to re-file it with the Director of Human Resources and also send a copy to or contact the County Administrator. Hall County forbids retaliation against anyone who has made a complaint or provides information related to a complaint.

Hall County will undertake an objective and appropriate review of any complaint. To the extent practicable and appropriate, Hall County will keep any complaint and the terms of its resolution confidential. Hall County will take corrective action as appropriate, including such discipline up to and including immediate termination of employment. Hall County will undertake corrective action to stop inappropriate conduct before it rises to the level of an unlawful action. You will be notified as to the outcome of your complaint. If you have any questions about the status of your complaint, you should contact the Director of Human Resources or higher level officer.

703.2 SEXUAL HARASSMENT

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

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- Submission or rejection of the conduct is used as a basis for making employment decisions; or,
- The conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

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

Each employee should be aware they have the right to file a charge of discrimination with the Equal Employment Opportunity Commission (EEOC) or other state or federal agency as provided by law

704 ATTENDANCE AND PUNCTUALITY

704.1 ATTENDANCE

All employees are expected to be at work every scheduled day and at the appropriate starting time. However, illness or family emergency may prevent one from being at work promptly as scheduled.

704.1.1 CERTIFICATION BY PHYSICIAN

A medical certificate signed by a licensed physician may be required by department directors to substantiate a request for sick leave for the following reasons:

- a. Any period of absence consisting of three (3) or more consecutive workdays.
- b. To support a request for sick leave during a period when the employee is on vacation.

- c. 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.

704.1.2 CONTINUED ABSENTEEISM

Cronic absenteeism will not be acceptable on a continuing basis. The determination of the amount of absenteeism constituting an attendance problem is dependent upon the circumstances and judgment of the department director.

704.2 TARDINESS

An employee shall be considered tardy when reporting to work one (1) minute after the department's established beginning of the workday, assigned shift hour or lunch/supper hour. Disciplinary action of un-excused tardiness is as follows.

704.2.1 DOCKING PAY

An employee's pay will be docked fifteen (15) minutes if he/she is eight (8) to 23 minutes late. For example: If the department's regular starting hour is 8:00 a.m., an employee will be considered tardy at 8:01 a.m. and will be docked 15 minutes pay if not at the work station by 8:08 a.m. Excused late arrivals may be permitted if the employee has a valid need to arrive late and has advised the supervisor of such. Department directors/supervisors will be responsible for controlling and reporting late arrivals.

704.2.2 DISCIPLINARY ACTION SCHEDULE

The following schedule will be followed in the disciplinary actions of un-excused tardiness in reporting to work:

- a. Review and Warning

After the fourth (4th) occurrence in 12 months, counseling should begin.

- b. Suspension

Employees may be suspended without pay for a period of one (1) day (or working shift) when, during a twelve-month period, he/she is tardy for the fifth (5th) time.

- c. Progressive Discipline Process

The sixth (6th) occurrence may result in additional disciplinary action using progressive disciplinary methods. NOTE: Public Safety and Public Works are allowed to enforce stricter standards as deemed necessary for their operation. As in all disciplinary matters, up to and including termination, the employee shall be notified in writing of the disciplinary action and, when applicable, of the employee's right to appeal.

704.3 ATTENDANCE RECORDS

Each supervisor shall be responsible for monitoring and reporting the attendance of all employees in his/her work section. Attendance records shall be reported to the department director's office and updated on a regular basis.

705 PERSONAL APPEARANCE

705.1 GENERAL

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image Hall County presents to customers and visitors.

The County Administrator has authorized the implementation of a business casual policy for office staff of the Hall County Government. The expectation of this policy is that each employee looks appropriate for their job and their expected duties and meetings for the day. Casual business attire encompasses many looks. However, for purposes of this policy, casual business attire means clothing that allows employees to feel comfortable at work, yet is appropriate for an office environment. Casual business attire includes, but is not limited to:

705.2 STANDARD FOR MEN

- Pants or slacks in khaki, twill, corduroy, gabardine, wool blends, and flannel.
- Collared and non-collared shirts with buttons, including oxford cloth button down, golf or polo shirts, solid, stripes, small checks, and plaids.
- Hall County Government collared or non-collared embroidered logo shirts.
- Casual jackets, pullover sweaters, cardigan sweaters, woven or knit vests.
- Dress or casual business shoes with thin or medium leather or rubber soles with socks. (no sandals of any type.)

705.2 Exception: It is expected that all staff will dress appropriately for meetings that may require more professional attire including but not limited to meetings of the County Commission

705.3 STANDARD FOR WOMEN

- Pants (solid or subtle pattern) with a fitted waistline in cotton, corduroy, khaki, wools, and silks.
- Skirts at a length no shorter than four inches above the knee.
- Shirts, blouses, shells, and sweaters
- Hall County Government collared or non-collared embroidered logo shirts.
- Dresses and jumpers at a length no shorter than four inches above the knee.
- Casual jackets, pullover sweaters, cardigan sweaters, woven or knit vests.

705.3 Exception: It is expected that all staff will dress appropriately for meetings that may require more professional attire including but not limited to meetings of the County Commission.

705.4 UNACCEPTABLE DRESS

The following items will not be acceptable during working hours:

- Baseball style and other non-professional hats.
- Warm-up suits, sweat-suits, wind suits or any other workout attire
- Shorts, cut-offs
- Spandex, lounge wear
- T-shirts
- Visible spaghetti straps, halters or tank tops.
- Bare midriffs, sheer clothing or clothing that is otherwise revealing, distracting, or provocative
- Flip-flops, tennis shoes
- Any clothing that is not neat, clean and free from holes, rips or tears.

Special attire exceptions to the dress code policy will be allowed when job necessitates or health conditions require modifications with the appropriate supervisor approval.

706 SOLICITATION

In an effort to ensure a productive and harmonious work environment, persons not employed by Hall County may not solicit or distribute literature in the workplace at any time for any purpose.

706.1 GENERAL

Hall County recognizes that employees may have interests in events and organizations outside the workplace. Therefore, employees are:

- Prohibited from soliciting funds for any purpose from the public or from other County employees while on duty or during work hours, except such charitable causes as are approved in advance by the County Administrator or authorized elected official.
- Employees are also prohibited from soliciting funds from the public at any time while wearing a County uniform except such causes specifically approved in advance by the County Administrator or authorized elected official.

In addition, the posting of written solicitations on company bulletin boards or through email announcements or any other official County communications process, is prohibited. Bulletin boards and emails are reserved for official organization communications on such items as:

- Employee announcements
- Internal memoranda
- Job openings
- Organization announcements
- Payday notice
- Workers' compensation insurance information
- State disability insurance/unemployment insurance information

707 PROGRESSIVE DISCIPLINE

The purpose of this policy is to state Hall County's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. Hall County is committed to the use of progressive discipline when possible.

707.1 STANDARDS OF CONDUCT

The level of discipline used, such as reprimand, suspension or termination, will be determined by the frequency and/or severity of the violation and other circumstances and instances in the employee's record. The disciplinary action taken is subject to management's discretion. Management also reserves the right to grant a lesser penalty for any particular case or violation. Such action does not imply cancellation of a rule, but is to be interpreted as recognition of an unusual or particular circumstance. However, there are egregious acts of misconduct that may justify termination without progressive discipline.

707.2 SUSPENSION FROM DUTY WITH PAY AND WITHOUT PREJUDICE

In order to stabilize a volatile situation or to take time to investigate a problem situation, a department head may, at any time, suspend an employee with pay and without prejudice pending an investigation. The department head should confer with the Director of Human Resources before action is taken, if possible, but in all cases will notify the Director of Human Resources as soon as possible.

707.3 SUSPENSION WITHOUT PAY

After due investigation of the conduct of any County employee the department head may, at his/her discretion, suspend, without pay, said employee for a period not to exceed fifteen (15) calendar days. An employee being suspended will be provided with a written notice of suspension, and shall be advised of his/her right of appeal by his/her supervisor.

707.4 STEPS OF PROGRESSIVE DISCIPLINE

707.4.1 VERBAL WARNING

Supervisor should document that the verbal warning has occurred. Documentation should include explanation of the infraction or performance problem, other counseling measures that have previously been attempted, and details of the verbal warning.

707.4.2 WRITTEN WARNING

Supervisor should provide to the employee a written warning which outlines the infraction or performance problem, previously attempted corrective measures, which includes the verbal warning, the effect the infraction has upon the operations of the department, and future corrective measures leading up to the possibility of termination should the problem continue. The supervisor should maintain a copy of the written warning and maintain accurate documentation supporting this step of the disciplinary process.

707.4.3 SUSPENSION

May be paid or unpaid. If the performance problem has continued regardless of previous counseling measures including written warning, the supervisor may consider suspension as a corrective measure prior to termination. The supervisor should consult with Human Resources in determining the necessity, length of time of the suspension, and whether paid or unpaid. The supervisor should provide accurate documentation supporting the need for suspension. The supervisor may request that a representative from Human Resources attends the meeting with the supervisor and employee regarding the suspension.

707.4.4 PRE-TERMINATION HEARING PROCEDURE:

- a. Determine precise reason for termination;
- b. Review previous documentation supporting previous counseling and warnings relevant to the reason for termination;
- c. Review the case with Director of Human Resources and when appropriate, the County Administrator.

707.4.5 TERMINATION HEARING

- a. Advise employee that you intend to take action up to and including termination, citing reasons for termination.
- b. Employee is given opportunity to respond to supervisor's reasons for dismissal prior to being discharged.
- c. Consider Employee's response.
- d. If appropriate, proceed with termination; if not, proceed with warning or other disciplinary action.
- e. Advise employee of appeal rights.

707.4.6 NOTICE OF TERMINATION

The Department Director shall give notice in writing to the employee stating causes for dismissal. Prior to dismissal, the employee has been advised in writing of the County's intention to terminate employment and for what reasons. The employee is given an opportunity to respond, and is informed of appeal rights.

Some offenses may be so egregious that the formal steps of progressive discipline may be negated in lieu of immediate dismissal. Examples of egregious offenses may include but are not limited to: physical violence towards another employee, theft of county funds or property, workplace harassment, etc.

Supervisors should consult their Department Director before beginning the Progressive Discipline Process.

708 GRIEVANCE PROCEDURES AND APPEALS

708.1 PURPOSE OF GRIEVANCE PROCEDURES

The purpose of the employee grievance procedure is to provide an orderly process for resolving the grievance claims of regular employees. The objective of this procedure is to reach a fair and equitable decision in a timely manner. The internal grievance procedure, up to the County Administrator or authorized elected official, must have the opportunity to resolve any grievance. The employee and supervisor/manager should make every effort to resolve grievances informally before formally taking the complaint to higher levels of management and ultimately to the Civil Service Board for resolution.

708.2 GRIEVANCE PROCEDURES

Both formal and informal grievance procedures can be used by employees to resolve issues and conflicts with management. Under these rules, a formal grievance may be filed for the following reasons;

- Inequitable application of disciplinary procedures;
- Erroneous or inconsistent application of County Rules and Regulations;
- Employment status or productivity which has been adversely affected by unfair treatment; and/or,
- Unsafe or unhealthy working conditions exist.

The Civil Service Board is the last step in the County's appeal process. The chain of command, up to and including the County Administrator or authorized elected official, must have the opportunity to resolve any grievances. If not satisfied with the results after following the proper chain of command, the employee may, through the Director of Human Resources, file a written request for an appeal to be heard before the Civil Service Board. At any point, when following the chain of command, the employee, supervisor or department director may call upon Human Resources to assist in the resolution of the problem.

The Sheriff's and Fire Departments deserve special mention in the grievance procedure. Except in the case of sexual harassment, due to an established internal chain of command, only personnel with a rank of captain or above may call to solicit the assistance of the Human Resources Department to resolve employee conflicts.

The right of petition to the Civil Service Board is expressly granted to each employee and to any employee after completely exhausting the appeal option with County management.

708.3 GRIEVANCES AND APPEALS

An employee shall complete the following:

708.3.1 GRIEVANCE STATEMENT

Submit a grievance statement to the supervisor or department director in writing and it shall state the specific claim and the specific relief desired.

708.3.2 INFORMAL GRIEVANCE RESOLUTION

Request an informal grievance resolution. Informal means dialogue between employee and management should be used in an attempt to resolve the grievance in a timely fashion.

708.3.3 FORMAL GRIEVANCE PROCEDURE

If the grievance is unresolved informally, the employee may proceed with the formal grievance review procedure. At any point in the process, either the employee or management may ask the Human Resources Department to provide assistance in resolving the matter as an impartial mediator. However, in strict chain-of-command, departments, e.g., Sheriff and Fire, only a rank of Captain or above may call on the Human Resources Department to assist in conflict resolution.

708.3.4 FORMAL GRIEVANCE PROCEDURE TIMING

The following procedure is intended to define maximum time limits. Grievances should be handled as expeditiously as time and circumstances permit.

a. Department Level

- Written Grievance statement received by Department Director from the employee within 10 calendar days.
- Within 20 calendar days the Department Director will provide a written response to the employee filing the grievance.

b. General Management Level

- An employee may file a request for review by the County Administrator or authorized elected official if the employee is not satisfied with the Department Director's decision. Appeal to the County Administrator, or elected department head may be filed within 10 calendar days from the Department Director's written decision.
- Within 20 calendar days the County Administrator or authorized elected official will acknowledge receipt and schedule a meeting to review the facts or will respond in writing, at his/her discretion.

c. Civil Service Board Level

- Appeal to the Board may be filed within 10 calendar days from the receipt of a response from the County Administrator or authorized elected official, through the Director of Human Resources, if the grievance remains unresolved, and if the action in question is an appealable matter as defined in the Rules and Regulations.
- The Civil Service Board will set a date for a hearing within 45 calendar days from the receipt of the request for a hearing.
- Civil Service Board hearings should be conducted in the manner outlined in Section V, (b) of the Civil Service Act.

d. Continuation Procedure

- The employee having a grievance scheduled for an appeal hearing before the Civil Service Board may be allowed a continuance for good cause, at the discretion of the Board. However, the Board may dismiss the case without a hearing if more than two (2) continuances are requested without justifiable cause by the employee filing the grievance.
- When a grievance, having been processed as stated above, is received by the Civil Service Board, copies of said appeal shall be promptly transmitted to each Board Member, members of the Commission and the concerned department head.
- The Chairperson of the Board shall promptly designate the appropriate time and place to conduct the hearing, and shall notify in writing the appellant, other Board members, the Commission and the concerned department head. Such hearings may be set for regularly scheduled or special meetings of the Board; the meeting will be scheduled within forty five (45) days after receipt of said appeal; and the written notification of all concerned parties shall be made at least five (5) days prior to the date of the hearing. Consideration will be given to all concerned parties in the scheduling of hearings, and all such hearings shall be open and public.

708.3.5 HEARING PROCEDURES

In the hearing of an appeal, the proceedings shall be informal as compared to a judicial hearing. The Board Attorney shall be the presiding officer, the hearing shall be conducted in accordance with the provisions of these Rules & Regulations, and the Board's decision considered final in matters of dismissals and suspensions. Employees whose appeals are upheld will, at the direction of the Board, be reinstated with full restoration of all pay and benefits lost, and shall resume previous duties without penalty. In reviewing appeal cases, the Board is guided by the following criteria. It shall be the burden of the appellant to establish and verify that the action in question:

- a. Does not substantially comply with sound management principles, consistent with these rules and regulations;
- b. Is not supported by a preponderance of evidence maintaining the finding of facts and judgment; and
- c. Is not reasonable or relative to the severity of the offence.

A recording or official transcript shall be made of all hearings. A copy of said transcript shall be made available to the appellant, upon request, at a cost to be determined by the Board.

708.3.6 NON-GRIEVANCE ISSUES

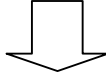
- a. Issues concluded by other procedures - Issues which are pending or have been concluded by other administrative or judicial procedures
- b. Work assignments without negative impact - Work assignments which do not result in a suspension, demotion or salary reduction
- c. Budget allocations, expenditures, organizational and structural changes
- d. Performance appraisal without adverse impact to employment status - The content or rating of a performance appraisal except when the employee can show that the appraisal has directly adversely affected his/her employment status
- e. Appointment, promotion or transfer without adverse impact to employee - The selection of an individual by the appointing authority to fill a position through appointment, promotion or transfer except when the employee can show that s/he had been adversely affected by cause of unlawful discrimination.
- f. Matters not under jurisdiction of appointing authority - Any matter which is not within the jurisdiction or control of the appointing authority (County Administrator)
- g. Internal Security and financial control practices - Internal Security practices and internal financial control practices established by the appointing authority or the governing authority; and
- h. Non-Work related issues - Decisions, policies, practices, resolutions or ordinances made or passed by the governing authority or the appointing authority which are not work related and which do not contradict these policies.

GRIEVANCE PROCEDURES FLOW CHART

INFORMAL RESOLUTION

EMPLOYEE AND IMMEDIATE SUPERVISOR

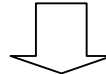
IF THE EMPLOYEE IS NOT SATISFIED



FORMAL PROCEDURE

WRITTEN STATEMENT ABOUT GRIEVANCE AND DESIRED ACTION TO IMMEDIATE SUPERVISOR AND UP THE CHAIN OF COMMAND TO INCLUDE DEPARTMENT DIRECTOR TO INCLUDE COPY TO THE HUMAN RESOURCES DIRECTOR

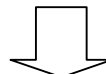
AFTER RECEIVING THE DEPARTMENT DIRECTOR'S RESPONSE IF NO RESOLUTION WITH DEPARTMENTAL CHAIN OF COMMAND



COUNTY ADMINISTRATOR

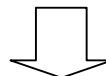
EMPLOYEE SENDS WRITTEN REQUEST FOR REVIEW OF GRIEVANCE TO THE COUNTY ADMINISTRATOR AND A COPY TO THE HUMAN RESOURCES DIRECTOR

IF THE GRIEVANCE REMAINS UNRESOLVED



CIVIL SERVICE BOARD

REQUEST TO PETITION THE CIVIL SERVICE BOARD IS MADE TO THE HUMAN RESOURCES DIRECTOR



CIVIL SERVICE BOARD

CONSTITUTES THE LAST STEP IN THE APPEALS PROCESS

NOTE: At any point in this chain of command procedure, the employee, supervisor, or department director may call upon the Human Resources Department to assist in a resolution of the problem.