



Cullman County

PERSONNEL POLICIES AND PROCEDURES

APRIL 1, 2010



1877

**CULLMAN COUNTY
PERSONNEL POLICIES AND
PROCEDURES**

Adopted April 1, 2010
Amended June 28, 2011

CONTENTS

	Foreword	1
CHAPTER 1	General Provisions	13
CHAPTER 2	Records and Reports	24
CHAPTER 3	Categories of Service and Employment Status	25
CHAPTER 4	Staffing	28
CHAPTER 5	Transfers, Promotions and Temporary Assignments	32
CHAPTER 6	Demotions	34
CHAPTER 7	Separations	35
CHAPTER 8	Disciplinary Procedures	39
CHAPTER 9	Grievance Procedures	45
CHAPTER 10	Attendance and Leave	47
CHAPTER 11	Compensations and Benefits	54
CHAPTER 12	Conflicts of Interest	60

FOREWORD

The guidelines established in the following chapters of these policies and procedures implement those personnel practices required for the operation of an effective personnel system in Cullman County, Alabama. They are based upon the premise that within county government, county elected officials and supervisors are collectively given the ultimate responsibility to make decisions that affect county operations.

The county commission bears the responsibility of developing, implementing and administering a county-wide personnel system. This responsibility includes approving the personnel policies, procedures, and plans of the county and adopting these guidelines by which personnel decisions may be made.

Under these guidelines, the county elected officials and supervisors are given the responsibility to assure that the policies and procedures of the county are impartially and equitably administered throughout the organization.

In meeting their responsibilities in the provision of services to the general public, the elected officials and supervisors must make such decisions for their activities as who to hire, promote or demote; when to discipline and/or separate; what services to provide; what equipment to purchase, operate, or dispose of; which employees should be scheduled to work at what tasks and at what times; how their activities should be organized; and whether certain functions should be performed by outside contractors. In making these and other decisions they will try to consider the interests and concerns of their employees and the citizens they serve, but, ultimately, such decisions must be made according to their best judgment.

All personnel policies and procedures, as contained in this personnel system, are intended to be guidelines and not a contract between the county and its employees and should not be viewed as such. They are established to assist elected officials and supervisors in making day-to-day employment decisions. They are not considered to be all inclusive; therefore, when a situation arises, where the literal interpretation and/or application of a particular guideline would cause a result that is unacceptable, the county commission reserves the right to deal with such situation in a manner that is best for the county and the citizens of Cullman County.

These guidelines are intended to be instructive and not directive in most respects. Deviation from, or omission of, any particular procedure in the administration of these guidelines which results from oversight or inadvertence, and which, in fact, do not materially abrogate, defeat or frustrate the rights of an employee shall not serve as the basis for invalidating, reversing or modifying any personnel decisions relating to the employee.

These guidelines are effective with the date of their adoption by the county commission and will remain in effect until changed by the commission. The commission reserves the right to make changes in any personnel policy, rule, procedure, and/or employee benefit at any time when it is deemed necessary or desirable.

All proposed changes to these personnel policies and procedures will be posted in county offices and work areas at least ten (10) calendar days before they will be considered for adoption by the commission. All changes will become effective upon their approval or at a date to be established at the time of approval.

This foreword is to be considered a preamble to this document and to state the intent and purpose of the county in adopting these policies and procedures. It is intended that this foreword be given the same effect as the policies and procedures that follow.

Questions concerning the Cullman County personnel policies and procedures should be directed to the personnel clerk.

**CHAPTER 1
GENERAL PROVISIONS**

1.1 DEFINITIONS

- 1.1.1 Board
- 1.1.2 Classified Employee
- 1.1.3 Classified Service
- 1.1.4 County
- 1.1.5 County Commission
- 1.1.6 Court
- 1.1.7 Department Head
- 1.1.8 Disciplining Individual
- 1.1.9 Eligibility List
- 1.1.10 Employee
- 1.1.11 FLSA Exempt Employee
- 1.1.12 FLSA Non-Exempt Employee
- 1.1.13 Immediate Family
- 1.1.14 Original Appointment
- 1.1.15 Part-Time Employee
- 1.1.16 Probationary Status
- 1.1.17 Promotion
- 1.1.18 Provisional Appointment
- 1.1.19 Reemployment List
- 1.1.20 Regular Status
- 1.1.21 Temporary Employee
- 1.1.22 Temporary Service
- 1.1.23 Unclassified Employee
- 1.1.24 Unclassified Employee Service
- 1.1.25 Vacancy

1.2 GENERAL PROVISIONS RELATED TO POLICIES AND PROCEDURE

- 1.2.1 Purpose
- 1.2.2 Scope of Policies and Procedures
- 1.2.3 Cullman County Personnel Board
- 1.2.4 Amendment or Supplementation
- 1.2.5 Administrative
- 1.2.6 Responsibility for Personnel Administration
- 1.2.7 Equal Employment Opportunity
- 1.2.8 Contract Disclaimer

1.3 GENERAL PROVISIONS RELATED TO EMPLOYEES

- 1.3.1 Hiring and Supervision of Relatives
- 1.3.2 Secondary Employment
- 1.3.3 Residence
- 1.3.4 Attire
- 1.3.5 Smoking Policy Statement

1.4 POLITICAL OR RELIGIOUS ACTIVITY PROVISION

- 1.4.1 Not to Affect Employment
- 1.4.2 Improper
- 1.4.2 Use of Influence
- 1.4.3 Participation Rights

- 1.5 **SEXUAL AND OTHER FORMS OF HARASSMENT PROVISIONS**
 - 1.5.1 Sexual Harassment Prohibited
 - 1.5.2 Defined
 - 1.5.3 Identified
 - 1.5.4 Who Can Be Involved
 - 1.5.5 Other Forms of Harassment Prohibited
 - 1.5.6 Reporting Procedure
 - 1.5.7 Harassment Training

- 1.6 **DRUG AND ALCOHOL PROVISIONS**
 - 1.6.1 Intent and Policy
 - 1.6.2 Definitions
 - 1.6.3 Prohibitions
 - 1.6.4 Procedures and Regulations
 - 1.6.5 Types of Testing
 - 1.6.6 Failure to take Test
 - 1.6.7 Reporting
 - 1.6.8 Persons Subject to be Tested
 - 1.6.9 Cost of Testing
 - 1.6.10 Assistance and Rehabilitation
 - 1.6.11 CARTS

- 1.7 **VEHICLE AND EQUIPMENT USAGE PROVISIONS**

- 1.8 **WORKPLACE VIOLENCE POLICY**
 - 1.8.1. Defined
 - 1.8.2. Zero Tolerance
 - 1.8.3. Weapons Prohibited

 - 1.8.4. Reporting
 - 1.8.5. Conclusion

- 1.9 **ELECTRONIC COMMUNICATIONS POLICY (E-MAIL, INTERNET, AND TELEPHONES)**
 - 1.9.1 General
 - 1.9.2 Cell Phones

**CHAPTER 2
RECORDS AND REPORTS**

- 2.1 **PERSONAL HISTORY RECORD (PHR)**
 - 2.1.1 Content
 - 2.1.2 Qualifications Information
 - 2.1.3 Personal History Information
 - 2.1.4 Other Information
 - 2.1.5 Confidentiality
 - 2.1.6 Record of Access
 - 2.1.7 Inactive PHR's

- 2.2 **CENTRAL RECORDS**

- 2.3 **FORMS AND SUPPLIES**

**CHAPTER 3
CATEGORIES OF SERVICE
AND EMPLOYMENT STATUS**

3.1 CATEGORIES OF SERVICE

3.2 EXEMPT NON-EMPLOYEE

3.3 UNCLASSIFIED EMPLOYEE SERVICE

- 3.3.1 Applicability of Personnel System
- 3.3.2 Appointment
- 3.3.3 Service at the Pleasure
- 3.3.4 Reappointment to Classified Service
- 3.3.5 Continuous Service Provision
- 3.3.6 Benefits

3.4 SHERIFF'S DEPARTMENT PERSONNEL

3.5 CLASSIFIED SERVICE

- 3.5.1 Positions Included
- 3.5.2 Continuous Service Provision
- 3.5.3 Benefits

3.6 PART-TIME SERVICE

- 3.6.1 Benefits

3.7 TEMPORARY SERVICE

- 3.7.1 Length of Employment
- 3.7.2 Continuous Service Provision
- 3.7.3 Transfer Provisions
- 3.7.4 Benefits

3.8 EMPLOYMENT STATUS

- 3.8.1 Probationary Status
- 3.8.2 Regular Status
- 3.8.3 Status of Present Employees

**CHAPTER 4
STAFFING**

4.1 GENERAL PROVISIONS

- 4.1.1 Filling Vacancies
- 4.1.2 Character and Ability
- 4.1.3 Fraud on Application
- 4.1.4 Employee Consideration

4.2 ELIGIBILITY LISTS

- 4.2.1 Criteria for Testing
- 4.2.2 Refusal to be Placed on List
- 4.2.3 Content and Ranking
- 4.2.4 Evaluation Committee

- 4.3 **RECRUITING GUIDELINES**
 - 4.3.1 Unclassified Employee Service
 - 4.3.2 Classified Service
 - 4.3.3 Temporary Positions
 - 4.3.4 Re-employment List
 - 4.3.5 Job Posting
 - 4.3.6 Content of Posting
 - 4.3.7 Duration of Posting
 - 4.3.8 Application Forms
 - 4.3.9 Acceptance of Applications
 - 4.3.10 Provisional Appointments

- 4.4. **SELECTION OF UNCLASSIFIED EMPLOYEES**
 - 4.4.1. Evaluation of Applications
 - 4.4.2. Selection Tentative

- 4.5 **SELECTION OF INDIVIDUALS FOR THE CLASSIFIED AND PART-TIME SERVICE**
 - 4.5.1 Eligibility Lists
 - 4.5.2 Referral of Names
 - 4.5.3 Interviews
 - 4.5.4 References Checked
 - 4.5.5 Applicant Selected

- 4.6 **SELECTION FOR TEMPORARY SERVICE**

- 4.7 **EMPLOYMENT OFFERS**
 - 4.7.1 Notification of Offer
 - 4.7.2 Starting Work
 - 4.7.3 Orientation

- 4.8 **PROBATIONARY PERIOD**
 - 4.8.1 Duration
 - 4.8.2 Evaluation
 - 4.8.3 Termination
 - 4.8.4 Procedure for Attainment of Regular Status
 - 4.8.5 Appeals

CHAPTER 5
TRANSFERS, PROMOTIONS AND TEMPORARY ASSIGNMENTS

- 5.1 **GENERAL PROVISIONS**
 - 5.1.1 Equal Opportunity
 - 5.1.2 Consideration to Type of Assignment

- 5.2 **TRANSFERS**

- 5.3 **PROMOTIONS**
 - 5.3.1 Pay Increases
 - 5.3.2 Consideration for Promotion
 - 5.3.3 Equal Opportunity in Promotion
 - 5.3.4 Probationary Period
 - 5.3.5 Promotion Procedures
 - 5.3.6 Records Updated
 - 5.3.7 Exception to These Guidelines
 - 5.3.8 Written Notification

5.4 **TEMPORARY ASSIGNMENTS**

5.4.1 Duration

5.4.2 Pay

**CHAPTER 6
DEMOTIONS**

6.1 **GENERAL PROVISIONS**

6.1.1 Position Abolished

6.1.2 Unsatisfactory Service

6.2 **ADMINISTRATIVE ACTIONS**

6.2.1 Reasons Submitted for Approval

6.3 **PROCEDURES**

6.3.1 Coordination

6.3.2 Notification

6.3.3 Pay

**CHAPTER 7
SEPARATIONS**

7.1 **GENERAL PROVISIONS**

7.1.1 Types of Separations

7.1.2 Processing Separations

7.2 **RESIGNATION**

7.2.1 Notice

7.2.2 Failure to Give Notice

7.2.3 Withdrawal

7.2.4 Unauthorized Absence as Resignation

7.3 **REDUCTION IN FORCE (RIF)**

7.3.1 Guidelines

7.3.2 Priority of Service Category and Status

7.3.3 Priority Within Service Category and Status

7.3.4 Consideration for Reassignment

7.3.5 Notification of Effective Date

7.3.6 Recall Rights

7.4 **DISABILITY**

7.4.1 Medical Evidence

7.4.2 Exhaustion of Leave

7.4.3 Retirement Option

7.5 **DEATH**

7.6 **RETIREMENT**

7.7 **DISMISSAL**

7.7.1 Procedure for Dismissal for Unacceptable Job Performance

7.7.2 Procedure for Dismissal for Failure to Qualify for Licensure,
Insurance, or Certification Required for Continued Employment

7.7.3 Procedure for Dismissal for Disciplinary Reasons

**CHAPTER 8
DISCIPLINARY PROCEDURES**

8.1 GENERAL PROVISIONS FOR DISCIPLINARY ACTION

- 8.1.1 Reasons Taken
- 8.1.2 By Whom Taken
- 8.1.3 Counseling Sessions

8.2 TYPES OF DISCIPLINE

- 8.2.1 Written Warning
- 8.2.2 Suspension Without Pay
- 8.2.3 Dismissal From Service

8.3 CLASSIFICATION OF OFFENSES

8.4 GROUP ONE OFFENSES

- 8.4.1 Notice of Absence
- 8.4.2 Absenteeism
- 8.4.3 Tardiness
- 8.4.4 Work Interference
- 8.4.5 Inefficiency
- 8.4.6 Safety Violations
- 8.4.7 Abuse of Property
- 8.4.8 Political Activities
- 8.4.9 Refusal of Required Overtime
- 8.4.10 Court Judgments
- 8.4.11 Promiscuity
- 8.4.12 Solicitation
- 8.4.13 Other Conduct

8.5 DISCIPLINARY ACTION FOR GROUP ONE OFFENSES

- 8.5.1 First Offense
- 8.5.2 Second Offense
- 8.5.3 Third Offense

8.6 GROUP TWO OFFENSES

- 8.6.1 Drugs and Alcohol
- 8.6.2 Driving County Vehicle Under the Influence
- 8.6.3 Firearm Possession
- 8.6.4 Falsification
- 8.6.5 Dishonesty
- 8.6.6 Fighting
- 8.6.7 Serious Leave Offenses
- 8.6.8 Conviction
- 8.6.9 Theft or Abuse of Property
- 8.6.10 Horseplay
- 8.6.11 Flagrant Safety Violations
- 8.6.12 Serious Rule Violations
- 8.6.13 Proponent of Violent Overthrow of Government
- 8.6.14 Bribes or Rewards
- 8.6.15 Refusal of Medical Exam
- 8.6.16 Gross Violations of Hatch Act

- 8.6.17 Harassment
 - 8.6.18 Sleeping
 - 8.6.19 Abusive Conduct
 - 8.6.20 Willful Violation of Rules or Law
 - 8.6.21 Conduct Unbecoming an Employee
 - 8.6.22 Insubordination
 - 8.6.23 Unauthorized Use of Property
 - 8.6.24 Refusal to Cooperate
 - 8.6.25 Unauthorized Release of Information
 - 8.6.26 Conflicts of Interest
 - 8.6.27 Fraud in Personnel Matters
 - 8.6.28 Repeated Violations of Group One Offenses
 - 8.6.29 Failure to Comply with Ethics Law
 - 8.6.30 Other Conduct
- 8.7 **DISCIPLINARY ACTION FOR GROUP TWO OFFENSES**
- 8.8 **GENERAL DISCIPLINARY GUIDELINES**
- 8.8.1 Rights Protected
 - 8.8.2 Facts and Circumstances Considered
 - 8.8.3 Actions Recorded in Writing
- 8.9 **DISCIPLINARY GUIDELINES FOR WRITTEN WARNINGS**
- 8.9.1 When Given
 - 8.9.2 Procedure
 - 8.9.3 Content of Written Warnings
 - 8.9.4 No Affect on Benefits
- 8.10 **DISCIPLINARY GUIDELINES FOR SUSPENSION WITHOUT PAY**
- 8.10.1 When Given
 - 8.10.2 Notice of Proposed Action
 - 8.10.3 Response
 - 8.10.4 Informal Hearing
 - 8.10.5 Hearing Declined
 - 8.10.6 Notice of Suspension
 - 8.10.7 Record of Action
 - 8.10.8 Return to Work
- 8.11 **DISCIPLINARY GUIDELINES FOR DISMISSALS**
- 8.11.1 When Given
 - 8.11.2 Notice of Proposed Action
 - 8.11.3 Response
 - 8.11.4 Informal Hearing
 - 8.11.5 Hearing Declined
 - 8.11.6 Notice of Dismissal
 - 8.11.7 Record of Action
- 8.12 **SUSPENSION WITH PAY**
- 8.13 **CRIMINAL CHARGES**
- 8.14 **APPEAL**

**CHAPTER 9
GRIEVANCE PROCEDURE**

- 9.1 **GENERAL PROVISIONS**
 - 9.1.1 Intended Use
 - 9.1.2 Employees Eligible to File Grievance
 - 9.1.3 Right to Discuss Grievance
 - 9.1.4 Uses Excluded
 - 9.1.5 Good Faith Timely Presentation
 - 9.1.6 Withdrawal

- 9.2 **GRIEVANCE PROCEDURE - STEP ONE**
 - 9.2.1 Time Period
 - 9.2.2 Department Head's Response
 - 9.2.3 Record of Meeting

- 9.3 **GRIEVANCE PROCEDURE - STEP TWO**
 - 9.3.1 Commission's Review

- 9.4 **GRIEVANCE PROCEDURE - STEP THREE**
 - 9.4.1 Filing with Chairman of the Personnel Board
 - 9.4.2 Personnel Board's Action
 - 9.4.3 Personnel Board's Findings and Recommendations

- 9.5 **RETALIATION FOR GRIEVANCE/APEAL PROHIBITED**

- 9.6 **DISCRIMINATION AND SEXUAL HARASSMENT COMPLAINT PROCEDURES**
 - 9.6.1 Investigation
 - 9.6.2 Report
 - 9.6.3 Department Head's Action
 - 9.6.4 Commission's Action
 - 9.6.5 Notification to Employee
 - 9.6.6 Records

- 9.7 **RECORDS**

**CHAPTER 10
ATTENDANCE AND LEAVE**

- 10.1 **HOURS OF WORK**
 - 10.1.1 Work Schedule
 - 10.1.2 Regular Full-time Workweek
 - 10.1.3 Part-time Employee Workweek
 - 10.1.4 Temporary Employee Workweek
 - 10.1.5 Responsibility for Attendance at Work
 - 10.1.6 Lunch and Breaks

- 10.2 **OVERTIME**
 - 10.2.1 FLSA Non-Exempt Employees
 - 10.2.2 FLSA Exempt Employees

- 10.3 **OFFICIAL HOLIDAYS**
 - 10.3.1 Eligibility
 - 10.3.2 Scheduled Holidays
 - 10.3.3 Holiday Pay
 - 10.3.4 Entitlement to Overtime
 - 10.3.5 Preceding and Succeeding Workdays
 - 10.3.6 Holiday Pay in Lieu of Sick or Annual Leave
- 10.4 **TYPES OF LEAVE**
- 10.5 **ANNUAL LEAVE**
 - 10.5.1 Leave Year
 - 10.5.2 Accrual of Annual Leave
 - 10.5.3 Proration of Annual Leave Credit
 - 10.5.4 Use of Annual Leave
 - 10.5.5 Requests for Annual Leave
 - 10.5.6 Scheduled Holiday During Annual Leave
 - 10.5.7 No Advances
 - 10.5.8 Pay Upon Separation
- 10.6 **SICK LEAVE**
 - 10.6.1 Accrual of Sick Leave
 - 10.6.2 Non-Pay Status
 - 10.6.3 Separation
 - 10.6.4 Use of Sick Leave
 - 10.6.5 General Requirements for Use
 - 10.6.6 Requirements for Extended Use
 - 10.6.7 Fraudulent Use Prohibited
 - 10.6.8 Use During Holiday
 - 10.6.9 Donated Leave
 - 10.6.10 Absence Due to Workers' Compensation Injury
- 10.7 **ADMINISTRATIVE LEAVE**
 - 10.7.1 Civil/Legal
 - 10.7.2 On Duty Court Appearances
 - 10.7.3 Hazardous Weather/Emergency Closings
 - 10.7.4 Bereavement
- 10.8 **MILITARY LEAVE**
 - 10.8.1 Entitlement
 - 10.8.2 Limitation
 - 10.8.3 Extended Limitation
 - 10.8.4 Procedure
- 10.9 **PERSONAL LEAVE**
- 10.10 **LEAVE WITHOUT PAY**
 - 10.10.1 Family and Medical Leave Act
 - 10.10.2 General Leave of Absence
 - 10.10.3 Political Leave
 - 10.10.4 Expiration of Leave Without Pay
 - 10.10.5 Benefits While in Leave Without Pay Status
 - 10.10.6 Approval
 - 10.10.7 Military Duty

- 10.11 **ATTENDANCE RECORDS**
 - 10.11.1 Content
 - 10.11.2 Availability
 - 10.11.3 Responsibility for Maintenance

**CHAPTER 11
COMPENSATION AND BENEFITS**

- 11.1 **GENERAL PROVISIONS**
 - 11.1.1 Policy Statement
 - 11.1.2 Responsibility
 - 11.1.3 Directions Not Authorized
- 11.2 **JOB DESCRIPTIONS**
 - 11.2.1 Purpose
 - 11.2.2 New/Revised Jobs
- 11.3 **CLASSIFICATION PLAN**
 - 11.3.1 Plan Requirements
 - 11.3.2 Additions/Changes
 - 11.3.3 Periodic Reviews
- 11.4 **JOB EVALUATION**
- 11.5 **PAY STRUCTURE**
- 11.6 **JOB PLACEMENT STARTING PAY**
- 11.7 **CURRENT EMPLOYEES**
- 11.8 **COST OF LIVING PAY INCREASES**
- 11.9 **PROMOTIONS**
- 11.10 **NEW PAY RANGES**
- 11.11 **ATTACHMENTS**
- 11.12 **PAY PLAN**
 - 11.12.1 Development
 - 11.12.2 Periodic Review
- 11.13 **EMPLOYEE ANNIVERSARY DATE**
 - 11.13.1 Purpose
 - 11.13.2 Establishment
- 11.14 **ESTABLISHMENT OF EMPLOYEE PAY**
 - 11.14.1 Salaried Employee
 - 11.14.2 Hourly Employees
 - 11.14.3 Entry Level Pay for Exempt and Classified Employees
 - 11.14.4 Entry Level Pay for Part-time Employees
 - 11.14.5 Entry Level Pay for Temporary Employees
 - 11.14.6 Entry Level Pay for Former Employees
 - 11.14.7 Pay Level After Leave of Absence Without Pay

- 11.15 **PAY INCREASES**
 - 11.15.1 Across the Board Increases in Same Budget Year
 - 11.15.2 Pay Supplement
 - 11.15.3. Performance Pay Increase

- 11.16 **ESTABLISHMENT OF EMPLOYEE PAY UPON REASSIGNMENT**
 - 11.16.1 Transfers
 - 11.16.2 Promotions
 - 11.16.3 Return to Old or Comparable Job Before Completing Probationary Period
 - 11.16.4 Demotions
 - 11.16.5 Temporary Assignments

- 11.17 **SPECIAL PAY PROVISIONS**
 - 11.17.1 Call-Out Duty
 - 11.17.2 Call-Out Duty Pay
 - 11.17.3 Rate of Pay for Call-Out Duty
 - 11.17.4 EMA Director
 - 11.17.5 Military Leave Pay
 - 11.17.6 No Coordination of Workers' Compensation and Accrued Leave

- 11.18 **PAY PERIOD**

- 11.19 **PAYROLL DEDUCTIONS**

- 11.20 **EMPLOYEE BENEFITS**
 - 11.20.1 Workers' Compensation
 - 11.20.2 Employee Group Insurance
 - 11.20.3 Unemployment Insurance
 - 11.20.4 Social Security
 - 11.20.5 State Retirement System

**CHAPTER 12
CONFLICTS OF INTEREST**

- 12.1 **PURPOSE**

- 12.2 **POLICY**
 - 12.2.1. Investments
 - 12.2.2. Ownership
 - 12.2.3. Use of Position and Influence
 - 12.2.4. Involvement in a Non-County Business Activity
 - 12.2.5. Contracts
 - 12.2.6. Political Activities
 - 12.2.7. Further Guidance

CHAPTER 1

GENERAL PROVISIONS

1.1 DEFINITIONS.

The following words, terms, and phrases wherever used in these policies and procedures have the following meanings.

1.1.1. Board - the personnel board of Cullman County as authorized by State Acts No. 79-564 and 80-549.

1.1.2. Classified Employee - a full-time employee of the county employed in an ongoing position that has not been assigned as an unclassified employee. A full-time classified employee is normally scheduled to work at least a 32 hour workweek. Classified employees are primarily distinguished from unclassified employees in that appointment, discipline, and separation of regular status classified employees are to be administered pursuant to certain appointment, disciplinary, and separation guidelines of these policies and procedures which are inapplicable to unclassified employees. (Section 1.2.3.)

1.1.3. Classified Service- that category of service in which classified employees are engaged.

1.1.4. County - Cullman County, Alabama.

1.1.5. County Commission – The Cullman County Commission.

1.1.6. Court - Circuit Court of Cullman County.

1.1.7. Department Head - a county elected official, or other individual designated by the county commission, to carry out required management and personnel actions in his/her department as established in the county's personnel system. The term "department head" is interchangeable with the term "department supervisor".

1.1.8. Disciplining Individual - a department head, or other individual designated by the department head, charged with the responsibility and authority to administer discipline in his/her department pursuant to these guidelines.

1.1.9. Eligibility List - a list of applicants, who have been determined to be qualified pursuant to these guidelines for appointment to a vacant position.

1.1.10. Employee -a person who occupies a position in the county service and is paid from county controlled funds (other than a temporary employee obtained through a temporary services) or a person who is on authorized leave of absence, and whose position is being held for the individual pending his/her return. Elected officials are not employees of the county and are not included under this definition.

1.1.11. FLSA Exempt Employee - an employee whose job duties are of such a nature that they are covered by exemptions from the overtime provisions of the Fair Labor Standards Act (FLSA).

1.1.12. FLSA Non-Exempt Employee - an employee whose job duties do not exempt the employee from the overtime provisions of the Fair Labor Standards Act (FLSA).

1.1.13.Immediate Family - an individual's spouse, parent, child, brother, sister, grandparent, grandchild, nephew, niece, step parent, step child and the like relationships of the individual's spouse.

1.1.14. Original Appointment - the appointment to a vacant job of a person who is not being reemployed from the reemployment list and who, except for those in the unclassified service or temporary service, is not an employee of Cullman County.

1.1.15. Part-Time Employee - an employee employed in an on-going position in which the employee is normally scheduled to work less than thirty-two (32) hours in a workweek. This category of service is not covered by State Act. No. 80-549.

1.1.16. Probationary Status - that employment status in which new or promoted employees in the classified service serve until they have successfully completed the established probationary period. A probationary status employee may be terminated by his/her department head without a hearing and without recourse at any time. (Section 4.8 and 5.3.4)

1.1.17. Promotion - the non-temporary appointment of a regular status classified employee to a vacancy in the classified service in a higher pay range than the job to which the employee was assigned prior to the new assignment.

1.1.18. Provisional Appointment - an appointment made by a department head when there is an urgent need for filling a vacancy in any position in the classified service for which the county's staffing system and/or Alabama State Employment Service is unable to provide the name of an applicant eligible for the vacancy. Such provisional appointment shall continue only until qualified candidates can be identified and referred to the department head through normal channels and processes, but in no event for more than ninety days.

1.1.19. Reemployment List - a list of former regular employees who have been laid off as a result of a reduction in force within the past two (2) years.

1.1.20. Regular Status - that employment status enjoyed by employees in the classified service who have successfully completed a probationary period of six (6) months.

1.1.21. Temporary Employee - an employee employed in a short-term situation of usually no more than six (6) months in duration. Typically, temporary employees perform special projects, fill authorized and funded temporary positions, or substitute for or replace classified employees on approved leave. Temporary employees are always considered to be in a probationary status. This category of service is not covered by State Act. No. 80-549.

1.1.22. Temporary Service - that category of service in which temporary employees are engaged.

1.1.23. Unclassified Employee - an employee who occupies a position identified as exempt from the merit system in State Act 80-549. These policies and procedures apply to unclassified employees only where specifically noted.

1.1.24. Unclassified Employee Service - that category of service in which unclassified employees are engaged. (Section 3.3)

1.1.25. Vacancy - a position that has been duly created and funded by the county commission, which is not occupied or is occupied by a temporary employee.

1.2 GENERAL PROVISIONS RELATED TO POLICIES AND PROCEDURES

1.2.1. Purpose. It is the purpose of these policies and procedures to establish guidelines for personnel actions which facilitate recruitment, selection and retention of qualified employees; enhance effective and efficient employee performance in providing services for the citizens of Cullman County; and enable county employees to derive satisfaction from their work.

1.2.2. Scope of Policies and Procedures. The provisions of these personnel policies and procedures shall apply to all individuals employed by the county except as excluded by State Acts No. 80-549 and 92-486 and/or these policies and procedures. All persons now or hereafter employed pursuant to the Acts and/or these policies and procedures will remain in their respective employment during good behavior, efficiency, and obedience to these policies and procedures and such other rules and regulations as may be prescribed by the Cullman County Commission. Nothing contained herein will be construed to prevent the removal of any employee, now or in the future, for good cause in the manner prescribed by federal law, Acts No. 80-549 and 92-486, and these policies and procedures. All county officials, officers and employees are responsible for compliance with and/or enforcement of these policies and procedures. These policies and procedures shall not be binding on employees who are not subject to the supervision of the County such as the Corrections Officers who are under the supervision of the District or Circuit Judges.

1.2.3. Cullman County Personnel Board. The Cullman County Personnel Board has been established in accordance with the provisions of State Act 79-574, and amended and reenacted by Act. No. 80-549, and is empowered to advise and make recommendations to the commission regarding personnel matters and to hear employee grievances. The board will be composed of three (3) members appointed by the legislative delegation representing Cullman County. The members of the board will elect a chairman and secretary annually from among their number. The board shall comply with the requirements of Acts No. 79-574, 80-549 and 92-486 and have the powers as provided therein. The functions of the board specifically include:

- (a) advise the commission and make recommendations on personnel rules, regulations and policies; and
- (b) represent the public interest in making recommendations for the improvement of personnel administration in the county service; and
- (c) make any inquiry which it may consider desirable concerning personnel administration in the county service; and
- (d) make recommendations to the commission with respect to any of the foregoing duties in a regular or special called meeting of the commission; and

(e) hear employee grievances. The board shall consist of three (3) members who shall be appointed in accordance with State Act No. 79-574 and as amended and reenacted by Act No. 80-549.

(a) the members shall be actual residents and qualified electors of the county and not less than twenty-five years of age.

(b) each member of the board shall be paid a salary and expenses as set by State Act. No. 80-549.

(c) the board shall elect one of its members as chairman who shall preside at all board meetings. A majority of members shall constitute a quorum for the transaction of any business which may properly come before the board.

(d) the board shall fix the times for its regular meetings. The board may hold special or called meeting at any time. The board shall also meet as required to hold hearings in accordance with State Act. No. 80-549 and these policies and procedures.

(e) The board shall adopt reasonable rules regulating its procedures.

(f) Notice of all meetings of the board shall be given to each member of the board and to the county elected officials by the secretary of the board.

(g) The County Commission shall designate a clerk to assist the board and administer the day to day functions of the Cullman County personnel system. The duties of the personnel clerk shall specifically include but not be limited to: attending all board meetings, administering all provisions of the Cullman County personnel system as established by these policies and procedures and State Act No, 80-549; and preparing and maintaining required personnel records in accordance with all applicable laws; and providing assistance to the county commission, elected officials, other department heads, supervisors, employees and board members as needed.

(h) The governing body shall make necessary appropriations from the general fund to pay board expenses as specified in State Act No.80-549.All board expenses shall be reasonable and require approval by the county commission.

(i) The board shall ensure that adequate records of its proceedings and official acts are maintained.

(j) The personnel board may call upon the county attorney to render legal service to the board as required. In any action where a possible conflict of interest may result, the board may select other legal counsel to provide such legal services. The use of such alternate counsel shall be approved by the county commission prior to obtaining such services.

1.2.4. Amendment or Supplementation. The County Commission is responsible for the development of such amended and/or additional policies, procedures, rules, regulations and guidelines as may be necessary to implement and maintain an effective personnel system that complies with applicable federal and state laws and county resolutions. The Cullman County Commission is the approving authority for all personnel policies and procedures required by and established for the Cullman County personnel system. Recommended policies, procedures, rules, regulations and/or guidelines will be approved by majority vote of the county commission.

1.2.5. Administrative Guidelines. The provisions contained herein are not intended to be inclusive of all the guidelines that may be necessary at an operational level. Therefore, they may be supplemented by such administrative guidance as deemed, by a department head, to be necessary for efficient and effective operations in his/her department. No such administrative guidance, however, will be in conflict with these basic policies and procedures. A copy of all such administrative guidelines will be furnished the commission which will review and ensure such guidelines comply with the intent of the Cullman County personnel system as established by State Acts No. 80-549 and 92-486 and these policies and procedures.

1.2.6. Responsibility for Personnel Administration. The personnel clerk is responsible for the administration of the personnel system and ensuring compliance with the provisions of the established personnel system. Department heads and supervisors are responsible for proper support and administration of the approved personnel system and for keeping employees under their direction cognizant of the requirements of these guidelines. Employees are

responsible for acquainting themselves with all personnel policies and procedures, subsequent revisions and compliance with such guidelines.

1.2.7. Equal Employment Opportunity. Cullman County will provide equal employment opportunity to all individuals and will employ applicants on the basis of their job-related qualifications and performance potential without regard to age, sex, religion, race, color, national origin, political affiliation, or disability (except where age, sex, or disability constitute a bona fide occupational qualification). All positions will be filled by eligible applicants who have attained eligibility status through successful completion of a job-related testing and/or interview process. The county will establish necessary procedures and criteria to meet this requirement. Such procedures and criteria will be consistent with the intent of these policies and procedures and State Act No. 80-549. The rights of employees will be protected in all personnel matters and proceedings. These rights include:

- (a) right to privacy as required by law,
- (b) right to fair and equal treatment and,
- (c) right to due process protection.

The Cullman County personnel system will apply to all employees in the county, except where specifically exempted by these policies and procedures and State Acts 80-549 as amended by 92-486. Any firm, individual or agency on retainer or contract will also be exempt from the Cullman County personnel system. The Cullman County personnel system will be subject to regular and periodic review by the Cullman County Commission.

1.2.8. Contract Disclaimer. Nothing contained herein will be construed as creating any contract of employment between the county and any individual or restricting the right of the county to:

- (a) Refuse or discontinue employment and/or prohibit the future service of any person when it is considered to be in the best interests of the county;
- (b) Decrease proportionately the compensation of all employees when required as an economy measure; or
- (c) Use independent contractors for performance of work or rendering of services.

Continuation of employment will be contingent upon an employee's job performance, the need for the position and/or the availability of funds for the position. Nothing contained herein shall be construed as preventing the removal of any employee, now or in the future, in the manner prescribed by these policies and procedures.

1.3 GENERAL PROVISIONS RELATED TO EMPLOYEES

1.3.1. Hiring and Supervision of Relatives. No individual will be employed by the county if he/she would be subject to administrative or supervisory control by a member of his/her immediate family. In the event that such relationship is created between two existing employees, after they are employed, one or both employees may be transferred to another available position, provided that the department head determines that a conflict, or the appearance of a conflict might occur. If such transfer is not possible within a ninety day period after the relationship is established, one of the employees will be required to resign. If one of the employees does not resign, the department head will initiate action to dismiss one of them. The commission may extend the ninety day period, but under no circumstances shall it be extended beyond six months.

1.3.2. Secondary Employment. Employment with the county shall be considered by all unclassified employees and classified employees as their primary jobs. Such employees will not commit themselves to second jobs that may conflict with the county's demand on their availability for work or reflect unfavorably upon the county. If an employee engages in such work, his/her department head may direct the employee to terminate the second job. If the employee refuses, the department head may terminate the employee.

1.3.3. Residence. Recruitment shall not be limited to Cullman County unless prescribed by statute but applicants accepting appointment to a classified service position may be required to reside in Cullman County depending on job requirements.

1.3.4. Attire.

1.3.4.1. Policy Statement: All employees will be required to dress appropriately while on the job, as determined by county standards. Employees are expected to follow the dress code policy at all times unless notified otherwise. Employees are expected to dress in such a manner to ensure their health and safety. Grooming and dress must not constitute a distraction or interfere with the job performance of the employee or with that of other employees. The appropriate manager/supervisor will determine exceptions to these standards. Since styles are subject to change and it is not possible to include examples of all items that would be inappropriate, employees are expected to exercise good judgment and discretion in their choice of attire. As a general rule of thumb - *If you have to ask whether an item of clothing is suitable for a work environment then it probably is not.*

1.3.4.2. Procedure: Because the performance requirements vary in each department, the determination of employees' specific dress and personal appearance standard will be appropriate to the work and services provided by the position. All employees must maintain a personal appearance that is clean and appropriate for their positions, (i.e., office attire or uniforms). Uncertainties can be verified with either supervisors or the Personnel Office. As a rule, clothing worn by county employees while on duty must be appropriate for their position.

1.3.4.3. Adherence to the Dress Code Guidelines: Supervisors have a responsibility to ensure that dress code guidelines are adhered to. When the guidelines are not followed and an employee does not observe the accepted standard of dress the employee shall be subject to the disciplinary procedures of the handbook.

1.3.4.4. Departments: Departments in Cullman County may enact other dress restrictions as the department deems prudent which are subject to the approval of the Cullman county Commission. The department head is responsible for setting an appropriate dress standard for his/her department. Such standards may include the wearing of uniforms when required. In setting this standard the department head will consider the:

- (a) Nature of the work;
- (b) Safety considerations;
- (c) Nature of the employee's public contact;
- (d) Prevailing practices of other workers in similar jobs; and
- (e) Performance of department employees, including consideration of the type of

image the department wishes to project.

The dress standards for women will be, to the extent that it is practical, comparable with that for men.

1.3.5. Smoking Policy Statement. Cullman County recognizes the need of its employees to work in an environment free of tobacco smoke. The county also respects the rights of its employees who choose to smoke to make personal decisions without interference, as long as these decisions do not interfere with the rights of other employees. All county owned buildings are smoke free except in specifically designated smoking areas.

1.4 POLITICAL AND RELIGIOUS ACTIVITY PROVISIONS.

The following policies are adopted regarding political and religious activities.

1.4.1 Not to Affect Employment. No individual will be appointed, promoted, demoted, or dismissed from his/her position because of political or religious opinions or affiliations.

1.4.2. Improper Use of Influence. No individual connected with the county will use, or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to affect employment, promotion, increase in pay, or other advantages in employment for any individual for the purpose of influencing an individual's vote, political action, or any other consideration.

1.4.3. Participation Rights. No employee will be denied the right to participate in county, city, state, and federal political activities on their own time, except as limited by federal or state law. See section (10.9.3.)

1.5 SEXUAL AND OTHER FORMS OF HARASSMENT PROVISIONS.

Cullman County prohibits any form of unlawful employment harassment based on sex, race, color, religion, national origin, age, disability, or Vietnam era or special disabled veteran's status. Improper interference with the ability of county employees to perform their expected duties will be investigated immediately, thoroughly, and confidentially to the maximum extent possible.

Employees filing complaints shall be protected from any forms of retaliation. If investigation leads to a determination that the charges are true, appropriate disciplinary action will be taken, up to and including termination of employment. The following policies are adopted regarding sexual and other forms of harassment.

1.5.1. Sexual Harassment Prohibited. Sexual harassment, either stated or implied, will not be tolerated.

1.5.2. Defined. Sexual harassment is defined as unwelcome sexual advances, request for sexual favors, or physical contact of a sexual nature under any of the following conditions:

- (a) Submission to such conduct is considered a condition of employment;
- (b) Submission, or refusal, is used, or might be used, as the basis of an employment decision which affects the individual; and
- (c) Conduct unreasonably interferes with the individual's job performance or creates a work environment that is intimidating, hostile or offensive.

1.5.3. Identified Sexual harassment may occur in a variety of forms. Four categories of sexual harassment and some concrete examples of conduct that may constitute sexual harassment are:

- (a) Verbal - unwelcome words of a sexual nature directed at another, including: making sexual demands or sexual propositions; sexual innuendos; demeaning sexual jokes; references to a person's anatomy; catcalls; whistles; demeaning name-calling; remarks on the intimate details of one's life or sexual likes or preferences; and, if unwelcome, invitations for lunch, dinner, drinks or dates.
- (b) Visual - unwelcome exposure to visual objects such as: pictures, photos, drawings, cartoons, magazines, objects, or posters (including poster calendars); sexually obscene gestures or obvious staring; and nudity.
- (c) Written- unwelcome notes or letters of sexual content or propositions; sexually-explicit literature, poems, magazine articles; and obscene words, phrases or graphics on walls, bulletin boards, or posters.
- (d) Physical - unwelcome physical contact with another, including: touching, hugging, kissing, patting, fondling, grabbing, rubbing, pinching, and in some instances close physical positioning.

This list does not include all possible behavior which could be viewed as sexually harassing by the county and which could result in job discipline. It is merely a list of offensive behaviors. Other behavior might be viewed as being sexually harassing depending on the circumstances and frequency in which they occur. Employees are reminded, however, that certain behaviors may be inappropriate for other reasons, even if the behavior is not sexually harassing. For example, intimate behavior at work, such as kissing and handholding with a willing partner, is always unprofessional. The county wishes its employees to err on the safe side.

1.5.4. Who Can Be Involved in Sexual Harassment. Sexual harassment can occur in a wide variety of circumstances and may encompass many variables. It is important to realize that:

- (a) Victims can be of either gender (male or female);
- (b) Harassers can be of either gender (male or female);
- (c) Harassers may be supervisors of victims, but harassers may also be co-workers or even non-employees;
- (d) Harassers and victims need not be of the opposite gender, if the conduct is still based upon sex;
- (e) Victims may be third-party observers, affected by the behavior of others and exposed to a hostile or abusive atmosphere based upon sex;
- (f) Victims need not suffer any financial loss;
- (g) The sexual harassment need not seriously affect a victim's psychological well being or lead the victim to suffer injury; instead, conduct or an environment based upon sex that a reasonable person would and does believe to be hostile or abusive constitutes sexual harassment.

1.5.5. Other Forms of Harassment Prohibited. Harassment based on race, color, religion, national origin, age or special veterans status in form of slurs, jokes, or epithets verbal, visual, written or physical about or to another employee will not be tolerated.

1.5.6. Reporting Procedure. All complaints of harassment will be promptly reported to a department head or to the county personnel clerk who will ensure that each complaint is thoroughly investigated, all actions documented and corrective action taken as necessary. See section 10.4 for specific reporting steps and procedures.

1.5.7. Harassment Training. The county may provide harassment training to new and current employees so that employees may better understand the county's philosophy, policies and applicable laws pertaining to workplace harassment.

1.6 DRUG AND ALCOHOL PROVISIONS.

1.6.1. INTENT AND POLICY. CULLMAN COUNTY is committed to the safety and well-being of its employees and the public; and accordingly, it is the County's intent to maintain a work environment which is free from drug use and unlawful possession of controlled substances on County premises.

The County recognizes that alcohol and drug abuse adversely affects an employee's job performance and the kind of work he/she can perform, and may affect his/her opportunities for continued employment. The County does not intend to intrude upon the private lives of its employees. The County is concerned, however, about the use of alcohol and/or drugs if it interferes with an employee's job performance, adversely affects the job performance of other employees, endangers the employee or other employees, or is detrimental to the County's business. This policy applies to all applicants and employees, including contract, temporary or seasonal employees (EXCEPT THIS POLICY DOES NOT APPLY TO CULLMAN AREA RURAL TRANSPORTATION SYSTEM (CARTS) WHICH HAS A SEPARATE POLICY). The policy is applicable at the County facilities or wherever the County employees are performing County business. It is also applicable while operating any County vehicle or equipment at any time, or any personal, rental or other vehicle while on County business (EXCEPT CARTS).

It is the County's policy to follow all applicable laws and regulations regarding drug and alcohol testing and the other matters addressed here. This written policy is intended to summarize how those laws and regulations apply to the County and its employees. The precise obligations of the County are established by the applicable laws and regulations, as they evolve from time to time.

1.6.2. DEFINITIONS

1.6.2.1. "Work Related Alcohol and Other Drug Abuse" - is defined as the use of mood-altering drugs, including all forms of alcohol, narcotics, depressants, stimulants, hallucinogens, marijuana, or the use of prescription drugs when resulting behavior or appearance adversely affects work performance or the operation of any County vehicle or equipment at any time, or any personal, rental or other vehicle while on County business.

1.6.2.2. "Adversely Affect Work Performance" and "Under the Influence" shall be determined to be present if the employee is perceptively impaired, has impaired alertness, coordination, reactions, responses, or efforts; if the employee's condition threatens the safety of him/herself or others; or if the employee's condition or behavior presents the appearance of unprofessional or irresponsible conduct detrimental to the public's perception of the County as an employer as determined by the supervisor or manager or other observing the employee. It includes operation of any County vehicle or equipment at any time, or use of any personal, rental or other vehicle while on County business.

1.6.2.3. "Controlled Substances" means those substances whose distribution is controlled by regulation or statute, including but not limited to narcotics, depressants, stimulants, hallucinogens, and cannabis.

1.6.2.4. "Alcohol" means ethyl alcohol or ethanol.

1.6.2.5. "Drug or alcohol test" means a chemical test administered for the purpose of determining the presence or absence of a drug or its metabolites or alcohol in a person's bodily tissue, fluids, or products.

1.6.2.6. "Drugs" include, but are not limited to, marijuana, amphetamines, cannabinoids, cocaine, phencyclidine (PCP), hallucinogens, methaqualone, opiates, barbiturates, benzodiazepines, synthetic narcotics, designer drugs, or a metabolite of any of the substances listed herein.

1.6.2.7. "Mood-Altering" or "Alter" means changed behavior which may limit an employee's ability to safely and efficiently perform his/her job duties or poses a threat to the safety of the employee or others.

1.6.2.8. For purposes of this agreement, the terms "drug" or "drug tests" shall include both drugs and alcohol, as appropriate.

1.6.2.9. "Positive Test Result" means a finding of the presence of alcohol or drugs or their metabolites in the sample tested.

1.6.2.10. "Under the Influence" for the purpose of testing, means having the presence of a drug or alcohol at or above the level of a positive test result.

1.6.3. PROHIBITIONS

1.6.3.1. No employee shall report to or perform the County work under the influence of alcohol, marijuana, controlled substances or other drugs which affect his/her alertness, coordination, reaction, response, judgment, decision-making, or safety.

1.6.3.2. No employee shall operate, use, or drive any equipment, machinery, or vehicle of the County, or operate, use or drive a personal, rental or other vehicle on County business, while under the influence of alcohol, marijuana, controlled substances or other mood-altering drugs. Such employee is under an affirmative duty to notify his/her supervisor immediately that he/she is not in an appropriate mental or physical condition to operate, use, or drive the equipment, whether or not belonging to the County.

1.6.3.3. No employee shall unlawfully manufacture, distribute, dispense, possess, transfer, or use alcohol or a controlled substance in the workplace or wherever the County's work is being performed.

1.6.3.4. When an employee is taking medically authorized drugs or other substances which may alter job performance, the employee should notify the appropriate supervisor of his/her temporary inability to perform the job duties of his/her position.

1.6.3.5. The County may notify the appropriate law enforcement agency when it believes that an employee may have illegal drugs in his/her possession or is involved in other illegal conduct.

1.6.3.6. Employees are prohibited from consuming alcoholic beverages during lunch periods, dinner periods, or breaks when returning immediately thereafter to perform work on behalf of the County.

1.6.4. PROCEDURES AND REGULATIONS.

1.6.4.1. Employees are expected to report to work on time and in appropriate mental and physical condition for work. Employees are not to report to work under the influence of intoxicants (alcoholic beverages or illegal drugs) and shall not consume, use, or possess intoxicants at any time during their scheduled workday, on County property, or in any County vehicle (while traveling to or from County property while on duty). The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on County premises or while conducting County business off premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.

1.6.4.2. The County recognizes drug dependency as a major problem. The County also recognizes drug abuse as a potential health, safety and security problem.

1.6.4.3. No employee shall be subject to discipline for the appropriate use of legal nonprescription or prescribed legal drugs for the treatment of illness or injury. However, if the employee knows or should know that use of a nonprescription or prescribed drug does or could impair the employee's ability to operate a County vehicle or equipment, or otherwise perform his or her job duties, the employee shall share this information with his or her immediate supervisor. Violation of this section of the policy may subject the employee to disciplinary action.

1.6.5. TYPES OF TESTING

1.6.5.1. Applicant Testing: Upon a conditional offer of employment, all applicants for employment will be required to undergo drug and alcohol testing. The refusal to submit to testing or the confirmed positive test result is grounds to refuse to hire. Applicants for employment may receive post-offer drug/alcohol tests, and will be advised of the provisions of this policy at their initial interview. Offers of employment are conditional upon negative test results. An applicant who tests positive will not be hired unless it can be shown that the result is attributable to a drug taken by order of a physician and that the applicant identified the drug prior to testing.

1.6.5.2. Reasonable Suspicion Testing: The County may require an employee to undergo drug or alcohol testing if it has a "reasonable suspicion" that an employee is using or has used drugs or alcohol in violation of the County policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience and may be based upon, among other things, the following:

- (a). observable phenomena, such as (1) the physical symptoms or manifestations of being under the influence of a drug or alcohol while at work or on duty, or (2) the direct observation of drug or alcohol use while at work or on duty,
- (b). a report of drug or alcohol use while at work or on duty provided by reliable and credible sources and which has been independently corroborated,
- (c). evidence that an individual has tampered with a drug or alcohol test during his employment with the County, or
- (d). evidence that an employee is involved in the use, possession, sale, solicitation, or transfer of drugs while on the job or while on County property or while operating the County's vehicle, machinery, or equipment.

1.6.5.3. Post-accident Testing: An employee will be required to undergo drug or alcohol testing immediately following any work-related injury or when the county's property has been damaged.

1.6.5.4. Random Testing: Employees may be tested on a random selection basis, which means that each employee from a group of employees subject to the selection mechanism has an equal probability of being selected and the County has no discretion to waive the testing of any employee selected.

1.6.5.5. Periodic Testing: Employees may be required to undergo drug and alcohol testing as part of routinely scheduled employee fitness-for-duty medical examination and/or scheduled periodic testing.

1.6.5.6. Post-rehabilitation Testing: If an employee is allowed to return to work after a confirmed positive test result or following participation in a drug/alcohol dependency treatment plan, the employee will be subject to drug and alcohol tests *without* notice for a period of two years from the date of the employee's return to work.

1.6.6. FAILURE TO TAKE TEST. The failure of an employee to submit to an alcohol or drug screening test shall be grounds for discipline which may include termination. The results of the alcohol or drug test shall not be used by the County for any purpose other than to determine adherence to County policy, to discipline an employee whenever necessary, and to comply with applicable terms of this resolution.

1.6.7. REPORTING. Employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug statute for violations occurring on or off County premises while conducting County business. A report of a conviction must be made within five days after the conviction to the department director. Within ten days of learning of an employee's criminal conviction for illegal drug activity within the workplace, the County will notify the federal government of such conviction. Within 30 days of learning of an employee's criminal conviction for illegal drug activity within the workplace, the County will take appropriate personnel action. Notwithstanding, if the employee's job requires a driver license, the employee must notify the department director of the arrest and/or conviction.

1.6.8. PERSONS SUBJECT TO BE TESTED All employees and applicants who have received a conditional offer of employment are subject to being tested.

1.6.9. COST OF TESTING The County shall pay all costs of testing for drugs or alcohol required by this policy including confirmation tests required by this policy and the cost of transportation if the testing of a current employee is conducted at a place other than the workplace. If an employee or applicant requests a re-test of a sample in order to challenge the results of a positive test result, the employee/applicant shall pay all costs of the re-test; however, if the retest reverses the findings of the challenged positive test, the employer shall reimburse the individual for the costs of the re-test. **(I). CONSENT** As a condition of contractual employment, employees are required to complete the Consent Form which reads as follows: **“CONSENT:** I have received, reviewed, and understand the County's Alcohol and Drug-Free Workplace Policy. I understand and acknowledge that as a condition of employment, I will give consent at any time to the County's job-related medical inquiries, including an alcohol and/or drug screen test using either urine or blood samples, as provided by the Alcohol and Drug-Free Workplace Policy.

I am aware that the presence of certain drugs may be cause for termination of my employment. I further expressly authorize the County and its designated medical examiner(s) to conduct an alcohol and/or drug screen test, and I expressly agree to hold the County, its subsidiaries, commissioners, operators, directors, employees, and agents harmless from any claims arising out of the information obtained through the inquiries and findings of the test. I shall have the right to examine this file and all related material at any time. All such information shall be held confidential to the extent permitted by law. Dated this _____ day of _____, 20____.”

1.6.10. ASSISTANCE AND REHABILITATION

1.6.10.1. Nothing in this statement is to be interpreted as constituting any waiver of County's responsibility to maintain discipline or the right to invoke progressive disciplinary measures when applicable in the case of misconduct which may result from or be associated with the abuse of any substance or other personal problem. Nothing in this policy limits the right of County to discipline or discharge an employee on grounds other than a positive test result.

1.6.10.2. Where there has been a positive test result, County will do the following unless the employee has furnished a valid medical reason for the positive test result: The employee will be referred for an evaluation by a certified chemical use counselor or a physician trained in the diagnosis and treatment of chemical dependency. If that evaluation determines that the employee has a chemical dependency or abuse problem, Employer will give the employee an opportunity to participate in, at the employee's expense, or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the certified chemical use counselor or a physician trained in the diagnosis and treatment of chemical dependency. If the employee either refuses to participate in the counseling or rehabilitation program, or fails to successfully complete the program, as evidenced by withdrawal from the program before its completion, or by a positive test result after completion of the program, the employer may discharge the employee.

1.6.10.3. During or following treatment, the employee should not expect any special privileges or exemptions from standard personnel practices; however, employees with substance abuse problems or personal problems will be allowed to liquidate sick leave for the purpose of treatment or rehabilitation upon presentation of satisfactory medical evidence.

1.6.10.4. When a leave of absence is necessary so that an employee may undergo medical treatment for alcoholism or drug abuse or other personal problems in or from an appropriate facility in accordance with this program and when the employee has voluntarily submitted himself or herself for such treatment, the employee may be granted a leave of absence.

1.6.11 CARTS The Cullman Area Rural Transportation (CARTS) program operates under a set of guidelines established or required by the Federal Government. Any provisions of the CARTS drug policy that is inconsistent with this policy shall be the governing policy.

1.7 VEHICLE AND EQUIPMENT USAGE PROVISIONS.

County vehicles and equipment shall not be used to do private work or for private purposes. After hours driving of county vehicles shall be limited to those employees on call and supervisory personnel who have been assigned vehicles as part of their job duties.

1.8 WORKPLACE VIOLENCE POLICY.

Cullman County has established the following workplace violence policy. The objectives of this policy are employee education and prevention. The county is committed to the health, safety, and welfare of its employees, and will make every effort to prevent violent incidents from occurring.

1.8.1. Workplace Violence Defined. Workplace violence is defined under this policy as any physical assault, threatening behavior, or verbal abuse occurring in the work setting. It includes but is not limited to beatings, stabbings, shooting, rapes, sexual assault, or any use of force against another person, suicide, attempted suicide, verbal or physical threats or intimidation, any form of harassment such as stalking, following, obscene phone calls, shouting, or using foul and abusive language toward another person.

1.8.2. Zero Tolerance. The county will not tolerate workplace violence. Within the sole discretion of the county, any employee who engages in workplace violence will be disciplined, up to including immediate termination with no further warning.

1.8.3. Weapons Prohibited. Employees are also strictly prohibited from using, possessing or concealing any weapon, including but not limited to handguns, shotguns, rifles, tazers, automatic or semi-automatic weapons, or other firearms, and knives with blades more than 3 inches in length, while on county real property. This prohibition does not apply to materials specifically authorized by the county for use on the job or another job-related purpose or such weapons left in the employee's vehicle if otherwise permitted by law. Any employee who violates this provision against weapons will be disciplined, up to and including immediate termination, within the discretion of the county.

1.8.4. Reporting. All managers and supervisors are responsible for taking measures to prevent and to correct promptly any incident of workplace violence. All employees are required to

immediately and accurately report any incident of workplace violence or perceived threat of workplace violence, whether verbal or physical, and to report knowledge of another possessing a weapon on county premises. Reports shall be made to the employee's supervisor, department head, personnel clerk or the county administrator. The county will not discriminate against victims of workplace violence, or those who make reports under this policy. To the extent possible and practicable under the circumstances, the county will maintain such reports confidentially.

1.8.5. Conclusion. All employees, including department heads and supervisors, are responsible for using safe work practices, for following all directives, policies and procedures, and for assisting in maintaining a safe and secure work environment. Supervisors and department heads are responsible for ensuring that all safety and health policies and procedures involving workplace security are clearly communicated and understood by all employees and are expected to enforce this policy fairly and uniformly.

1.9. ELECTRONIC COMMUNICATIONS POLICY (E-MAIL, INTERNET AND LAND LINE TELEPHONES AND CELL PHONES).

1.9.1 General. County e-mail, Internet and telephone systems may be used for personal reasons on a restricted basis. Personal cell phones may also be used during the work day. Department supervisors may provide usage guidelines to their subordinate employees different than those listed herein. Unless the department supervisors provide differing guidelines, the ones supplied herein shall apply. Employees found abusing these privileges shall be disciplined according to the county policies and procedures.

Electronic communications, including the contents of county owned computers and telephones, are the properties of the county. This policy is meant to set forth guidelines regarding access to and disclosure of information/messages sent or received by county employees using the system. This policy may be changed at any time. The Internet, electronic mail, phone mail or any other communication of information system of the county is not to be used in any way that may be disruptive, offensive to others, or harmful to morale. The county's electronic communication systems, including computers and telephones (including all hardware and software) are the exclusive property of the county. All contents of county electronic communication systems are the exclusive property of the county. The county treats all computer files, including electronic mail (e-mail) sent or received as business information. The county has the capability to access, review, copy and/or delete any computer files, including e-mail sent or received. If employees make incidental use of the computer system for personal files or e-mail, employees should not expect personal files or e-mail to be protected from review by other employees. Accordingly, employees should not use computer systems to create or transmit any information they wish to keep private. Employees that transmit illegal materials via the county's e-mail or Internet system or visit explicit Internet sites will be disciplined according to the county policies and procedures.

1.9.2. Cell Phones. Unless specifically directed by guidelines provided by a department supervisor, this policy outlines the use of personal cell phones at work, the personal use of business cell phones and the safe use of cell phones by employees while driving.

1.9.2.1. Personal Cellular Phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees should restrict their personal calls during work time and only use their personal cell phones during scheduled breaks or scheduled lunch periods in non-working areas. Employees are therefore asked to make any other personal calls on non-work time where possible and to ensure that friends and family members are aware of the county's policy. Flexibility will be provided in circumstances demanding immediate attention. The county will not be liable for the loss of personal cellular phones brought into the workplace

1.9.2.2. Personal Use of County-Provided Cellular Phones. Where job or business needs demand immediate access to an employee, the county may issue a business cell phone to an employee for work-related communications. To protect the employee from incurring a tax liability for the personal use of this equipment, such phones are to be used for business reasons only. Employees in possession of county equipment such as cellular phones are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection. Any employee unable to

present the phone in good working condition within the time period requested may be expected to bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

1.9.2.3. Safety Issues for Cellular Phone Use. Employees whose job responsibilities include regular or occasional driving and who are issued cell phones for business use are expected to refrain from using their phones while driving. Safety must be the first priority. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

1.9.2.4. Safety Summary Guidelines:

- (a) Use a hands-free set when available.
- (b) Utilize features such as speed dial and voice-activated dialing.
- (c) Always place calls when you are not moving or before pulling onto the road.
- (d) Cell phones should be placed where they are easy to see and reach.
- (e) Do not use cell phones in heavy traffic; allow voice mail to answer.
- (f) Do not use cell phones in counties/jurisdictions which ban cell phone use while driving.
- (g) Keep conversations brief; avoid unnecessary calls.
- (h) Pull off the road into a safe area for parking when taking notes, looking up information or during an intense conversation.
- (i) Special care should be taken in inclement weather or when the employee is driving in an unfamiliar area.

1.9.2.5. Special Responsibilities for Managerial Staff. As with any policy, management staff is expected to serve as role models for proper compliance with the provisions above and are encouraged to regularly remind employees of their responsibilities in complying with this policy. Managers should monitor employees to make sure that the presence of cell phones in the work place provides optimum benefits in managing expenses for long distance telephone usage. Managers should be knowledgeable about the county's cell plan/package in order to leverage the best use. As an example, if there is a choice or an opportunity for savings, a land-base phone should be used for a local call instead of a cell phone. Managers should also address proper cell-phone etiquette with their employees. Managers should immediately implement pre-approved disciplinary measures for employees who violate safety procedures in the operation of cellular phones. Safety must always be the first priority.

CHAPTER 2

RECORDS AND REPORTS

2.1 PERSONAL HISTORY RECORD (PHR).

The purpose of the employee Personal History Record (PHR) is to establish and maintain a central source of information that is required to support employee personnel actions. Information contained in a PHR will be closely controlled as to its release. The PHR will be established and maintained by the personnel clerk and will be the official source of information for responding to authorized requests for official information about present and former employees.

2.1.1. Content. The material that is authorized to be included in the PHR is restricted to those items for which authenticity has been confirmed through established procedures, e.g., official personnel forms, statements from the employee, supervisors, and statements provided by references named by the employee. The PHR will exclude material that is not appropriate for use in making judgments in personnel actions. Subject to the above restrictions, the PHR will include the information described in the following sections which, when filed in the PHR, will become a permanent part of the employee's record.

2.1.2. Qualifications Information. The PHR will contain information related to the employee's qualifications including:

- (a) Evidence of the employee's knowledge, skills, abilities, experience, training, and character;
- (b) Completed application form for county employment;
- (c) Supplementary qualification information provided by the employee or his/her supervisor; Test results, if applicable; Interview reports; Reference reports; Performance appraisals; and Employee's job description.

2.1.3. Personal History Information. The PHR will contain other information including:

- (a) Personal information such as age, next of kin, address, etc. needed for processing required personnel actions;
- (b) Records of benefit enrollments; and
- (c) Medical examination results (should be maintained in a separate file).

2.1.4. Other Information. The PHR will contain other information pertinent to the employee's employment including, but not limited to the following:

- (a) Personnel action forms and correspondence pertaining to appointment, status change, leaves of absence, separation, and reappointment;
- (b) Letters of commendation; and/or
- (c) Records of disciplinary actions.

2.1.5. Confidentiality The personnel clerk will ensure that the PHR for all employees is maintained in a strictly confidential manner. Access to the PHR's will be in accordance with the following guidelines:

- (a) An employee may have access to his/her own PHR upon written request to the personnel clerk;
- (b) A department head may have access to the PHR's of those employees assigned to his/her department;
- (c) The county's attorney will have access to the PHR's of any employee where needed in the representation of the county; and
- (d) Other individuals may have access to the PHR of an employee when needed for official reasons when approved by the county commission.

2.1.6. Record of Access. The personnel clerk will maintain a record of all individuals who have accessed an employee's PHR.

2.1.7. Inactive PHR's. An employee's PHR will be maintained in an inactive status for five (5) years after he/she leaves the county's employment.

2.2 CENTRAL RECORDS.

The personnel clerk will also establish and maintain other administrative records that are necessary for the proper implementation of the county's personnel system.

2.3 FORMS AND SUPPLIES.

The personnel clerk will establish and provide such forms, blanks, and other record keeping materials necessary for the preparation and maintenance of required personnel records and reports.

CHAPTER 3

CATEGORIES OF SERVICE AND EMPLOYMENT STATUS

3.1 CATEGORIES OF SERVICE.

All individuals who are employed by the county and are paid by county controlled funds will be assigned to one of the following categories of service. Such assignments will be approved by the county commission.

3.2 EXEMPT NON-EMPLOYEE SERVICE.

Exempt non-employee service will include the following individuals. The provisions of the Cullman County personnel system will in no way apply to these individuals, except in their relationship with covered employees.

- (a) elected officials of Cullman County;
- (b) volunteer personnel and personnel appointed to serve without pay;
- (c) consultants rendering temporary professional services;
- (d) attorneys rendering legal service;
- (e) individuals who come under the meaning of and are subject to the State of Alabama merit system;
- (f) individuals who are appointed to county boards and commissions.
- (g) employees who are not under the supervision of the County Commission such as the Corrections Officers who are under the supervision of the District Judges.

3.3 UNCLASSIFIED EMPLOYEE SERVICE.

These employees while exempted by State Act No. 80-549 have been included under the personnel system to the extent specified in these policies and procedures. The unclassified employee service will include only those jobs assigned to such service by State Act No. 80-549. The unclassified employee service includes those positions in which the incumbent is considered to be the principal assistant to an elected official or a major department supervisor answering directly to the commission. Positions in the unclassified employee service include, but are not limited to:

- (a) County Engineer;
- (b) Chief Clerk – Probate Judge;
- (c) Chief Clerk – Revenue Commissioner;
- (d) Chief Clerk – County Commission;
- (e) General Superintendent of Roads;
- (f) EMA Director;
- (g) Water Superintendent;
- (h) Solid Waste Officer;
- (i) Any department head/department supervisor (excluding elected officials);
- (j) County Administrator;
- (k) Sanitation Manager; and
- (l) Any person considered to be a principal assistant to a major department supervisor that answers directly to the Commission.

It is the intent of this paragraph to create a category of service which is to be distinguished from the classified service and which is more particularly described as follows:

3.3.1. Applicability of Personnel System. The established personnel system will apply to unclassified employees the same as classified employees except as noted in these guidelines.

3.3.2. Appointment. The appointment of an unclassified service employee will be made by the elected official or elected body to whom the position has been assigned. These employees need not be hired from a list of applicants but must meet commission established job qualifications.

3.3.3. Service at the Pleasure. An unclassified employee's employment will be completely at the pleasure of the supervising elected official or elected body and may be terminated at any time with no recourse.

3.3.4. Reappointment to Classified Service. If an unclassified employee was a regular status classified employee at the time of his/her appointment to an unclassified employee service position, he/she shall be reappointed as a regular status classified employee in a position for which he/she is qualified unless he/she was separated as a result of inadequate job performance or violation of these personnel policies and procedures. The employee will be reinstated at the pay he/she was making at the time of transfer to the unclassified service together with each raise he/she could have received had he/she not been transferred to the unclassified service. If the individual was not a regular status classified employee at the time of his/her appointment as an unclassified

employee, he/she will not be entitled to reappointment to the classified service upon vacating the unclassified employee service. However, he/she may apply for any vacant classified service position along with other applicants.

3.3.5. Continuous Service Provision. Unclassified employee service employment will count as continuous years of service if an unclassified employee is later employed in the classified service, so long as there is no more than a thirty (30) calendar day break in service.

3.3.6. Benefits. Unclassified employees are eligible to participate in all county provided employee benefits, including group insurances, retirement, annual and sick leave, and holiday pay.

3.4 SHERIFF'S DEPARTMENT PERSONNEL.

The sheriff is authorized to set employment policies for the department subject to the provisions of Section 10 and 11 of Act No. 80-549. The sheriff shall receive applications, set policies for hiring, promotion, and demotion and is not required to follow the policies and procedures established herein covering these specific areas. In other areas, employees will be treated and receive benefits according to the category of service they best fit. Employees not subject to Sections 10 and 11 of Act 80-549 are subject to these personnel policies and procedures.

3.5 CLASSIFIED SERVICE.

The classified service will include those ongoing full-time positions, as authorized and funded by the county commission, based upon requests from the department heads. Classified incumbents are normally scheduled to work at least thirty-two (32) hours each workweek.

3.5.1. Positions Included. It is intended to include within the classified service all positions in which the incumbents are paid out of county commission controlled funds, regardless of the source of the revenues making up such funds, which have not been excepted by these policies and procedures, and have not been assigned to another category of service.

3.5.2. Continuous Service Provision. Classified service employment will count as continuous years of service, if a classified employee is later employed in the unclassified employee service, so long as there is no more than a thirty (30) calendar day break in service.

3.5.3. Benefits. Classified employees will be eligible to participate in all county provided benefits, including group hospitalization and life insurance, retirement, annual and sick leave, and holiday pay. Part-time employees are not eligible for county benefits except as required by law and any exceptions specifically noted herein.

3.6 PART-TIME SERVICE.

These employees, while exempted by State Act No. 80-549, have been included under the personnel system to the extent specified in these policies and procedures. The part-time service will include those positions which are considered to be on-going in nature but in which the incumbents are normally scheduled to work less than thirty-two (32) hours, or the equivalent thereof, in a workweek as approved by the county commission at the time of approval of such positions. The incumbent of a part-time service position normally will work in each pay period. Part-time service employment will not count as continuous years of service with the county if a part-time employee is employed in the classified or unclassified employee service.

3.6.1. Benefits. Part-time individuals will not be eligible to participate in any county provided employee benefits, except as provided by law.

3.7 TEMPORARY SERVICE.

The temporary service, while exempted by State Act No. 80-549 have been included under the personnel system to the extent specified in these policies and procedures. The temporary service will include those individuals who have been employed to perform special or emergency functions, authorized and funded temporary work or authorized by the county commission as replacements for employees on approved leave.

3.7.1. Length of Employment. Temporary service employment will not normally exceed six (6) consecutive months in duration. However, if required, the county commission may extend the employment period up to an additional 6 months. Individuals hired for the temporary service may work either a full or part-time workday as funded by the county commission.

3.7.2. Continuous Service Provision. Temporary service employment will count as continuous years of service, if a temporary individual is appointed to a position in the classified or unclassified

employee service.

3.7.3. Transfer Provisions. Temporary individuals may not be transferred directly to the classified service. However, they may apply for vacancies in accordance with the staffing guidelines of these policies and procedures. Temporary individuals seeking employment will not be given preferential consideration over any other applicants for a vacancy in the classified service.

3.7.4. Benefits. Temporary individuals will not be eligible to participate in any county provided employee benefits, except as provided by law.

3.8 EMPLOYMENT STATUS

Each individual employed in a position in the classified service will be placed in an employment status in accordance with the following provisions.

3.8.1. Probationary Status. Initially, each individual hired as a classified service employee will be placed in a probationary status until the employee has successfully completed the established six (6) month probationary period, except those who served full-time in the temporary service for up to six (6) months in duration immediately preceding his/her hire to the same job in the classified service. A probationary status employee may be separated by his/her department head without a hearing and without recourse under these guidelines at any time.

3.8.2. Regular Status. Regular status will be afforded every classified service employee who successfully completes the county's established six (6) month probationary period and is approved for regular status by his/her department head. An employee who acquires regular status may, subject to the provisions of these policies and procedures, remain in his/her position so long as there is a need for the position, the position is funded, the employee's performance is acceptable, and the employee's conduct meets established county standards. Temporary employees will never be afforded regular status while in the temporary service.

3.8.3. Status of Present Employees. Each employee who is serving in a position that is assigned to the classified service at the time of adoption of these policies and procedures and who has completed the county requirements to be designated a regular status employee in accordance with these policies and procedures is designated as a regular status employee. All other employees who are presently serving in the classified service at the time of adoption of these policies and procedures are designated as probationary status classified employees, until they complete the probationary period and are approved by their department head and the county commission as regular status employees.

CHAPTER 4

STAFFING

4.1 GENERAL PROVISIONS.

4.1.1. Filling Vacancies. All vacant positions will be filled in accordance with these guidelines. Staffing actions will be initiated only for vacant positions that have been authorized and funded by the county commission.

4.1.1.1. Vacancies in Unclassified Employee Service. Vacant positions in the unclassified employee service will be filled, in accordance with the guidelines contained herein, at the pleasure of the elected official or body to which the positions have been assigned. However, selected individuals must meet the job qualifications.

4.1.1.2. Vacancies in Classified and Part-time Service. Vacant positions in the classified and part-time service will be filled by the department head through the appointment of qualified applicants in accordance with the guidelines contained herein and with the approval of the county commission.

4.1.1.3. Vacancies in Temporary Service. The department head will fill vacancies in the temporary service with individuals who meet the job related qualifications for such positions in accordance with the guidelines contained herein and the approval of the county commission.

4.1.2. Character and Ability. All applicants for employment with the county must be of good moral character and be able to perform the essential functions of the position for which they have applied.

4.1.3. Fraud on Application. Any person who has fraudulently secured an appointment will be removed in accordance with these policies and procedures and will not thereafter be eligible for consideration for any position covered by the county's personnel system.

4.1.4. Employee Consideration. Employees on the reemployment eligibility list and promotion eligibility list shall be given first consideration in the order named for classified job openings. See Chapter 5 for specific policies and procedures.

4.2 **ELIGIBILITY LISTS.**

The personnel clerk will establish eligibility lists of qualified applicants, to ensure qualified individuals are available to fill vacancies. Normally, such list will be prepared when a vacancy occurs; however, the personnel clerk may establish an eligibility list, in advance, for positions that have a high turnover. The Cullman County Commission may contract with the Alabama State Employment Service to interview and test applicants. The contract may provide that the Alabama State Employment Service advertise for vacancies, provide application forms, and receive applications to the county. This procedure may be used by the County rather than the personnel clerk performing the services. Part-time and temporary service employees may apply for vacant positions directly to the county.

4.2.1. Criteria for Testing and Ranking. Criteria for testing or examinations to be used in determining the job-related qualifications and subsequent ranking of an applicant on an eligibility list will be established by the personnel clerk, in coordination with the appropriate department head.

4.2.2. Refusal to Examine or Place on List Permitted. The county may refuse to examine, or after examination, place on an eligibility list the name of anyone who is found to lack any of the established job-related requirements for the job for which the individual is applying, or any individual who has been convicted of any crime involving moral turpitude or any infamous or disgraceful conduct, or anyone who has been dismissed from employment for delinquency or misconduct, or anyone who has intentionally made a false statement of any material fact or attempted to practice any deception or fraud in application or examination.

4.2.3. Content and Ranking. When an eligibility list is established it will contain the names of all applicants who have submitted applications in response to the vacancy announcement and have been determined to be qualified, except as provided for in paragraph 4.2.2 above. The order of the rankings will be based upon each applicant's possession of the job related qualifications, experience, any relevant test scores and other factors specified, or inherent, in the job. No consideration will be given to age, sex, national origin, religion, color, race, political affiliation, or disability (except where age, sex, or disability constitute a bona fide occupational qualification). Reasonable accommodations for disabled applicants, who are otherwise qualified, will be made when practical.

4.2.4. Evaluation Committee. After the closing date established in the vacancy notice for receipt of applications, the department head, may convene a committee of individuals who are knowledgeable in the requirements of the job to evaluate each applicant and rank them based upon the applicant's possession of the job related qualifications for the job.

4.3 **RECRUITING GUIDELINES.**

4.3.1. Unclassified Employee Service. When a vacancy occurs in the unclassified employee service, the personnel clerk will, if requested by the elected official, coordinate with the elected official and, initiate recruiting actions, to advertise and fill the vacancy. If the position was not advertised, the appropriate elected official will forward a personnel request form to the personnel clerk. The request will be accompanied by a letter designating the individual that the elected official wishes to appoint to the job. The personnel clerk, after ensuring that the individual meets the established requirements for the job, will initiate the appropriate appointment actions.

4.3.2. Classified Service. When a vacancy in the classified service occurs, the personnel clerk will, if a current approved job description is not on hand and/or the job has not been assigned to a pay range in the classification plan, in coordination with the department head, initiate action to have a job description written and the job assigned to a pay range in the classification plan in accordance with Chapter 11 of these policies and procedures. If a

department head wishes to add a position in his/her department that was not approved by the county commission during budget preparation, the department head shall submit his/her request to have the position approved and funded by the commission. Such request will include a current job description and recommended pay assignment. The recommended pay range assignment will be made in accordance with Chapter 11 of these policies and procedures.

4.3.3. Temporary Positions. When there is a need to fill a temporary service vacancy that has been approved by the county commission, the department head may fill the position by selecting an individual from files established by the personnel clerk from applications received in response to a public announcement of temporary opportunities in the county. However, in the event of an emergency situation, a qualified individual may be appointed to fill a temporary position without complying with this procedure.

4.3.4. Reemployment List. Prior to initiating any action to fill a vacancy in the classified or part-time service through a promotion or an original appointment, the personnel clerk will determine if there are any former employees on the reemployment eligibility list who are qualified for the vacancy. These individuals will be contacted by the personnel clerk in the reverse order of their layoff to determine if they are interested in the vacancy. The names of interested individuals will be forwarded to the department head for his/her consideration for the vacancy. If a qualified individual is not select from the reemployment list, the staffing guidelines below will be followed.

4.3.5. Job Posting. Employment opportunities, other than those which have been determined to be filled through a contracted temporary services county, will normally be advertised through appropriate media, employment offices, educational institutions, and county buildings.

4.3.6. Content of Posting. All postings will provide a description of the job, necessary qualifications, pay range, deadline for applying, date and time of any qualifying examination and where applications may be picked up and returned. All advertisements will contain the statement: "Cullman County is an Equal Opportunity Employer."

4.3.7. Duration of Posting. All postings will remain open for receipt of applications for at least seven (7) calendar days from the date of the notice.

4.3.8. Application Forms. Applications for all posted job opportunities, will be made on forms provided by the county.

4.3.9. Acceptance of Applications. All applications will be submitted to the county in accordance with the vacancy notice instructions. No applications will be accepted unless the county is actively seeking applications from individuals.

4.3.10. Provisional Appointments. Provisional appointments can be made when eligible applicants are not available and there is an urgent need to fill a position immediately. Provisional appointments shall expire as soon as an appropriate individual can be hired through the normal county staffing process, however, they cannot be made for longer than ninety continuous calendar days.

4.4 SELECTION OF UNCLASSIFIED EMPLOYEES.

4.4.1. Evaluation of Applications. If the position was advertised, the personnel clerk shall screen and forward all qualified applications to the appropriate elected official. The elected official will evaluate each application, interview applicants as appropriate, and make a selection based on such evaluation and interview and any other test results as required for a specific job. The elected official may at his/her discretion have the applications evaluated and ranked by an evaluation committee.

4.4.2. Selection Tentative. All selections for the unclassified employees service will be tentative, subject to a background investigation, a driving record check, and a determination that the individual can be bonded and/or meet other position requirements when required. After a job offer is made, the applicant may be subject to a medical determination that the individual is medically able to perform the duties required in the position. No employee shall begin service for the County before all new hire paperwork is completed.

4.5 SELECTION OF INDIVIDUALS FOR THE CLASSIFIED AND PART-TIME SERVICE.

4.5.1. Eligibility Lists. Selections to fill vacancies in the classified and part-time service will be made by a department head from an eligibility list. If an eligibility list does not exist at the time a vacancy occurs, one will be established in accordance with paragraph 4.2 above.

4.5.2. Referral of Names. All applications which meet the established minimum requirements for the job will be referred by the personnel clerk to the department head for his or her consideration. If required, the job shall be posted again if none of the current applicants are found to be qualified and acceptable by the department head.

4.5.3. Interviews. The department head, or the department head's designated representative, will hold interviews with qualified individuals whose applications have been referred to the department head. An interview form will be completed for each interview held with an applicant. The personnel clerk will prepare the form.

4.5.4. References Checked. Appropriate inquiries of former employers and other references, when required, will be made by the department head, or the department head's designated representative. If agreeable to an applicant, inquiries may also be made to the applicant's present employer.

4.5.5. Applicant Selected. After all interviews have been completed, the department head will make the selection. The selection may be subject to favorable background investigation, a driving record check, and/or a determination that the individual can be bonded, when required and the approval of the county commission. All selections will be tentative, subject to a medical determination that the individual is able to perform the essential duties required in the position.

4.6 SELECTION FOR TEMPORARY SERVICE.

Selections to fill positions in the temporary service will be made by the department head, or the department head's designated representative. Interviews may be held with applicants, if determined by the department head to be necessary. The department head shall notify the personnel clerk of the individual(s) selected.

4.7 EMPLOYMENT OFFERS.

Employment offers to individuals who have been selected for unclassified employee, classified and part-time service positions will be made in writing by the county commission. No individual (including temporary employees) may consider that an offer of any type has been made to the individual unless the individual has been so notified. A copy of the notification will be provided by the department head.

4.7.1. Notification of Offer. The written notification will inform the applicant that the offer is contingent upon:

- (a) The individual successfully undergoing a background investigation, when required;
- (b) The individual successfully demonstrating through a driving record check that he/she will be accepted by the county's insurance carrier under preferred rates, when driving is required because of job duties;
- (c) The individual successfully being issued a bond when required because of the job duties;
- (d) The individual successfully meeting any standards or certifications as required by law and/or the county; and
- (e) The individual successfully meeting any other job related requirements established at the time of the offer.

After any above mentioned related requirements are met, the offer may also be contingent upon a report of an acceptable medical examination and/or drug test (including part-time employees).

4.7.2. Starting Pay. The starting pay for a new or currently employed individual will be established in accordance with the approved classification and pay plans and the guidelines established in Chapter 11 of these policies and procedures.

4.7.3. Orientation. Orientation of new employees is the responsibility of the elected official or department head to which the employees are assigned. The personnel clerk shall see that all applicable and necessary forms are completed and properly filed.

4.8 PROBATIONARY PERIOD.

The probationary period is considered an integral part of the training and evaluation process for each new employee and will be utilized by the employee's department head to closely observe the employee's work, to obtain the most effective adjustment of the employee, and to separate any new employee who is considered to be unacceptable for continued employment.

4.8.1. Duration. The county's probationary period is established as six (6) months.

4.8.2. Evaluation. The department head will evaluate the performance of all probationary status employees at least during their first, third and sixth month of service. A copy of all evaluations will

be furnished the personnel clerk for inclusion in the employee's personnel file.

4.8.3. Termination. During the probationary period, the department head may terminate the employment of a probationary employee at the department head's discretion and with the approval of the county commission. The department head will notify the probationary employee in writing of his/her termination. A copy of the termination notice will be provided the county commission for review and the personnel clerk for inclusion in the individual's personnel file.

4.8.4. Procedure for Attainment of Regular Status. During the last ten (10) days of an employee's probationary period, the department head will complete a written evaluation of the employee's work. The evaluation will include a statement that the employee's service has been satisfactory and that the employee is being retained as a regular status classified employee. If the employee receives an unacceptable evaluation, the evaluation will include a statement that the individual is not being retained. Normally, a terminated probationary status employee will be given up to one (1) calendar week's notice. However, when determined by the department head to be necessary, the employee may be given a shorter notice. All employees who are designated as regular status employees will be notified in writing by their department head of their completion of the probationary period and designation as regular status employees. A copy of the department head's letter, along with a copy of the employee's final performance evaluation, will be furnished to the county commission for review and the personnel clerk for inclusion in the employee's personnel file.

4.8.5. Appeals. Probationary status employees will not be eligible to file appeals from any separation or disciplinary action taken against them or to file grievances as provided by the county's grievance procedure unless such grievance is based upon their claim that they have been discriminated against because of race, color, religion, sex, age, disability, or national origin.

CHAPTER 5

TRANSFERS, PROMOTIONS AND TEMPORARY ASSIGNMENTS

5.1 GENERAL PROVISIONS.

Vacant classified and part-time service positions above lowest pay range of the classification plan will be filled, so far as practical by either the transfer or promotion of a qualified regular status or part-time service employee. However, a part-time service employee will not be transferred to a classified service position. Vacant positions that are not filled from the reemployment eligibility list will be opened to eligible employees for either transfers or promotions, in the order named, before they are announced to the general public.

5.1.1. Equal Opportunity. Employees will be considered for reassignment without regard to race, color religion, sex, age, national origin, or disability. All selections will be based solely upon an applicant's qualifications, prior performance, efficiency, merit, ability to perform the essential functions of the position, and/or the needs of the county.

5.1.2. Consideration to Type of Assignment. Current county employees and employees on the reemployment eligibility list shall be given priority in the following order:

- (a) Former employees on the reemployment eligibility list qualified for a job in or below their former pay range;
- (b) Current employees applying for a transfer;
- (c) Current employees applying for a promotion.

The department head has the right not to select a county employee for the vacancy if no county employee is sufficiently qualified for the vacancy. The department head may request that the job opening be posted to the general public.

5.2 TRANSFERS.

A regular status classified or part-time service employee may be transferred by his/her department head to a comparable vacant classified or part-time service position of the same range and category of service in the same department for which he or she is qualified. The department head will notify the personnel clerk in writing of such transfer at least seven (7) days before the

effective date of the transfer.

A regular status classified or part-time service employee may be transferred to a comparable position in another department, if he or she is qualified for the position, both appointing authorities agree and the transfer is approved by the county commission.

A regular status classified or part-time service employee who wishes to be transferred to a position outside his or her department should forward a letter of request to the personnel clerk. When a vacancy occurs for which the employee is eligible, the personnel clerk will obtain the approval of both department heads and the commission and coordinate the effective date of transfer. An employee that is transferred will not have to complete a probationary period in his or her new position. No pay increase will be given to any employee as a result of a transfer.

5.3. PROMOTIONS.

A promotion is defined as the permanent assignment of a regular status classified or part-time service employee to a job in the classified or part-time service, as appropriate, that has a higher pay range than his or her current job.

5.3.1. Pay Increases. All newly promoted employees will receive an increase in pay. Normally the amount of such increase will be determined by placing the employee at the entry level of pay for the pay range of his or her new job. However, all newly promoted employees will receive at least a five percent increase over their existing pay at the time of their promotion. The exact amount of such increase will be approved by the county commission based upon a recommendation of the department head.

5.3.2. Consideration for Promotion. Regular status classified service employees will receive first consideration for promotion to classified and part-time service positions. However, when a qualified regular status classified service employee is not available for promotion, a qualified part-time service employee may be considered.

5.3.3. Equal Opportunity in Promotion. All promotions will be made without regard to race, color, religion, sex, age, national origin, or disability (except where age, sex or disability constitute a bona fide occupational qualification) and will be based solely upon an applicant's qualifications, merit, efficiency and longevity.

5.3.4. Probationary Period. A promoted employee shall serve a probationary period in his or her new position. The probationary period will be for six (6) months from the effective date of the promotion. If the employee's performance during the probationary period does not meet acceptable standards, he or she may be reassigned to a job comparable to the job he or she held prior to the promotion if one is available, otherwise, the employee will be separated. When a department head determines that the employee's performance is unacceptable, he or she will notify the personnel clerk and recommend separation or reassignment. If the department head recommends reassignment, the personnel clerk will determine if there is an available vacancy. If a vacant position is not available, the employee will be notified by the personnel clerk of his or her projected separation and the effective date.

5.3.5. Promotion Procedures. All classified and part-time service vacancies that are not filled by the reemployment of an individual from the reemployment eligibility list or by transfer of an eligible employee will be filled according to the following procedures:

(a) A vacancy notice, except for promotions filled by an employee in the same department, will be posted on department bulletin boards and other areas in the county that are readily accessible to employees.

(b) All vacancies will be open for receipt of applications from eligible employees for at least seven calendar days from the date of the posting. The personnel clerk will prepare all vacancy notices. Interested regular status classified and part-time service employees may submit applications to the personnel clerk for a posted vacancy. However, a qualified classified service employee will be given first consideration for all vacancies. If a qualified classified service employee is not selected, a qualified part-time service employee will be considered.

(c) After the closing date for receipt of applications, the personnel clerk will review all applications to ensure they meet the minimum qualifications and then forward the application file to the appropriate department head.

(d) The personnel clerk will refer the file along with other relevant employee

information to the department head for his or her consideration in filling the vacancy.

(e) The department head will rank the applications, and interview, at least, the top three applicants for the position. After he or she has completed the interviews, the department head will record the results of each interview on forms provided by the personnel clerk and return the interview forms and other furnished information, along with his or her selection for the position, to the personnel clerk.

(f) If a qualified applicant is not available from the eligible classified and part-time service employees, the personnel clerk will initiate recruitment actions outside the county service as outlined in the staffing guidelines in section 4 of these policies and procedures.

5.3.6. Records Updated. The personnel clerk will ensure that all employee reassignments meet the intent of these guidelines and that the appropriate personnel records are updated as required.

5.3.7. Exceptions to these Guidelines. In those situations where a regular status classified employees:

(a) Position is being abolished and he/she would otherwise be laid off; or

(b) Performance, as demonstrated through performance evaluations and/or reports, indicates he/she is not qualified to render satisfactory service in the current position. The department head may, at his/her discretion, reassign an employee to any available position of equal or lower pay range that exists in his/her department, as an exception to the guidelines above. Such reassignments will be made in accordance with Chapter 6 of these policies and procedures.

5.3.8. Written Notification. The selected employee will be notified in writing by the department head of his/her selection for the vacancy.

5.4 TEMPORARY ASSIGNMENTS.

Any employee may, at the discretion of his/her department head, be placed on temporary assignment in another position for such purposes as training, accomplishing special projects, filling temporary vacancies, or other similar reasons.

5.4.1. Duration. Normally, an employee may be temporarily assigned to another job by the employee's department head for no more than ninety (90) continuously scheduled calendar days. However, upon recommendation of the department head and approval of the county commission, the temporary assignment may be extended up to an additional ninety (90) days.

5.4.2. Pay. If the employee is temporarily assigned to a position that is of equal or lower pay range to his/her regular position, the employee's pay will not change.

CHAPTER 6

DEMOTIONS

6.1 GENERAL PROVISIONS.

As an exception to Chapter 4 of these policies and procedures, any regular status employee in the classified service may be demoted to a position of a lower pay range in the same category of service for which he/she is qualified for one of the following reasons.

6.1.1. Position Abolished. An employee may be assigned to a position in a lower pay range, if the employee's position is being abolished and he/she would otherwise be laid off.

6.1.2. Unsatisfactory Service. An employee may be assigned to a position in a lower pay range, if the employee's performance has not demonstrated the ability to render satisfactory service in his/her position as determined by a performance appraisal conducted in accordance with the Cullman County Performance Appraisal System and these policies and procedures.

6.2 ADMINISTRATIVE ACTION.

A demotion made in accordance with the guidelines of this chapter will be considered an administrative action rather than a disciplinary action. Such demotions may only be made when there is a position available to which the employee may be demoted and the department head in whose department the vacancy exists agrees to the assignment of the employee to the vacancy. Absence of the availability of such vacancy, the employee will be separated under the separation guidelines contained herein of these policies and procedures. An employee who is serving in a probationary status as a result of a reassignment in accordance with the guidelines of herein will be processed in accordance with the provisions of that chapter.

6.2.1. Unsatisfactory Performance Demotion. If the demotion is due to the employee's performance not demonstrating the ability to render satisfactory service, the same procedure outlined for dismissal of employees in paragraph 7.6 below based on unsatisfactory performance will be followed.

6.3 PROCEDURES.

When a department head determines that he/she wishes to demote an employee, the following procedures will be followed.

6.3.1. Coordination. The department head will coordinate the proposed demotion with the personnel clerk to determine if there is a vacancy available for which the employee may be qualified. If a vacancy does exist but it is outside the department head's department, the personnel clerk will submit a written request to the department head in whose department the vacancy exists. The request will provide the employee's name and the circumstances involved with the demotion. The department head in whose department the vacancy exists may interview the employee before providing an answer to the personnel clerk. If the employee is acceptable to the department head he/she will notify the personnel clerk of the approval of the employee for the vacancy. If a vacancy does not exist or the employee is not acceptable to the department head in whose department the vacancy exists, the employee will be separated.

6.3.2. Notification. Written notification will be provided a demoted employee of the demotion. Such notice will state the reason(s) and the effective date of the demotion and will be provided to the employee at least seven (7) calendar days prior to the effective date of the demotion. The department head will sign the notification. A copy of the notification will be provided to the county commission for approval and the personnel clerk for filing in the employee's personnel file.

6.3.3. Pay. The pay of a demoted employee will be reduced to the same relative position in the pay range of the pay range level for the employee's new job that it was in the pay range for his/her old job. Normally, such reduction will be at least five (5) percent of the employee's pay before the demotion. However, under no circumstances will the pay level of a demoted employee be less than the entry level or more than the maximum level authorized for the pay range of the employee's new job.

CHAPTER 7

SEPARATIONS

7.1 GENERAL PROVISIONS.

7.1.1. Types of Separations. All separations of individuals from employment will be designated as one of the following types:

- (a) Resignation;
- (b) Reduction-in-force (RIF);
- (c) Disability;
- (d) Death;
- (e) Retirement; or
- (f) Dismissal.

7.1.2. Processing Separations. At the time of separation, or prior to payment of any final compensation, all records, assets, and other items of county property in the employee's custody will be returned to county control. Certification to this effect will be made by the employee and the employee's department head before any final payment is made to the employee. A copy of such certification will be provided the personnel clerk and filed in the employee's personnel records. Any indebtedness owed the county will be withheld from the employee's final compensation, unless waived by the commission. At separation each individual will be informed of any rights and/or benefits for which he/she may be eligible, after separation.

7.2 RESIGNATION.

Any employee may voluntarily resign by submitting written notification to his/her department head of the reason(s) and the effective date for his/her resignation. A copy of the resignation will be provided the personnel clerk for inclusion in the individual's file.

7.2.1. Notice. Classified and part-time employees should submit their notifications as far in advance as possible; notice should be given at least fourteen (14) calendar days prior to the effective date of the resignation. Unclassified employees should submit their notifications at least thirty (30) calendar days prior to the effective date of his/her resignation.

7.2.2. Failure to Give Notice. Failure to comply with the notification requirement of paragraph 7.2.1 will be cause for denying the individual future employment with the county.

7.2.3. Withdrawal. An employee may withdraw his/her resignation up to fourteen (14) days after the effective date of the resignation, if approved by the department head. If the individual's request for withdrawal of the resignation is denied, the employee will be separated on the effective date of the resignation. If the employee's request to withdraw his/her resignation is approved, the employee will suffer no loss of service, benefits, entitlements, and/or pay.

7.2.4. Unauthorized Absence as Resignation. Any unauthorized or unjustified absence from work for a period of three (3) consecutive working days may be considered as a voluntary resignation by the individual's department head.

7.3 REDUCTION IN FORCE (RIF).

An employee may be separated by being laid off through a RIF action. RIF actions may be approved as part of a general cost reduction program or when a particular position is no longer needed.

7.3.1. Guidelines. In a general RIF the county commission will, in coordination with the department heads, establish guidelines to be used in identifying those positions to be eliminated and the individuals to be laid off.

7.3.2. Priority of Service Category and Status. Typically, employees assigned to a job that has been identified to be included in the RIF will be separated based upon their service category and employment status, as detailed below. However, the county commission and department heads will determine the actual order that will be followed and may choose to alter the priority criteria described in these guidelines:

- (a) Temporary service employees;
- (b) Probationary part-time employees;
- (c) Probationary classified employees;
- (d) Regular status part-time employees;
- (e) Regular status classified employees.

7.3.3 Priority Within Service Category and Status. Employees within a particular service category and employment status will be separated based upon:

- (a) The critical nature of their job;
- (b) Their performance level, as indicated by written evaluations;
- (c) Their length of service in the particular service category; and
- (d) The needs of the county.

7.3.4. Consideration for Reassignment. When a regular status classified service employee is scheduled to be laid off, he/she may be considered for reassignment in the employee's department to any vacant position of equal or lower range in the classified service for which he/she is qualified. If a vacancy exists in another department, the employee's name will be referred by the personnel clerk to the department head of that department for consideration.

7.3.5. Notification of Effective Date. Employees in the unclassified employees and classified services will be notified in writing of their layoff at least seven (7) calendar days prior to the effective date of their layoff. Temporary service employees will be given as much written notice as possible. The department head will prepare all RIF notices. A copy of the RIF notice will be provided the personnel clerk for inclusion in the employee's personnel file.

7.3.6. Recall Rights. Regular status classified service employees who are laid off will be placed on a reemployment eligibility list in the order of their separation. Such individuals will have recall rights to positions of the same category and range or lower range for which they qualify for two (2) years from the effective date of their lay off. The personnel clerk is responsible for maintaining the reemployment eligibility list and for notifying persons on the list of vacancies for which they qualify. Any person who is re-appointed to a classified service position from the reappointment eligibility list will be given credit for previous service and if eligible, any unused sick leave previously earned and not used. The employee will be paid at the same rate of pay received prior to the RIF, along with any across-the-board adjustments which were made to the pay plan, if he/she is hired into a position in the same pay range as his/her former position. If the position is in a lower pay range it will be treated as a demotion.

7.4 DISABILITY.

Any employee may be separated, when he/she cannot perform the essential functions of his/her job because of extended physical or mental impairment and a reasonable accommodation is not possible. Reasonable accommodation may include job restructuring or reassignment. Normally, such separation will be taken after the expiration of any leave without pay granted the employee in accordance with Chapter 11 of these policies and procedures, if the employee is not able to perform assigned duties.

7.4.1. Medical Evidence. In all disability separations, the separation will be supported by medical evidence provided by a physician. The county commission may require an opinion by a physician of its choice, if deemed necessary.

7.4.2. Exhaustion of Leave. Normally, except in the case of an employee with a work-related impairment who is receiving workers' compensation benefits, a disability separation will become effective only after an employee's accrued leaves with pay have been exhausted and the expiration of any leave without pay granted the employee in accordance with Chapter 11 below.

7.4.3. Retirement Option. An employee who is eligible for retirement will be entitled to retire and receive retirement benefits in accordance with the State of Alabama retirement program.

7.5 DEATH.

Separation is effective as of the date of death. All compensation due the employee as of that date will be paid to the estate of the employee, except for such sums that must be paid by law. Any indebtedness owed to the county will be withheld from the individual's final compensation, unless waived by the commission.

7.6 RETIREMENT.

Whenever an employee meets the eligibility requirements set forth in the State's retirement program, he/she may elect to retire and receive benefits earned under the provisions of the retirement program. An employee who wishes to retire should notify his/her department head and the personnel clerk in writing at least sixty (60) days prior to the requested effective date.

7.7 DISMISSAL.

Any employee may be dismissed for:

- (a) Unacceptable job performance;
- (b) Failure to qualify for licensure, insurance, or certification required for continued employment;
- (c) Violation of county rules; and/or
- (d) The good of the county.

7.7.1. Procedure for Dismissal for Unacceptable Job Performance.

When the dismissal of a regular status classified service employee is for unacceptable job performance, the following procedures will apply.

7.7.1.1. Counseling Session. The employee will be counseled by his/her department head, or the department head's designated representative, concerning unacceptable performance. The counseling session will include the action(s) that the employee must

take to improve performance and the length of time the employee has to improve. The employee will also be warned that if performance does not improve he/she will be dismissed. A written record of each counseling session will be prepared by the counseling individual and will be signed by both the counseling individual and the employee. A copy of the written record will be provided the employee and a copy will be provided the personnel clerk for inclusion in the employee's personnel file. The department head or the designated representative will also conduct such performance appraisals as required by the county's performance appraisal system, if any, to document the employee's performance level.

7.7.1.2. Monitoring. The employee's performance will be monitored during the established period to determine if the employee is improving as required. Written feedback will be provided the employee. A copy will also be provided the personnel clerk for inclusion in the employee's personnel file.

7.7.1.3. Dismissal Actions. If the employee's performance continues to be unacceptable after the period established for the employee to demonstrate acceptable performance and the department head determines that the employee should be dismissed, the department head will notify the employee in writing of his/her intention to separate the employee for unacceptable job performance. The employee has a right to submit a written request within three (3) working days to the department head for an opportunity to present his/her response and any other pertinent information in an informal hearing. If the department head decides, after holding the hearing, to continue with the dismissal, he/she will notify the employee in writing of the dismissal. A copy of the dismissal will be furnished the county commission for approval and to the personnel clerk for inclusion in the employee's file.

7.7.1.4. Appeal. Upon dismissal pursuant to these guidelines, the employee shall be informed by his/her department head of his/her right to file a written request within five (5) working days of the date of dismissal with the personnel clerk for a hearing before the personnel board.

7.7.2. Procedure for Dismissal for Failure to Qualify for Licensure, Insurance or Certification Required for Continued Employment

When a regular status classified employee fails to maintain qualifications for licensure, insurance, or certification required for continued employment, he/she may be dismissed in accordance with the following procedures.

7.7.2.1. Reasons for Dismissal. A department head may dismiss any employee in his/her department in the following situations:

(a) When information has been obtained and verified by the department head that the driving privileges of an employee who is required to drive to do his/her job have been suspended or revoked, or restricted in such a manner that the employee is rendered incapable of performing his/her job without violating such restrictions;

(b) When information has been obtained and verified by the department head that the employee is considered by the county's insurance carrier to be an unacceptable, or high risk for insurance and if allowed to operate a vehicle on the county's behalf, either would not be covered with liability coverage, would cause a cancellation of the county's policy, would cause an increase in the county's insurance premium, or would prevent the county from receiving a preferred rate for which it would otherwise qualify;

(c) When information has been obtained and verified by the department head that the employee is unacceptable for employee honesty or fidelity bonds required for the position occupied by the employee; or

(d) When information has been obtained and verified by the department head that the employee has lost, has been unable to acquire, or has failed to maintain certifications required by the county for the position occupied by the employee.

7.7.2.2. Dismissal Actions. Upon determining that the employee should be separated due to one or more of the reasons listed in paragraph 7.7.2.1 above, the department head will notify the employee in writing of his/her intention to separate the employee and that the employee has a right to request in writing within three (3) working days of receipt of the notification an informal meeting with the department head to present the

employee's response and any other pertinent information. If the department head decides, after holding the meeting, to continue with the dismissal, the department head will notify the employee in writing of the dismissal. A copy of the initial notification and the dismissal action will be provided the county commission for approval and the personnel clerk for inclusion in the employee's file.

7.7.3. Procedure for Dismissal for Disciplinary Reasons and/or the Good of the County. Dismissal for disciplinary reasons, violation(s) of county rules and/or the good of the county, is to be distinguished from administrative dismissal for unacceptable job performance and for failure to maintain qualification required for licensure, insurance, or certifications as discussed above in paragraphs 7.7.1 and 7.7.2. When a regular status classified service employee is to be dismissed for violation(s) of county standards and rules or for the good of the county, the guidelines established in Chapter 8 of these policies and procedures will be followed.

CHAPTER 8

DISCIPLINARY PROCEDURES

8.1 GENERAL PROVISIONS FOR DISCIPLINARY ACTION

Employees of the county are expected to maintain high standards of cooperation, efficiency, and economy in their work. Each employee is expected to display conduct both on and off the job in such a manner as to reflect credit on both the employee and the county. The maintenance of high standards of honesty, integrity and conduct is essential to assure the proper performance of county business, while maintaining the confidence of its citizens.

8.1.1. Reasons Taken. Employees will be disciplined only for violations of established county rules and regulations and/or for the good of the county. Disciplinary action will be fairly, promptly, and consistently applied to the maximum extent possible.

8.1.2. By Whom Taken. Normally, disciplinary actions will be administered by an employee's department head. However, if the department head fails to take disciplinary action for an obvious violation of county rules, the county commission may take action, so long as such action is consistent with the intent of these policies and procedures.

8.1.3. Counseling Sessions. When practical, counseling sessions will be used to correct an employee's conduct before disciplinary action is required. A written report will not be required for a routine counseling session, but, if one is prepared the employee will be provided a copy and a copy will be provided the personnel clerk for inclusion in the employee's personnel file.

8.2 TYPES OF DISCIPLINE

All employees covered by the Cullman County personnel system are subject to disciplinary action as described herein for unacceptable conduct that falls under the intent of this section. Normally, disciplinary action will be taken only against regular status classified service employees, since unclassified employees, part time and temporary employees serve at the pleasure of their department head. However, nothing should be interpreted herein to prevent the disciplining of any employee, if circumstances warrant.

8.2.1. Written Warning. A written warning report will normally be used for unacceptable conduct by an employee that is deemed to require more than a verbal reprimand or an informal counseling session but does not warrant more serious disciplinary action.

8.2.2. Suspension Without Pay. A suspension without pay will normally be administered when an employee's conduct continues to be unacceptable after he/she has been given a written warning. However, nothing should be interpreted herein to prevent the suspension of an employee at the first occurrence of unacceptable conduct, when circumstances warrant.

8.2.3. Dismissal from Service. Dismissal from service normally will be administered when an employee's conduct continues to be unacceptable after previous warnings and/or disciplinary actions. However, nothing should be interpreted herein to prevent the dismissal of an employee at the first occurrence of unacceptable conduct, when circumstances warrant.

8.3 CLASSIFICATION OF OFFENSES.

Examples of employee conduct that are considered to be unacceptable are grouped below with a summary of the disciplinary actions that are normally recommended for each group. Such employee conduct as described are rule violations pursuant to these policies and procedures. However, the offenses and disciplinary actions as described in these guidelines are neither all inclusive nor automatic. A department head is permitted and expected to treat individual situations according to the circumstances and facts involved.

8.4 GROUP ONE OFFENSES.

Group one offenses are instances of unacceptable conduct by an employee which, while serious, will not normally merit, upon the first occurrence, suspension without pay or dismissal, and which normally, upon the first occurrence, may be addressed by a lesser degree of discipline, as outlined below. Examples of group one offenses include, but are not limited to, the following types of situations:

8.4.1. Notice of Absence - failure to give proper notice of an absence;

8.4.2. Absenteeism - irregular attendance and/or absenteeism;

8.4.3. Tardiness - tardiness (not at assigned work station at the beginning of the first hour of the employee's workday);

8.4.4. Interference - interfering with the work of others to include offensive personal habits which interfere with efficient operations;

8.4.5. Inefficiency - excessive inefficiency to include waste, loafing, leaving the work area without permission, and defective workmanship;

8.4.6. Safety Violations - violation of normal safety practices to include failure to report a work-related accident or injury, accident proneness, or failure to attend safety classes when directed;

8.4.7. Abuse of Property - improper use and/or care of county property;

8.4.8. Political Activities - political activities during working time;

8.4.9. Refusal of Required Overtime - failure to respond to any requirement to work outside normal scheduled work day when directed by his/her supervisor;

8.4.10. Court Judgments - willful and/or repeated failure to honor court judgments;

8.4.11. Promiscuity - promiscuous behavior during work time;

8.4.12. Solicitation - non-authorized solicitation and/or distribution of any literature to another employee during the other employee's working time (to include posting of cards, literature, notices, or other materials of any kind on bulletin boards in work areas or distributed in working areas of any employee at any time); and

8.4.13. Other Conduct - similar conduct that meets the intent of the definition of a group one offense.

8.5 DISCIPLINARY ACTION FOR GROUP ONE OFFENSES.

Disciplinary action for group one offenses will be taken in accordance with the guidelines established in this chapter. Disciplinary action normally recommended for a group one offense is as follows:

8.5.1. First Offense - written warning.

8.5.2. Second Offense - final written warning or suspension without pay.

8.5.3. Third Offense- dismissal (any combination of three (3) written warnings and/or suspensions without pay within a twenty-four (24) month period will **constitute justification for immediate dismissal**).

8.6 GROUP TWO OFFENSES.

Group two offenses are instances of unacceptable conduct by an employee that are very serious and will normally constitute grounds for dismissal upon the first occurrence of such conduct, unless mitigating circumstances as determined by the department head, render lesser discipline more appropriate. Examples of group two offenses include, but are not limited to, the following types of situations:

8.6.1. Drugs and Alcohol -possession and/or use of alcohol, abuse of non-prescribed drugs, or similar intoxicants while on county property or on the job;

8.6.2. Driving County Vehicle Under the Influence - operation of a county vehicle or motorized equipment while under the influence of intoxicants such as alcohol, non-prescribed drugs, and/or prescribed drugs which induce an unsafe mental and/or physical state;

8.6.3. Firearm Possession – unauthorized possession and/or use of firearms, other weapons, explosives or other dangerous materials on/in county property;

8.6.4. Falsification- deliberate falsification of records and/or personal misrepresentation of statements given to a supervisor, an official, the public, or any duly authorized committee;

8.6.5. Dishonesty– dishonesty as related to an individual's job duties and/or profession, or use of one's official position for personal advantages;

8.6.6 Fighting - fighting, except when the employee is a victim of an unwarranted assault;

8.6.7. Serious Leave Offenses - excessive tardiness or absenteeism, unauthorized absence, or fraudulent or abusive use of a sick leave;

8.6.8. Conviction-conviction of a felony or other crime or misdemeanor involving moral turpitude, or conviction during employment of misdemeanors which affect the employee's effectiveness on the job;

8.6.9. Theft or Abuse of Property – theft, destruction, careless or negligent use, or willful damage of county property or property of others;

8.6.10. Horseplay - dangerous horseplay on the job;

8.6.11. Flagrant Safety Violations - flagrant violation. of safety practices that might endanger the life or health of the employee or others;

8.6.12. Serious Rule Violations- serious violation of county regulations, department rules, or lawful orders or directions made or given by a supervisor;

8.6.13. Proponent of Violent Overthrow of Government- membership in any organization that advocates the overthrow of the government of the United States by force or violence;

8.16.14. Bribes or Rewards - acceptance of any consideration of value or gratuity that was given to improperly influence the employee in the performance of his/her duties;

8.6.15. Refusal of Medical Exam - refusal to be examined by an authorized, fully licensed physician when so directed by the department head or the county commission;

8.6.16. Gross Violations of Hatch Act -political activities that are gross violations of federal and/or state laws and these policies and procedures;

8.6.17. Harassment- sexual, racial, ethnic, religious or other forms of harassment against any individual;

8.6.18. Sleeping - sleeping on the job;

8.6.19. Abusive Conduct - abusive personal conduct or language toward the public or fellow employees, or abusive public criticism of a superior or other county official;

8.6.20. Willful Violation of Rules or Law- willful violation of any duly adopted county policy or rule, or state/federal law in the performance of one's duties;

8.6.21. Conduct Unbecoming an Employee an Employee - conduct unbecoming an employee, while on or off duty which tends to bring discredit upon the county and its employees, or which otherwise threatens order, safety, or health;

8.6.22 Insubordination- acts of insubordination, including refusal to obey legitimate orders, or delay or failure to carry out assigned work, disrespect, insolence, and like behavior;

8.6.23 Unauthorized Use of Property - unauthorized use, misappropriation, destruction, theft, or conversion of public property;

8.6.24. Refusal to Cooperate - refusal to fully and truthfully answer questions of a supervisor or other designated individual during any inquiry, interrogation, hearing, or court proceeding;

8.6.25. Unauthorized Release of Information - unauthorized release of privileged or confidential information;

8.6.26. Conflicts of Interest - conduct or actions determined to be a conflict of interest or ethics violation as defined by state law and/or county resolutions, rules, regulations, or procedures;

8.6.27. Fraud in Personnel Matters- fraudulent misrepresentation or omission in securing an appointment or promotion in the county service;

8.6.28. Repeated Violations of Group One Offenses- repeated violation of group one type offenses;

8.6.29. Failure to Comply with Ethics Law - Failure to comply with the Alabama Ethics Law to include filing of required annual statements of economic interests and any activity which is considered to be a violation of the ethics law; and

8.6.30. Other Conduct- similar conduct not listed herein that meets the intent of the definition of a group two offense.

8.7 DISCIPLINARY ACTION FOR GROUP TWO OFFENSES.

Disciplinary action for group two offenses will be taken in accordance with the disciplinary guidelines established in this chapter. Disciplinary action normally recommended for a group two offense is dismissal. However, a lesser disciplinary action may be taken, when a department head determines mitigating circumstances so warrant.

8.8 GENERAL DISCIPLINARY GUIDELINES.

8.8.1. Rights Protected. A department head will ensure that an employee's rights are protected in any disciplinary action.

8.8.2. Facts and Circumstances Considered. Normally, disciplinary actions will be administered uniformly and according to the order listed for each group of offenses. However, a department head is expected to and may take action according to the facts and circumstances of each situation.

8.8.3. Actions Recorded in Writing. - All disciplinary actions will be recorded in writing. The department head and the employee will sign the record and the employee will be provided a copy. The employee's signature acknowledges receipt of a copy, but does not necessarily mean that he/she agrees with the action taken, nor will it affect the right to appeal that action. Refusal of an employee to sign the record of a disciplinary action will be so noted on the record. A copy will also be provided the personnel clerk for inclusion in the employee's personnel file.

8.9 DISCIPLINARY GUIDELINES FOR WRITTEN WARNINGS.

The following guidelines will be used in administering written warnings.

8.9.1. When Given. An employee may be issued a written warning when he/she fails to meet standards and/or commits a group one offense, and it is determined that more severe action is not necessary.

8.9.2. Procedure. Before any action is taken against the employee, the department head will advise the employee orally of the reason(s) that he/she is considering disciplinary action and allow the employee an opportunity to respond. If the department head determines that the facts of the case do not support the allegation, the employee will be notified orally of such decision and advised that the matter is closed. If the department head determines that the facts of the case do support the allegation, but a written warning is not necessary to correct the situation, he/she will counsel the employee and warn the individual that in any future case stronger action may be taken. If the department head determines that the facts of the case do support the allegation and a written warning is sufficient to correct the situation, the department head will prepare and deliver a written warning to the employee. If the department head determines that the facts of the case do support the allegation, but stronger disciplinary action is warranted, he/she will proceed with the appropriate disciplinary action.

8.9.3. Content of Written Warnings. The written warning will contain the following information:

- (a) References to the discussion held, including the date, time and place;
- (b) Specific reason(s) for the warning, the employee's explanation as given during the discussion, other relevant information discovered during the inquiry, and the department head's conclusions;
- (c) Warning that future infractions could result in more severe disciplinary action; and
- (d) Where appropriate, recommendation for corrective action.

8.9.4. No Affect on Benefits. A written warning will not affect the rights, privileges, or benefits to which an employee may have been entitled before the warning.

8.10 DISCIPLINARY GUIDELINES FOR SUSPENSION WITHOUT PAY.

The following guidelines will be used in administering suspensions without pay.

8.10.1. When Given. An employee may be suspended from duty without pay for a period of time not to exceed fifteen (15) workdays, at any one time, or thirty (30) workdays in any one year, when it is determined by his/her department head to be justified.

8.10.2. Notice of Proposed Action. Before any action is taken against the employee, the department head will notify the employee in writing of the proposed disciplinary action that is being considered and that he/she will conduct a hearing concerning the allegation against the

employee. A copy of the notice will be provided the county commission and the personnel clerk for inclusion in the employee's personnel file. The written notice to the employee will contain the following information:

- (a) Date, time and place of the hearing;
- (b) Grounds for the proposed disciplinary action;
- (c) Proposed disciplinary action to be taken and the effective date;
- (d) Notice of the employee's right to appear in person and/or be represented by someone of his/her own choosing and expense.
- (e) Notice of the employee's right to respond to the allegations orally or in writing; and
- (f) Notice that the employee has the right to present evidence in his/her defense

8.10.3. Response. The employee will have three (3) workdays in which to file a response to this notice with the department head.

8.10.4. Informal Hearing. The hearing will be conducted informally by the department head at the time and place designated in the notice to the employee. Formal rules of evidence will not apply.

8.10.4.1. Modification of Discipline Proposed. If the department head determines after the hearing that the facts of the case do not support the proposed discipline, he/she may impose a lesser disciplinary action or advise the employee that the matter is closed. If a lesser action is taken, the guidelines for that action will be followed.

8.10.4.2. Discipline Made Effective. If after holding the hearing, the department head determines that the facts of the case support the suspension, the suspension without pay will become effective on the date specified in the notice. The employee's suspension without pay will be recorded on the department's time and attendance report.

8.10.4.3. More Severe Discipline. If the department head determines during the hearing that the facts of the case appear to support dismissal, he/she will proceed with the required.

8.10.5. Hearing Declined. If the employee declines a hearing or fails to respond to the notice, the employee will be suspended without pay on the date specified in the notice.

8.10.6. Notice of Suspension. A notice of suspension under this procedure will be in writing, dated, signed by the department head, and delivered to the employee at least on the day immediately prior to the effective date. The notice will contain:

- (a) Nature of the action being taken;
- (b) Effective date, and the length of the suspension;
- (c) Specific grounds for the suspension; and
- (d) Description of the appeal rights of the employee.

8.10.7. Record of Action. A record of the completed suspension without pay action, to include a written summary of the hearing results, will be provided the county commission and the personnel clerk for inclusion in the employee's personnel file. Such record need not be a transcribed record.

8.10.8. Return to Work. When the employee returns to work, he/she will be considered to be in good standing with the county and will be restored to all rights, privileges, and benefits he/she had prior to said suspension. However, a suspension may be considered by the county during any personnel actions, such as promotion, RIF, subsequent disciplinary actions, etc.

8.11 DISCIPLINARY GUIDELINES FOR DISMISSALS.

When an employee is to be dismissed due to disciplinary reason(s) and/or the good of the county, the following guidelines will be used. (Administrative and/or job performance dismissals are not covered by these guidelines. Such dismissals are covered by Chapter 7 of these policies and procedures.)

8.11.1. When Given. An employee may be dismissed from employment when his/her department head determines such action to be justified. Normally, a dismissal will be warranted when an employee repeatedly commits a group one type offense or upon the first occurrence of a group two type offense. However, nothing should be interpreted herein as prohibiting the dismissal of an employee at any time when, in the opinion of the employee's department head, it is justified.

8.11.2. Notice of Proposed Action. Before any action is taken against the employee, the department head will notify the employee in writing of his/her intention to dismiss the employee and that the department head will conduct a hearing concerning the allegation against the employee. A copy of the notice will be provided the county commission and the

personnel clerk for inclusion in the employee's personnel file. The written notice to the employee will contain the following information:

- (a) Date, time and place of the hearing.
- (b) Grounds for the proposed disciplinary action;
- (c) Proposed disciplinary action to be taken and the effective date;
- (d) Notice of the employee's right to appear in person and/or be represented by someone at his/her own expense at the hearing;
- (e) Notice of the employee's right to respond to the allegations orally or in writing; and
- (f) Notice that the employee has the right to present evidence in his/her defense.

8.11.3. Response. The employee will have three (3) working days in which to file a response to this notice.

8.11.4. Informal Hearing. The hearing will be conducted informally by the department head at the time and place designated in the notice to the employee. Formal rules of evidence will not apply.

8.11.4.1. Modification of Proposed Discipline. If the department head determines after the hearing that the facts of the case do not support the dismissal, the department head may impose a lesser disciplinary action or advise the employee that the matter is closed. If a lesser action is taken, the guidelines for such action will be followed.

8.11.4.2. Discipline Made Effective. If after holding the hearing, the department head determines that the facts of the case support the dismissal, it will become effective on the date specified in the notice.

8.11.5. Hearing Declined. If the employee declines the hearing or fails to respond to the notice, the employee will be dismissed on the date specified in the notice.

8.11.6. Notice of Dismissal. A notice of dismissal under this procedure will be in writing, dated, signed by the department head and delivered to the employee no later than the effective date of the action. The notice will contain:

- (a) Nature of the action being taken and the effective date;
- (b) Specific grounds for the dismissal; and
- (c) Description of the appeal rights of the employee.

8.11.7. Record of Action. A record of the completed dismissal action, to include a written summary of the hearing results will be provided the county commission and the personnel clerk for inclusion in the individual's personnel file. Such record need not be a transcribed record.

8.12 SUSPENSION WITH PAY.

In the event of a violent action, an intolerable offense on the part of an individual (e.g. fighting, destruction of county property, gross insubordination, etc.) or other similar cause in which it is anticipated that the individual will be dismissed, the department head may request the approval of the county commission to suspend the employee with pay for up to ten (10) working days, pending completion of a hearing and dismissal. A copy of the department head's request and the commission's approval will be provided the personnel clerk for inclusion in the employee's file. The employee's suspension with pay will be recorded on the department's time and attendance report.

8.13 CRIMINAL CHARGES.

If an employee is charged with a felony which is considered a serious violation of these policies and procedures, the department head will notify the employee and conduct a hearing concerning the alleged violation. Such notification and hearing will be held according to the guidelines required by paragraph 8.11 above. If the department head determines there is sufficient information available to indicate that the county's rules or standards of employment were violated, the department head may take appropriate disciplinary action, to include suspension without pay or dismissal, as the case may warrant.

8.14 APPEAL.

A regular status classified employee may appeal a suspension without pay exceeding three working days or dismissal to the personnel board in accordance with subsection 9.3.

CHAPTER 9

GRIEVANCE PROCEDURE

9.1 GENERAL PROVISIONS.

A grievance is defined by State Act No. 80-549 as an appeal by a regular status classified service employee, or Sheriff's Office employee of a disciplinary action.

9.1.1. Intended Use. The intended use of the county's grievance procedure is to provide a standard process for speedy investigation and resolution of an eligible employee's appeal of disciplinary action taken against the employee.

9.1.2. Employees Eligible to File Grievance. Regular status classified employees and Sheriff's Office employees (excluding deputies and those exempt by statute and case law) are eligible to file grievances. Temporary, part-time, probationary and unclassified employees may not file grievances. However, classified employees who are serving in a probationary status as a result of their being reassigned will also be eligible to file grievance actions.

9.1.3. Right to Discuss Grievance. An eligible employee who feels that he/she has been adversely affected by a disciplinary action will have the right to discuss such with his/her immediate supervisor, or anyone designated to hear such grievance. Every eligible employee will have the right to present his/her grievance in accordance with the established procedure free from fear, interference, restraint, discrimination, coercion, or reprisal.

9.1.4. Uses Excluded. The grievance procedure is not intended and will not be used for the following purposes:

- (a) Resolve personal differences between/among employees;
- (b) Appeal pay reductions which are part of a general plan to reduce salaries and wages, when such reductions are pro-rated to all employees;
- (c) Appeal non-selection for a position when properly established staffing procedures have been followed; or
- (d) Appeal the content of approved and published county resolutions or other legal actions.

9.1.5. Good Faith Timely Presentation. An employee's grievance must be submitted in good faith and within a reasonable period of time after the occurrence of the incident upon which the grievance is based. Grievances that do not meet these requirements will not be considered. If an employee willfully files a false grievance action, he/she may be subject to disciplinary action to include dismissal.

9.1.6. Withdrawal. An employee may withdraw his/her grievance at any step in the process.

9.2 GRIEVANCE PROCEDURE - STEP ONE.

An employee's grievance may be resolved informally, when possible, through a discussion with his/her department head.

9.2.1. Time Period. Within five (5) calendar days after the effective date of a disciplinary action the employee will discuss such grievance with his or her department head.

9.2.2. Department Head's Response. The department head shall evaluate the employee's grievance and provide the employee an answer within five (5) calendar days after this initial meeting.

9.2.3. Record of Meeting. A written record is not required to be made of this discussion; however, if the department head does make a written record, a copy of such record will be provided the employee and a copy will be provided to the personnel clerk for inclusion in the employee's file.

9.3. GRIEVANCE PROCEDURE - STEP TWO.

9.3.1 Commission's Review. An employee may bring his or her grievance before the commission, within five (5) calendar days of receiving the department head's decision or non-response, providing the commission had not authorized the disciplinary action. This step concludes the employee's available administrative remedies.

9.4 GRIEVANCE PROCEDURE - STEP THREE

9.4.1. Filing with Chairman of the Personnel Board. The employee may request in writing a hearing before the personnel board within seven (7) calendar days of the commission's decision or non-response. Within seven (7) calendar days of receipt of an employee's request to bring his or her grievance before the personnel board, the commission shall file with the chairman of the board and mail to the employee, by certified mail, a statement specifying the charges against such employee on which disciplinary action was based. The request must provide the current address of the employee.

9.4.2. Personnel Board's Actions. The chairman of the board shall call a meeting within thirty (30) days after such filing and notify the employee and the commission by certified mail, the time and place of such meeting. The board shall have the power to administer oaths, to subpoena and require the attendance of witnesses and the production of books, documents, and accounts pertaining to the grievance. The employee and department head shall each have the right to be represented by counsel at the meeting.

9.4.3. Personnel Board's Findings and Recommendation. Within five (5) calendar days of the board's review, the board shall make a recommendation to the commission. The board's recommendation will be in writing and will contain the following information:

- (a) Summary of the board's findings; and
- (b) Board's recommendation.

The commission shall act upon such recommendation at within three (3) weeks. Such action of the commission shall exhaust the employee's private remedy and any further recourse shall be through the appropriate courts as provided by the laws of the State of Alabama.

9.5 RETALIATION FOR GRIEVANCE PROHIBITED.

Employees should feel free to use the county's grievance procedure. Therefore, no employee, official, or supervisor will discriminate against, coerce, or interfere with any employee, witness, representative, or appellant in the presentation or adjudication of any grievance action brought in good faith, or take any reprisal action against such persons. An allegation of any violation of these protected rights may be submitted, in writing, directly to the county commission. Any individual found to have violated an employee's protected rights will be subject to disciplinary action, to include dismissal.

9.6. DISCRIMINATION AND SEXUAL HARASSMENT COMPLAINT PROCEDURES.

When any employee believes that he/she is being discriminated against on the basis of race, religion, color, disability, national origin, gender, age, or political affiliation, he/she may register a complaint with their department head, the county administrator or the personnel clerk. The department head, county administrator or the personnel clerk will evaluate the complaint and ensure that it is thoroughly investigated.

9.6.1. Investigation. Upon receipt of the employee's complaint, the department head, county administrator or personnel clerk, will investigate the situation thoroughly. If the complaint is against another employee or supervisor, the personnel clerk or county administrator and the department head will coordinate findings to determine what action, to include disciplinary action, the department head will take to correct the situation. If the complaint involves the employee's department head, the personnel clerk or county administrator will investigate the situation and report all findings to the county commission. The personnel clerk, county administrator or department head will complete the investigation as soon as possible, but no later than thirty (30) calendar days after receiving the employee's complaint.

9.6.2. Report. A report will be completed by the investigator and will include the findings and any remedies. If the complaint is against the department head the report will contain only the personnel clerk's or county administrator's findings.

9.6.3. Department Head's Action. If the complaint is against another employee or supervisor, the department head will ensure that appropriate action, to include disciplinary action, is taken, as necessary, to correct the situation.

9.6.4. County Commission's Action. If the complaint is against a department head, the commission will ensure that action is taken as necessary to correct the situation. If the complaint is against another employee or supervisor, the commission will review the findings and remedies to ensure they are adequate to prevent future occurrences.

9.6.5. Notification to Employee. Upon coordination of the report with the department head and/or the county commission, the employee will be notified of the findings and corrective action. Such findings and corrective action may be given in writing upon the employee's request. Such notification will be provided the employee within five (5) calendar days of the commission's review and approval of the report.

9.6.6. Records. The personnel clerk will ensure that the report and supporting documents, to include a copy of the employee's notification, are secured in the county personnel files.

9.7 RECORDS.

The review, investigation, and findings associated with all formal grievance actions will be fully documented. A copy of the completed action will be placed in the employee's personnel file.

CHAPTER 10

ATTENDANCE AND LEAVE

10.1 HOURS OF WORK

County offices and activities will be open for business as established by the county commission in coordination with the department heads.

10.1.1. Work Schedule. A department head will establish the actual work schedule for his/her employees in accordance with the needs of the department.

10.1.2. Regular Workweek. The regularly scheduled time for full-time classified non-exempt employees to work in a workweek will be forty (40) hours. The workweek will consist of seven (7) consecutive twenty-four (24) hour days. However, a department head may establish in writing a separate work period as needed to, meet departmental requirements. If a work period is established, it will be in writing, with a copy provided each employee who will be affected.

10.1.3. Part-time Employee Workweek. The hours that a part-time employee works in a regularly scheduled workweek will be established by the department head based upon the hours funded for the position by the county commission at the time of its approval. Normally, a part-time employee will be scheduled to work less than thirty-two (32) hours in a workweek. However, if required to meet temporary needs of the county, a part-time employee may be scheduled to work additional hours.

10.1.4. Temporary Employee Workweek. The hours that a temporary employee works in a workweek will be established by the department head based upon the hours funded by the county commission at the time of their approval of the position. A temporary employee may work a full or part-time workweek, as required by his/her department head.

10.1.5. Responsibility for Attendance at Work. All employees are responsible for ensuring that they are present at work or on approved absence during their scheduled work time. If an employee is unable to report for work, or to report on time, he/she must notify the department head or the individual designated by the department head, by the normally scheduled starting time or as soon as possible thereafter, only if unusual circumstances prevent notification as required. If an employee has a need to leave the assigned work area during the normally scheduled work time, the employee will notify his/her department head, or the designated substitute, in order to obtain permission for such absence.

10.1.6. Lunch and Breaks. The normal work day shall contain one lunch or meal period and such rest breaks as are the policy of the department or division, dependent upon the type and conditions of the work performed. This schedule shall be adhered to by all employees, including supervisory personnel, with regard to both number and length of meal periods and/or breaks. Abuse of these break periods with regard to either length or number shall be grounds for disciplinary action.

10.2. OVERTIME.

All jobs in the county service will be designated to be either non-exempt or exempt from the overtime provision for the FLSA. Such determinations will be made by a department head, in coordination with the personnel clerk, based upon the criteria contained in the Fair Labor Standard Act (FLSA). Each individual will be notified in writing of the designation for the position he/she occupies. A copy will be provided to the personnel clerk for inclusion in the individual's file.

10.2.1. FLSA Non-Exempt. All employees who are designated FLSA non-exempt from the overtime provisions of the FLSA will earn overtime entitlements on the basis of one and one-half (1 1/2) times the hours they work which qualify as overtime in accordance with the FLSA. All hours worked during the workweek that exceed forty (40) will be treated as overtime work and the employee will be entitled to overtime pay in accordance with the FLSA and the guidelines below.

10.2.1.1. Time Records. A non-exempt employee will have a workweek established in accordance with the FLSA. All time that an employee works in a workweek will be accounted for on a time and attendance report in accordance with procedures established by the county commission. Those records required by the FLSA for hours worked, wages earned, and wages paid will be maintained by the county commission.

10.2.1.2. Approval for Extra Work. Any work that exceeds a FLSA non-exempt employees' normal scheduled workday will be approved prior to the work being accomplished. Such work will be approved in accordance with guidelines established by the department head, in accordance with guidelines established by the county commission.

10.2.1.3. Overtime Worked. When the time a non-exempt employee works in a workweek constitutes overtime as determined by the FLSA, the employee will be paid at the one and one half times the employee's regular rate for all overtime hours worked.

10.2.2. FLSA Exempt Employees. FLSA exempt employees are excluded from the overtime provisions of the FLSA. FLSA exempt employees perform work that is directly related to establishing policy, carrying out policy, and/or supervising employees. Such employees are typically salaried and are paid to accomplish a supervisory and/or a managerial function. Exemption of employees from the overtime provisions of the FLSA must be determined in accordance with the provisions of the FLSA and these policies and procedures.

10.2.2.1. Work Schedule. FLSA exempt employees are not scheduled to work a specific number of hours in a particular workweek, since they are not paid by the hour. However, they are expected to work the typical workday as established by their department head. If they need to work outside the normal workday to attend meetings, such as commission meetings, or perform other work, it is considered part of their job.

10.2.2.2. No Overtime Entitlements. Exempt employees will not earn overtime entitlements regardless of the number of hours they work during a workweek. Routine absences for sickness, annual leave, etc. will be charged as leave in accordance with the leave guidelines of these policies and procedures so long as such action is in accordance with the provisions of the FLSA. However, FLSA exempt employees who work unusually long hours during peak work periods or emergencies may be allowed to take time off when their work load permits with the approval of their department head and/or county commission.

10.3 OFFICIAL HOLIDAYS

10.3.1. Eligibility. All unclassified employees and classified employees are eligible for holiday pay for authorized paid holidays. Part-time and temporary employees will not receive holiday pay.

10.3.2. Scheduled Holidays. The county commission will publish a list of holidays that will be observed by the county at the beginning of each year.

10.3.3. Holiday Pay. An eligible employee will receive holiday pay for all county approved holidays. If the employee is required to work on a holiday, the department head will normally coordinate with the employee for comparable time off on another day. If the department head cannot schedule comparable time off, the employee will be paid for the actual hours he/she worked on the holiday. The pay for the hours will be in addition to the holiday pay. Such pay

will be at the regular rate of pay.

10.3.4. Entitlement to Overtime. If an employee does not work on the holiday, the hours that he/she is paid for such holiday will not count as hours worked in determining the entitlement to overtime pay or compensation time in lieu of overtime pay. Only the time that an employee actually works on the holiday will be counted to determine if he/she is entitled to overtime during the workweek as specified by the FLSA.

10.3.5. Preceding and Succeeding Workdays. To be entitled to receive holiday pay for an authorized holiday, an eligible employee must be present at work, or on approved leave with pay, on the scheduled workdays immediately preceding and following the paid holiday. If the employee is in a non-pay status for either of these days, holiday pay will not be paid.

10.3.6. Holiday Pay in Lieu of Sick or Annual Leave. If an eligible employee is on approved sick or annual leave when an approved paid holiday occurs, such time will be charged against the holiday and not as sick or annual leave.

10.4. TYPES OF LEAVE.

The county provides the following types of leave for its eligible employees: annual leave, sick leave, administrative leave, military leave, and leave without pay.

10.5. ANNUAL LEAVE.

All unclassified employees and classified employees will earn annual leave with pay in accordance with these guidelines. Temporary and part-time employees will not accrue annual leave. Probationary employees shall accrue, but shall not be authorized to use any accrued leave until they successfully complete the probationary period. Employees that do not successfully complete the probationary period are not eligible for any paid annual leave at separation.

10.5.1. Leave Year. The annual leave year will run from January through December of each year.

10.5.2. Accrual of Annual Leave. All eligible employees will earn annual leave according to the schedule below:

Completed Years of Continued Service-Annual Leave Earned

0 - 10 years	13 day/year
Over 10 - 15 years	16 1/4--days/year
Over 15 - 20 years	19 1/2 days/year
Over 20 years	26 days/year

10.5.3. Proration of Annual Leave Credit. Annual leave credits will be earned by an eligible employee for each pay period in which he/she is eligible to earn annual leave. However, an employee will not earn any leave credit for any pay period in which he/she is a non-pay status for more than five (5) scheduled working days.

10.5.4. Use of Annual Leave. Annual leave is considered to be a benefit to an employee and he/she is expected to take the earned leave each year. However, employees may accumulate and carry over an amount equal to four hundred eighty (480) hours of annual leave from one year to the next, any additional unused annual leave will be forfeited. Annual leave will be approved in advance of each absence, except in unusual circumstances. Failure to comply with this requirement may result in an absence being treated as unauthorized leave. A department head may require all employees in his/her department to take their leave at the same time if he/she feels it is in the best interest of the department to do so.

10.5.5. Requests for Annual Leave. Requests for annual leave will be made by employees as far in advance as possible of the time desired, and will be submitted on the county's approved leave form. Leave requests of one week or more will only be approved if submitted at least thirty (30) days prior to the time requested, otherwise department heads will approve leave of one week or more in emergency situations only. Before the start of a new leave year the employees in each department should attempt to schedule their projected leave days for the year. The order of selection will be based on the employees' continuous years of eligible service with the department and will be made in accordance with guidelines to be established by the department head. If an employee requests annual leave within the last 30 days of the leave year, he may not be granted the leave and the employee shall LOSE THE LEAVE IN THAT LEAVE YEAR.

10.5.6. Scheduled Holiday During Annual Leave. When a scheduled paid holiday occurs during an employee's annual leave, the day will be credited as a paid holiday and not as an annual

leave day.

10.5.7. No Advances. Annual leave will not be advanced to any employee.

10.5.8. Pay Upon Separation. Upon separation from county service, an individual will be paid for any accrued annual leave that was carried forward and earned in the current year.

10.6. SICK LEAVE.

Sick leave is a benefit provided unclassified employees and classified employees. Temporary and part-time employees will not accrue sick leave. It is provided to ensure that eligible employees who are unable to work due to illness or injury do not feel compelled to do so for financial reasons.

10.6.1. Accrual of Sick Leave. Unclassified employees and full-time classified employees will earn sick leave credit at the rate of one half day per pay period. Eligible employees may accumulate unlimited hours of sick leave credit. Probationary employees will accrue sick leave credits but shall not be authorized to use them until they have successfully completed the probationary period.

10.6.2. Non-Pay Status. Eligible employees will not earn any sick leave credit for any month in which they are in a non-pay status for more than ten (10) working days.

10.6.3. Separation. No employee will be paid for unused sick leave when he/she separates from county service. Employees that retire from county service may apply accumulated, unused sick leave toward retirement credit and the Retirement Service Credit if permitted by the State of Alabama.

10.6.4. Use of Sick Leave. Sick leave with pay will be granted to an eligible employee for any of the following types of reasons:

- (a) When an employee is unable to work due to personal illness, injury incurred off-duty, or when the employee's presence may endanger the health of fellow workers; or
- (b) Keeping a doctor, dentist, chiropractor or optometrist appointment;
- (c) Any impairment related to pregnancy and/or actual confinement. A female employee who requests time away from work for pregnancy, maternity and childbirth will be treated equally to other employees with other forms of disability or sickness who request leave; or
- (d) The emergency illness or incapacitation of a child, spouse, parent or in-law if such illness requires the employee's immediate personal care.

10.6.5. General Requirements for Use. To be granted sick leave, an employee should notify his/her supervisor within two (2) hours before the normal workdays begins, or as soon as possible thereafter, of his/her inability to report to work. Failure to do so may be cause for denial of sick leave for the period of absence. Denial of sick leave will result in the employee being charged with annual leave, or placed in some non-pay status, at the discretion of his/her department head. No sick leave shall be granted for less than one (1) hour and any sick leave taken shall be in increments of complete hours.

10.6.6. Requirements for Extended Use. For a period of absence of three (3) or more consecutive working days, or anytime at the request of the department head, the employee may be required to submit a medical report signed by a licensed physician stating that he/she has been incapacitated for work for the period of absence and when it is anticipated that the employee will again be physically able to perform work duties. The department head may require an employee to undergo an examination and obtain a second opinion by a county designated physician. An employee, returning to work after a sickness or injury, may also be required to undergo a medical examination to determine whether or not the employee is able to return to work. Such examination, when required, will be paid by the county and will be conducted by a physician or physicians as designated by the county commission. Employees may use compensatory time, and annual leave as sick leave to cover absences if they exhaust accumulated sick leave hours.

10.6.7. Fraudulent Use Prohibited. Any unjustified or fraudulent use of sick leave may result in loss of pay, charged as annual leave, and/or punished by disciplinary action (to include dismissal when appropriate). If the department head has reason to suspect that the leave is fraudulent, he may require the employee to produce a doctor's excuse or the department may send the employee to a doctor.

10.6.8. Use During Holiday. When an authorized paid holiday occurs during the period an employee is on sick leave, the employee will receive regular holiday pay and that day will not be charged against sick leave.

10.6.9. Donated Leave. An active employee may donate accumulated sick leave to a designated full-time county employee who is subject to county sick leave and who currently does not have adequate sick leave or vacation time remaining. An employee may not receive donated sick leave for any medical need of a single event (i.e. from a particular injury) in an aggregate number exceeding twelve (12) weeks. The individual receiving time must have the department head's approval to receive the donated time.

10.6.10. Absence Due to Workers' Compensation Injury. When an employee is absent due to any injury or illness for which compensation is provided under the Workers' Compensation Law of Alabama, benefits will be paid in accordance with such law and these policies and procedures. No employee will earn any sick leave or annual leave credit when he or she is receiving workers' compensation benefits.

10.7 ADMINISTRATIVE LEAVE.

All unclassified and classified employees will be granted administrative leave with pay in accordance with the following guidelines provided the absence is on a normally scheduled workday for the employees. The number of hours of leave granted for each day will not exceed the number of hours the employee would normally have been scheduled to work for that day. Administrative leave will not be charged against the annual or sick leave of an employee who earns such leaves. The following types of administrative leave are provided by the county.

10.7.1 Civil/Legal. Leave will be granted to eligible employees for jury duty, court attendance as a witness in a case not involving personal litigation, or voting. The length of time granted for voting will be the reasonable time necessary to vote and normally will be granted at the start or end of a workday. When an employee is granted leave for jury duty or court attendance, he/she will return to work immediately upon release by the court if it is during normal working hours for the employee.

10.7.2. On Duty Court Appearances. Attendance in court by employees who are acting in an official capacity will not be considered as administrative leave but as regular work time. The provisions of any law or county policy that requires any fees provided an employee who is attending court in an official capacity to be turned in to the county will be observed. In other situations, any fees paid to employees will be retained by the employee in addition to administrative leave pay.

10.7.3 Hazardous Weather/Emergency Closings.

10.7.3.1. Inclement Weather. The Cullman County Courthouse does not physically close due to inclement weather. However, at times severe weather may disrupt county operations. In extreme cases these emergencies may require the delayed opening or closing of county facilities for the safety of its employees. Each department head will decide for their department if opening hours will be delayed or curtailed. In the event the closing occurs during non-working hours the department head will contact the local radio and television station for public announcement. However, it is the responsibility of the employee to contact his/her department head if they are uncertain of the situation. Employees may take annual leave, comp time, personal leave, or unpaid leave. Employees in essential operations (with supervisory approval) who report to work or continue working will receive regular pay for time worked.

10.7.3.2 Other Emergency Closings. In the event an emergency occurs other than inclement weather such as fire, power failures or other disasters it may be necessary for the County Commission to close a particular county facility. If this occurs during normal working hours and an employee who was present at work prior to the closure will be paid administrative leave for the remainder of hours in that workday. If the closure occurs prior to the workday or the facility remains closed after that day the employee may take annual leave, personal leave, comp time or unpaid leave. Employees in essential operations (with supervisory approval) who work on a day when facilities are closed due to the emergency will receive pay for time worked.

10.7.4. Bereavement. Leave will be granted employees who have a death in their immediate family. For purpose of this leave immediate family is defined as an employee's spouse, parent, child, brother, sister, grandparent, grandchild, nephew, niece, step parent, step child and the like relationship of the individual's spouse. Bereavement leave will not

exceed three (3) consecutive calendar days in length and will be granted the day before, the day of and the day after the funeral; an employee will only receive pay for regularly scheduled work days. If additional time is required, the employee may request annual leave or leave without pay.

10.8 MILITARY LEAVE.

Military leave will be authorized in accordance with Section 31-2-13 of the Alabama Code, 1975, as summarized below.

10.8.1. Entitlement. Unclassified employees and classified employees who are active members of the Alabama National Guard, naval militia, or the Alabama State Guard organized in lieu of the national guard or of any other reserve component of the Armed Forces of the United States, will be entitled to military leave of absence from their respective duties on all days that they are engaged in field or coast defense or other training, or on other service ordered under the provisions of the National Defense Act, or of the federal laws governing the United States Reserves, without loss of pay, time, performance rating, annual or sick leave, or any other county provided benefit.

10.8.2. Limitation. No persons granted such leave of absence will be paid for more than one hundred sixty-eight (168) hours per calendar year.

10.8.3. Extended Limitation. Eligible employees will be entitled, in addition to the above, to be paid for no more than one hundred sixty-eight (168) hours at any one time while called to duty by the governor in active service of the state or nation.

10.8.4. Procedure. An eligible employee who wishes to be granted military leave will submit a copy of the military orders or other documentation necessary to support the request and a leave request to the personnel clerk. Such request will be submitted as soon as the employee becomes aware of the projected dates of services.

10.9 PERSONAL LEAVE.

A full-time employee may take sixteen (16) hours (2 days) per calendar year personal leave from his/he sick days. If the employee has no remaining sick days, he/she may not take the personal leave.

10.10 LEAVE WITHOUT PAY.

The county provides leave without pay to eligible employees in certain situations as described below. An employee who is granted a leave without pay will be placed in a non-pay status.

10.10.1. Family and Medical Leave Act. Those employees who meet the eligibility requirements as specified in the Family and Medical Leave Act (FMLA) of 1993 may be granted leave for a period not to exceed twelve (12) weeks (24 weeks for military and other statutory reasons) per fiscal year for the following reasons:

- (1) Serious health condition of a spouse, child, or parent; or
- (2) Serious health conditions of the employee; or
- (3) Birth of a child or placement of an adopted or foster child.

Such leave is not automatic and will become effective only after the county determines that the employee qualifies and approves the employee's request.

10.10.1.1. Leave Request. Each request will be in writing at least thirty (30) days in advance when the leave is foreseeable and the request will be supported by a written statement from the employee's or family member's physician or other recognized authority as needed to support the leave request. The county's approval of the leave request will be in writing. Under FMLA, the employee will be eligible to return to the same position or equivalent position with equivalent benefits and pay at the expiration of the leave unless the employee otherwise would have been laid off, terminated or transferred. An employee who fails or is unable to return to work at the expiration of an authorized leave of absences will be deemed to have resigned as of the end of the leave.

10.10.1.2. Coordination With Other Provided Leaves. Normally, FMLA leave will be charged against an employee's accrued leaves in the following order:

- (1) Sick leave;
- (2) Annual Leave (after sick leave is exhausted).

After an employee's accrued leaves with pay are exhausted, or if the employee does not have leave with pay accrued, the employee will be placed in a leave without pay status for the remainder of the leave. While the employee is in a sick or annual leave status, he/she will receive regular pay and benefits associated with such leave. If the employee

is placed in a leave without pay status, he/she will not receive any pay, however, the provisions of paragraph 10.9.1.3, below will apply concerning benefits.

10.10.1.3. Benefits While Using FMLA. The county will continue to pay its portion of any benefit premiums (such as medical, etc.) for an employee using FMLA that it normally pays on behalf of an employee. Sick and annual leave will not continue to accrue during any unpaid leave taken over ten (10) working days per month.

10.10.2. General Leave Without Pay. Regular status classified and unclassified employees may be granted leave of absence without pay for a period not to exceed ninety (90) calendar days.

10.10.2.1. Guidelines for General Leave Without Pay. The following guidelines apply to approval of any general leave of absence without pay;

- (a) Leave will be for a justifiable reason;
- (b) Leave will not cause an undue hardship on the county;
- (c) Employee understands that he/she may be required to return to work before the leave expires; and
- (d) Employee understands that failure to report for duty promptly when requested or at the end of the leave will be considered a resignation and the employee will be separated.

10.10.3. Political Leave Without Pay. A county employee desiring to campaign for a Cullman County political office shall be granted a leave of absence without pay beginning on the date they qualify until they complete their participation in the election process.

10.10.3.1. If the employee is elected, the employee will resign from his/her position with the county and assume elected office, or if the employee is defeated for political office, the employee, may within five (5) working days, be reinstated to his/her former position, or one of comparable rank and pay.

10.10.3.2. An employee may elect to be paid for any accumulated annual leave upon beginning the leave of absence without pay to campaign for public office.

10.10.3.3. No county employee shall campaign or otherwise engage in political activity in support of or against a candidate or any cause during the employee's working hours.

10.10.3.4. No employees shall be rewarded or penalized in any way for using authorized political leave.

10.10.4. Expiration of General Leave Without Pay. When the leave of absence expires, the employee will be reinstated to the position he/she held at the time the leave was granted or to a similar position, if the previous position is no longer available. However, the employee is not guaranteed a position if there has been a Reduction in Force (RIF) in the employee's department, and he/she would have been separated due to the RIF. Under such circumstances the guidelines pertaining to RIF actions will apply.

10.10.5. Benefits While in General Leave Without Pay Status. No county paid benefits (annual leave, sick leave, etc.) will be provided an employee for any month in which the employee been placed in a leave without pay status for a period that exceeds ten (10) working days, however, those employees covered under the FMLA will continue to be covered by the county for medical insurance benefits. An employee who is on leave without pay for more than ten (10) working days in a month will be required to reimburse the county for any insurance premium benefit costs paid on behalf of the employee for that month. Any unused sick leave days an employee was entitled to at the time he/she was placed in a general leave without pay status will be made available upon return to work. If the employee does not return to work, these days will be forfeited. An employee in a leave without pay status will accrue credit toward merit and pay increases.

10.10.6. Approval. All leaves without pay must be approved by the county commission.

10.10.7. Military Duty. A classified service employee who is called to active duty with the Armed Forces of the United States will be granted leave without pay in accordance with all rights and benefits required by USERRA (The Uniformed Services Employment and Reemployment Rights Act of 1994).

10.11. ATTENDANCE RECORDS.

A centralized attendance record will be maintained by the personnel clerk for all employees covered by the county's personnel system.

10.11.1. Content. Each employee's attendance record will record:

- (a) Approved workweek;

- (b) Scheduled hours of duty and hours worked for each duty day during the workweek;
- (c) Authorized and/or unauthorized absences, including sick leave, annual leave, administrative leave, military leave, leave without pay, and non-pay status/workers' compensation;
- (d) Earned overtime pay; and
- (e) Overtime paid.

10.11.2. Availability. An employee's attendance record will be made available to the employee for inspection upon request.

10.11.3. Responsibility for Maintenance. Department heads are responsible for ensuring the accurate completion of time and attendance reports for each employee within their activity. Such time and attendance reports will be submitted to the commission office for each pay period in accordance with procedures established by the county commission.

CHAPTER 11

COMPENSATION AND BENEFITS

11.1. GENERAL PROVISIONS

11.1.1. Policy Statement. Cullman County will, so far as financially practical, provide its employees fair and equitable compensation. Such compensation will include an employee's regular pay and county provided benefits.

11.1.2. Responsibility. Every employee's pay and benefits, as provided for herein, will be established and maintained fairly, equitably, and consistent with the intent of these guidelines. The personnel clerk will monitor the county's compensation system and recommend, in coordination with the department heads, needed changes to the county commission.

11.1.3. Deviations Not Authorized. Deviations from the approved county classification and pay plans and the guidelines contained herein will not be authorized. If warranted, such plans and/or guidelines will be changed, as required.

11.2. JOB DESCRIPTIONS

The personnel clerk will ensure that a job description is prepared for each unclassified employee and classified service job. Each job description will be approved by the county commission and the appropriate department head.

11.2.1 Purpose. Each job description will identify the representative duties and tasks, along with the job-related knowledge, skills, and abilities (KSA's) that are required for proper performance of the job. The job description, and its associated job analysis information, will be used to evaluate each job and to assign it to an appropriate pay range in the county's classification plan.

11.2.2. New/Revised Jobs. When a department head determines that a new/revised job description is required because he/she wants to create a new job or to make a substantial change in an existing job, the department head will provide the personnel clerk the required duties and KSA's associated with the job. The personnel clerk will prepare a new/revised job description and submit it to the county commission and department head for approval.

11.3. CLASSIFICATION PLAN

County positions are allocated to an individual job class, or to a group of positions having similar duties, levels of skill, and responsibilities based on the position descriptions developed within each department. These job classes are referred to as Ranges and sometimes herein as pay ranges. Range specifications are then developed based on these position descriptions. The group of positions allocated to a common Range with a set of specifications, or Range description, is then assigned a single pay range within the County compensation plan. Elected Officials, and other Appointing Authorities as defined in the Personnel Handbook (herein referred to as Appointing Authority) are responsible for ensuring that the contents and intent of each Range specification assigned to positions under their direction correctly reflect the duties and responsibilities being performed in each position. Elected Officials and Appointing Authorities shall be

responsible for informing in writing the Commission of any proposed changes in a position's duties/responsibilities in their office or department that might possibly affect the Range of such a position. The Commission may initiate a Range review to update and modify range specifications or any component of the classification as is deemed necessary. If any Elected Official or Appointing Authority desires that a position be reviewed for a possible reclassification, they will forward a request to the Commission. The request should state the employee's name, current range, requested range, and the basis for the request. The dollar amounts established for each pay Range are established for hiring purposes. A person being hired as an employee shall be paid within the dollar amounts set for the pay range to which he/she is being hired.

11.3.1. Plan Requirements. The classification plan will contain sufficient number of pay ranges to adequately and fairly distinguish between the compensable differences between jobs assigned to the plan. The assignment of a job to a pay range in the plan will be made through the evaluation of each job, using job evaluation criteria and procedures approved by the county commission for such purposes. The classification plan will be approved by the county commission.

11.3.2. Additions/Changes. When a new/revised job description is prepared in accordance with the provisions above, the job will be evaluated or re-evaluated using the approved job evaluation criteria and procedures and a recommended pay range assignment will be determined and submitted by the personnel clerk to the county commission for approval. Upon approval, the personnel clerk will ensure that the classification plan is revised as required.

11.3.3. Periodic Reviews. In addition to required changes made in accordance with paragraph 11.3.2 above, the county commission will cause the approved classification plan to be reviewed on a periodic basis to ensure that each job's pay range assignment is still valid. Upon completion of such review, an updated classification plan will be submitted to the county commission for approval.

11.4. JOB EVALUATION.

Job evaluation is a system used to determine the relationship of each job relative to all other jobs in the County without regard to the incumbent in the position. The Commissioners are responsible for selecting the method of job evaluation.

11.5. PAY STRUCTURE

The Commission is responsible for establishing a pay structure based upon job evaluation results. Each position is assigned to a pay range. The Commission, with the assistance of the Elected Official or Appointing Authority shall establish an organizational chart for each County department.

11.6. JOB PLACEMENT STARTING PAY.

No employment may be offered except to fill a vacant position as approved by the Commission. Employment offers shall be made only to qualified applicants and placement to a Range shall be determined by the education, certification, licensing, years of experience and other qualifications as the job description may require. The starting pay for all new employees will be within the amount set for the Range within which the employee is hired. The starting pay should be the minimum pay of the Range unless the Appointing Authority shall determine that the starting pay should be an amount exceeding the minimum pay in the Range because of documented job related qualifications and then such pay may be offered. The starting pay of a new employee shall not exceed the maximum pay as set out in the Range within which the employee is to be hired. However, when an employee is assigned to a job in which the pay level is controlled by state law, the county will ensure that the employee's pay conforms to such law.

11.7. CURRENT EMPLOYEES.

Those employees who were employed before the approval of this policy shall not receive a pay increase unless he/she is being paid an amount less than the minimum amount for his pay range. In the event such employee is being paid less than the minimum amount for his/her pay range, then the employee shall be increased to the minimum amount in the pay range. Those employees who were employed before the approval of this policy shall continue to be paid the same pay that he/she is receiving at the time of approval of this policy unless said employee is being paid a sum less than the minimum amount in his/her pay range. If an employee who was employed before the approval of this policy is making an amount in excess of the pay range, his/her pay shall not be affected. Except for those employees who were employed before the approval of this policy making less than the minimum in his/her pay range, no employee shall receive a pay increase except for length of service pay increases (longevity) or by promotions, both of which are discussed

herein.

11.8. COST OF LIVING PAY INCREASES

Employees shall receive an increase in pay in a specific percentage amount set by the Cullman County Commission. The percentage amount will be set at least annually and normally at the new budget date, being October 1 of each year. The increase in pay shall take effect and begin at the end of the first pay period in the new fiscal year (October).

11.9. PROMOTIONS.

All newly promoted employees will receive the entry or beginning pay rate (the minimum pay amount) in the pay range or a five (5) percent increase over their existing pay at the time of their promotion, whichever is greater. A Promotion may only be made to a vacancy in the pay range to which the employee is proposed to be promoted.

11.10. NEW PAY RANGES

New pay ranges may be added from time to time upon the request of an Appointing Authority and the approval of the Commission or upon the determination of the Commission. The designation of the jobs to be assigned to each of the pay ranges shall not be changed without the prior approval of the Commission.

11.11. ATTACHMENTS

The Pay Ranges and the job classifications to be situated therein are to be documented and presented as part of the pay plan.

11.12. PAY PLAN

A pay plan will be established and used in conjunction with the approved classification plan to determine the pay rates for all unclassified employees and classified service employees.

11.12.1. Development. The pay plan will establish a minimum and pay for each pay range contained in the classification plan. The county commission is responsible for the development and approval of an equitable and fair pay plan to be used in determining pay range in the classification plan. Such pay ranges will be established with due regard to:

- (a) Rates of pay paid by public and private organizations in the local area;
- (b) Rates of pay paid by other counties;
- (c) Cost of living factors;
- (d) County financial policies and available resources; and
- (e) Availability of qualified applicants for job vacancies.

11.12.2. Periodic Review. The pay plan will be reviewed periodically and appropriate "across the board" adjustments made by the county commission, when needed to meet inflationary and/or labor market changes and when funds are available. During the preparation of the annual budget, the county commission will, as needed, cause to be made such comparative pay studies of those factors that affect pay levels.

11.13. EMPLOYEE ANNIVERSARY DATE

11.13.1. Purpose. The purpose of the employee anniversary date is to establish a point from which an employee's years of service can be determined. An employee's anniversary date will be used to determine his/her eligibility for merit pay increases, benefits, and other areas, which are related to an employee's years of service.

11.13.2. Establishment. Each unclassified employee and classified employee will have an anniversary date established. An employee's anniversary date will not change except as provided for in the Break in Service provision. If an individual is separated and subsequently re-employed as an unclassified employee or classified service employee, his/her new employment date will be established as the anniversary date. If an employee is placed in a leave without pay status for more than thirty (30) calendar days, his/her anniversary date will be adjusted to reflect the break in service.

11.14. ESTABLISHMENT OF EMPLOYEE PAY

The pay of all employees will be established and maintained in accordance with the guidelines contained herein.

11.14.1. Salaried Employees. All employees who are assigned to jobs that have been determined to be exempt from the overtime provisions of the FLSA and such other non-exempt employees who are designated by the county commission as salaried employees will be paid a salary each pay period. Normally, such salary will be based upon the hours that the employee routinely works during the pay period and the approved hourly rate of pay for his/her

job. However, the actual hours used in the calculation of a non-exempt salaried employee's pay will be approved by the county commission, in coordination with his/her department head.

11.14.1.1. Salaried Employees Overtime Entitlement. An exempt salaried employee will not receive entitlement, regardless of the hours that are worked. A non-exempt salaried employee will receive overtime entitlement when the hours worked in the established workweek qualify as overtime. Such overtime will be computed at one and one-half (11/2) times the employee's hourly rate of pay in accordance with the provisions of the FLSA.

11.14.2. Hourly Employees. All employees who are not designated as salaried employees described above are designated as hourly employees. Hourly employees will be paid only for those hours they work per pay period. Such pay will be based on the employee's approved hourly rate of pay.

11.14.2.1. Hourly Employees Overtime Entitlement. Hourly employees are non-exempt from the overtime provisions of the FLSA and will receive compensatory time or overtime pay for all hours that they work that qualify as overtime in accordance with the FLSA. Such overtime pay entitlement will be computed at one and one-half (11/2) times the employee's hourly rate of pay in accordance with the FLSA. Compensatory time will be computed at one and one-half (11/2) times the hours worked overtime. Employees may retain a balance of 40 hours compensatory time each pay period. Anything over 40 hours comp time will be paid each pay period. Each year on the employee's evaluation date, all comp time will be paid to bring the balance to zero. At any time during the year, an employee may request to be paid for all or a portion of his/her comp time balance.

11.14.3. Entry Level Pay for Unclassified Employees and Classified Employees. Normally, the hourly rate of pay that will be used to establish the entry level of pay for a new unclassified employee or classified salaried or hourly employee will be the minimum rate of pay for his/her job, as authorized in the county classification and pay plan. However, if a department head determines that an individual's documented job related qualifications justify a higher level of pay, the employee may request that the county commission approve a higher rate within the pay range

11.14.1. Entry Level pay for Part-time Employees. The minimum hourly rate of pay used to determine the pay of a salaried or hourly part-time employee will be established at the time the position is authorized and funded. Such pay levels will be based upon the content of the employee's job; however, no pay level will be established at less than the federal minimum hourly wage.

11.14.5 Entry Level Pay for Temporary Employees. The hourly pay level for all temporary employees will be established by the county commission at the time the position is authorized and funded. Such pay levels will be based upon the content of the employee's job; however, no pay level will be established at less than the federal minimum hourly wage.

11.14.6 Entry Level Pay for Former Employees. Former employees who are rehired by the county from the reemployment eligibility list, to a job in the same pay range that he/she held prior to separation would be started at the same pay he/she was paid at the time of his/her separation. If the individual is rehired to a job in a lower pay range, his/her pay will be set at the same percent of the new pay range that his/her pay was in previous range. A former employee who had resigned and is reemployed within twelve (12) months of his or her resignation to a job with the same pay range that he or she held prior to the resignation will be started at the same pay rate he or she had at the time of resignation. If the employee is employed in a job in a lower pay range, his or her pay will be set at the same percent of the new pay range that his or her pay was in the previous range.

11.14.7. Pay Level After Leave of Absence Without Pay. An employee who returns to work after a leave of absence without pay will have his/her pay established at the same rate of pay he/she was paid prior to the leave of absence. However, any general adjustments applied to other employees while he/she was on leave without pay status will also be applied to the employee.

11.15. PAY INCREASES

Pay increases will be awarded to unclassified employees and classified service employees only if funds are available and have been set aside by the county commission during budget approval.

Normally, a pay increase will be awarded to eligible employees in accordance with the guidelines contained herein. However, the county commission is responsible for establishing and approving the actual criteria to be used in awarding a pay increase for a specific year.

11.15.1. Across the Board Increases in the Same Budget Year. When the commission approves an "across the board" increase, the pay rates for each pay range of the pay plan will be adjusted to reflect the approved increase. Normally, all employees will have their pay increased by the amount of an "across the board" increase. However, the county commission will establish the actual categories of employees who will receive an "across the board" increase at the time of the approval of the increase.

11.15.2. Pay Supplement. Notwithstanding all other provisions herein, the Commission may provide to employees a pay supplement or supplements in any year in amounts as the Commission may deem appropriate which shall not be an increase in weekly pay.

11.15.3. Performance Pay Increase. Employees who have exhibited extraordinary effort and improvement in performance may receive a merit pay increase. Any such pay increase must be approved by the County Commission.

11.16. ESTABLISHMENT OF EMPLOYEE PAY UPON REASSIGNMENT

When an employee is transferred, promoted, or demoted to another job, his/her pay will be established in accordance with the following guidelines.

11.16.1. Transfers. When an employee is transferred to another job, his/her pay level will remain the same as before his/her reassignment. However, any adjustments required due to a change in the approved hours to be worked during the pay period by a salaried employee will be made.

11.16.2. Promotions. When an employee is promoted to a new job, his/her pay level will be established at least at the minimum pay level for the pay range of his/her new job. However, the employee's increase in pay will be at least five (5) percent above his/her previous pay level. The actual amount of increase will be approved by the county commission based upon a recommendation from the department head.

11.16.3. Return to Old or Comparable Job Before Completing Probationary Period. If an employee is returned to his/her old job, or a comparable job, prior to completing the required probationary period, his/her pay will be returned to the pay level it was prior to the employee's promotion. However, the employee's pay level will be increased or decreased to reflect any general adjustments applied to other employees during his/her probationary period that would have otherwise affected his/her pay.

11.16.4. Demotions. When an employee is demoted to a new job, his/her pay will be in the beginning range for the job. Such pay level will be established at least five (5) percent below his/her pay level prior to the demotion.

11.16.5. Temporary Assignments. When an employee is temporarily assigned to another job, his/her pay will be adjusted, when required, in accordance with the guidelines of these policies and procedures.

11.17. SPECIAL PAY PROVISIONS

Under certain situations employees may be entitled to special pay for activities and/or duties performed as a part of their assigned work. Such special pay will be provided in accordance with the following guidelines.

11.17.1. Call-Out Duty. Every employee is expected to respond to request from his/her department head, even without pre-arrangement, to work in the event of an emergency. Any non-exempt employees, regardless of whether or not the employee is serving in a standby status, who responds to a request from his/her department head to work at a time other than scheduled work hours will be considered to be in a call-out status. An exempt employee who reports to work outside of the normal work schedule will not be considered to be in a call-out status. Any call out emergency shall be documented in writing by the appropriate appointing authority or department head or County Administrator.

11.17.2. Call-Out Duty Pay. An employee who is considered to be in a call-out status will be paid during the call-out in accordance with the following guidelines:

- (a) Length of time the employee works is less than two (2) hours, the employee will be paid for two (2) hours;
- (b) Length of time the employee works is more than two (2) hours, the employee will be

paid for all hours worked;

(c) Employee is called out more than once and the total time worked for all call outs is more than two (2) hours, the employee will be paid for all hours worked;

(d) Employee is called-out prior to the starting time of a regularly scheduled work day and continues working through starting time, he/she will be paid for all time worked and will not receive call-out pay;

(e) Employee continues working through normally scheduled quitting time, he/she will be paid for all time worked and will not receive callout pay; and

(f) Travel time spent on reporting to a call will be considered as work time.

(g) Call out pay will begin on the Monday of the week in which the emergency is declared and end when the Commission formally deactivates. (h) The designated, exempt employee will be considered a non-exempt (hourly) employee only during the period of time in which the Commission declares a state of emergency.

(i) The exempt employee will not receive overtime pay for work during any portion of the pay period that is not during a declared emergency.

11.17.3. Rate of Pay for Call-Out Duty. Call-out pay will be paid at the employee's regular rate of pay. Overtime entitlement will be awarded only for that time that qualifies as overtime work during a workweek.

11.17.4. EMA Director. The EMA Director for Cullman County shall receive overtime pay only in instances where the Federal or State Governments will reimburse the overtime amounts. The EMA Director may file appropriate applications with all appropriate agencies for the same.

11.17.5. Military Leave Pay. Eligible employees who are placed on military leave in accordance with paragraph 10.7 above will receive the standard pay they would have received if they had reported to work and were not on military leave.

11.17.6. No Coordination of Accrued Leave with Worker's Compensation. When an employee is absent due to a job-related injury or illness, his/her workers' compensation payments may not be coordinated and supplemented with compensatory time, sick or annual leave an employee may have accrued

11.18. PAY PERIOD

The county commission has established pay periods for all employees. The pay period for all employees, except elected officials, begins on Saturday and runs for fourteen consecutive days. All pay earned during the pay period will be paid to the employee on the next Wednesday after the end of the pay period.

11.19. PAYROLL DEDUCTIONS

The county commission may, upon request of a classified, part-time or unclassified employee service employee, withhold specified amounts of money from the employee's pay. Withholding will only be made for county commission approved types of transactions.

11.20. EMPLOYEE BENEFITS

Benefits are provided eligible employees as part of their overall compensation. Such benefits are in addition to the paid leaves as authorized in Chapter 10 of these policies and procedures and will be provided in accordance with the specific criteria established for each benefit. The information contained herein is considered general information concerning the county's provided benefits. Specific details about a particular benefit may be obtained from the personnel clerk.

11.20.1. Workers' Compensation. The county provides workers' compensation insurance coverage in accordance with Alabama law for any qualifying injury or illness that might be sustained on the job. Benefits and eligibility in each case will be determined in accordance with criteria specified in Section 25, Code of Alabama.

11.20.1.1. Reporting Requirements. All job-related injuries or illness will be reported immediately by an employee through his/her department head to the safety director. Failure to do so may result in loss, or delay, of receipt of any authorized benefits. If deemed necessary, the safety director may require the employee to see a county approved doctor at the county's expense.

11.20.1.2. Compensation. Employees will not be able to coordinate accumulated leave while receiving workers' compensation benefits (See section 11.9.5)

11.20.2. Employee Group Insurance. The county provides unclassified employees and eligible classified employees health and life insurance coverage under its group insurance program. Coverage and benefits shall be subject to the provisions and requirements as stated in the policies providing the coverage.

11.20.2.1. Dependent Coverage. Health coverage may also be provided an eligible employee's authorized dependents. Dependent eligibility will be determined in accordance with the provisions of the existing group policy.

11.20.2.2. Costs. Costs of coverage and the amount of employee contribution will be determined by the current contract in effect.

11.20.2.3. Effective Date. Insurance coverage for an eligible employee and his/her dependents will become effective in accordance with the specific policies in effect for the coverage. If an individual takes a leave of absence or is separated from the county, the continuation of coverage will be in accordance with the terms of each policy and federal law.

11.20.2.4. Non-pay Status. An employee will be required to reimburse the county for any premiums normally paid by the county for any month in which he/she is in a non-pay status for more than ten (10) working days, unless otherwise provided by federal law.

11.20.2.5. Retirees. Certain benefits are available to retirees through the Alabama Retirement program. Unclassified employees and eligible classified employees who have been employed by the County for a minimum of 10 years may be eligible for health insurance coverage if offered by the current contract in effect.

11.20.3. Unemployment Insurance. The county provides unemployment insurance benefits to its employees. When employees are laid-off due to lack of work or lack of funds, they are ordinarily eligible for unemployment compensation benefits, provided they have completed the normal required work time. When an employee is fired or suspended due to unsatisfactory performance of work he/she is not normally eligible for benefits, nor are those employees who resign or quit the workforce.

11.20.4. Social Security. Federal Law requires that the county deduct each pay period from the employee's salary, that amount specified for Social Security benefits. The county is required to match these deductions.

11.20.5. State Retirement System. Eligible employees will have withheld from their salary each pay period, that amount required for participation in the State Retirement System of Alabama. The county also contributes toward the employee's retirement.

CHAPTER 12

CONFLICTS OF INTEREST

12.1 PURPOSE.

The purpose of this chapter is to identify those activities which are not consistent with the standards required of Cullman County employees and, thus contrary to the best interest of Cullman County. All employees covered by the Cullman County personnel system are subject to these provisions.

12.2 POLICY.

The following actions by county employees will be considered as conflicts of interest.

12.2.1. Investments. Investments in real property or business in the immediate vicinity of a Cullman County project site which might appear to be speculative.

12.2.2. Ownership. Ownership exceeding one (1) percent in a public county.

12.2.3. Use of Position and Influence. Use of one's position and influence in the county to promote business with any county in which an employee has financial interest.

12.2.4. Involvement in a Non-County Business Activity. Involvement in a non-county business

activity which conflicts with or limits the county's demands on the employee with respect to his or her availability for work or his or her performance on the job or reflects adversely on the county.

12.2.5. Contracts. The use of one's county position to contract, or to influence contraction, with any business for personal gain or to benefit friends, relatives or associates.

12.2.6. Political Activities. Political activities which interfere, or might be construed as interfering, with an employee's ability to perform his or her duties, or are in violation of county, state and/or federal laws.

12.2.7. Further Guidance. If further guidance is needed, employees should consult with their department head or personnel clerk. Violations of any part of this section will be grounds for disciplinary actions in accordance with the provisions of these rules, regulations and procedures.