



Personnel Policies Manual

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**SECTION 1:
GENERAL PERSONNEL POLICIES**

1.0 PURPOSE

1.0.1 These policies, in conjunction with administrative policies and procedures authorized by the County Manager, shall serve as the primary source of information related to personnel policies and procedures for administrative operations under the direction of the Cherokee County Board of Commissioners. This edition of the Personnel Policies Manual shall supersede all previous editions of Personnel Policies Manuals and shall render previous editions void in their entirety. These policies are enacted by the Cherokee County Board of Commissioners in order to further the following goals:

- a. To provide a uniform system of personnel administration throughout the County.
- b. To ensure that recruitment, selection, placement, promotion, retention, and separation of County employees are in compliance with Federal and State laws.
- c. To assist managers in the development of sound management practices and procedures, and to make effective and consistent use of human resources throughout the County.
- d. To promote communication between Agency Directors, Department Directors, supervisors, and employees.
- e. To ensure, protect, and clarify the rights and responsibilities of employees.

1.0.2 This Personnel Policy Manual provides general information about Cherokee County policies, procedures, expectations, and benefits. The information in this Policy Manual, however, cannot anticipate every situation or answer every question regarding your employment. Therefore, the policies set forth in this Policy Manual will not apply in every situation. The County Manager shall make interpretive decisions for those situations that are not specifically covered by the provisions of this Policy Manual.

1.0.3 Further, in the event of conflict between these policies and a State or Federal law, the terms and conditions of that law shall prevail. In all other cases, these policies shall apply.

1.0.4 In the event of the amendment of any ordinance, rule or law incorporated in this document or upon which these provisions rely, these rules shall be

deemed amended in conformance with those changes.

1.0.5 THE COUNTY SPECIFICALLY RESERVES THE RIGHT TO REPEAL, MODIFY OR AMEND THESE POLICIES AT ANY TIME, WITH OR WITHOUT NOTICE. NONE OF THESE PROVISIONS SHALL BE DEEMED TO CREATE A VESTED CONTRACTUAL RIGHT IN ANY EMPLOYEE TO EMPLOYMENT OR TO LIMIT THE POWER OF THE COUNTY MANAGER OR BOARD OF COMMISSIONERS OF CHEROKEE COUNTY TO REPEAL OR MODIFY THESE RULES. THE POLICIES ARE NOT TO BE INTERPRETED AS PROMISES OF SPECIFIC TREATMENT. ALL EMPLOYEES ARE EMPLOYEES AT WILL AND MAY BE TERMINATED WITHOUT CAUSE.

1.0.6 This Personnel Policy Manual is intended to apply to all Cherokee County employees. The broad application of this Policy Manual is intended to ensure that all employees are treated equally.

1.1 EQUAL EMPLOYMENT OPPORTUNITY

1.1.1 Cherokee County is an equal opportunity employer. Cherokee County will provide equal employment opportunity to all qualified persons without regard to race, color, creed, religion, sex, national origin, age, disability, genetic information, uniformed service status, pregnancy, childbirth, or other legally protected category or classification. This policy applies to all phases of employment, including, and not limited to, recruitment, hiring, placement, training, promotion, demotion, transfer, reduction in force, separation, compensation, and benefits.

1.1.2 Cherokee County is committed to complying fully with the Americans with Disabilities Act (ADA) and its amendments. Consistent with this policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability, perceived disability, or handicap, the County will provide reasonable accommodations to a qualified individual to allow them to perform their job, provided that the reasonable accommodations would not impose an undue hardship on Cherokee County or the operation of the County's business. An employee must notify the Agency Director, Department Director, or the employee's immediate Supervisor that he or she needs an accommodation because of a disability or condition. Upon receipt of an accommodation request, the Agency Director, or his or her designee, will consult with the HR Director, and meet with the employee to discuss and identify the precise

limitation(s) resulting from the disability or condition, and the potential accommodation(s) that Cherokee County might make to help overcome such limitation(s).

- 1.1.3 Recruitment and selection processes will grant equal opportunity for employment to qualified applicants and will not discriminate on the basis of race, color, creed, religion, sex, national origin, age, disability, genetic information, uniformed service status, pregnancy, childbirth, or other legally protected category or classification. Reasonable accommodation for applicants with disabilities may be provided upon request during an application/interview process.

1.2 ADMINISTRATION OF RECORDS

- 1.2.1 The Human Resources Director, or his or her designee, is responsible for establishing and maintaining an official personnel file for each employee of the County.

- 1.2.2 Agency/Department Directors are responsible for the forwarding of documents for inclusion in the personnel files of those employees assigned to their department.

- 1.2.3 Information should be retained in the personnel file throughout the association of an employee with the County, including, but not limited to the following:

- a. Employee application;
- b. Job description and specification information;
- c. Job performance information;
- d. Education/training information;
- e. Personnel action forms;
- f. Letters of appreciation, commendation, or discipline; and
- g. Other appropriate information, documentation and records for personnel administration purposes.

- 1.2.4 Access to Personnel Records - All information in an employee's personnel records shall be considered confidential, except as provided by law. Employee records may be reviewed by an employee's superiors for purposes of performance evaluation, disciplinary review, and other business purposes. In addition, employee records may be reviewed by others provided that the employee provides written authorization for same to the Human Resources Director, or to his or her designee.

- 1.2.5 Record of Review - The Human Resources Director shall maintain a record of each individual who reviews an employee's personnel file.

- 1.2.6 Records of Former Employees - Regulations for personnel records and access to the records shall apply to former employees as they apply to present employees.

- 1.2.7 Objections to Contents - An employee who objects to material in his personnel file may place in his file a brief statement about that which he considers to be inaccurate.

- 1.2.8 Penalty for Unauthorized Access - Any employee who willfully allows unauthorized access to personnel records shall be subject to disciplinary action. Any employee who examines a personnel record without proper authorization shall be subject to disciplinary action.

SECTION 2: DEFINITIONS

The following words and phrases as used in these policies, unless a different meaning is required by the context, shall have the following meanings:

207(k) employee: Employees engaged in fire protection (28-consecutive day work period) or law enforcement activities (43- hour work week).

Absenteeism is defined as a failure to appear at work on a scheduled workday or shift exclusive of an approved leave.

Accrual: Process of earning a benefit such as vacation or sick leave.

Adverse Action: An action taken by the County Manager or Agency/Department Director that results in a suspension without pay, salary reduction, demotion, or dismissal.

Agency Director: Includes heads of county agencies. The Agency Director is nominated by the County Manager and confirmed by the Board of Commissioners.

Agency/Department Director: Includes either the Agency Director, Department Director or both.

County Agency: An organization in county government that is responsible for the oversight and administration of specific departments at the direction of the County Manager.

County Policy: A policy adopted by the Board of Commissioners or an administrative policy approved by the County Manager.

Date of hire: The effective date of the individual's employment with the County.

Department Director: Includes heads of departments. The Department Director reports to the Agency Director or County Manager as specified in the job description.

Discharge: Termination of an employee by the County. Discharge may be used interchangeably with Dismissal.

Doctor: A doctor of medicine, Osteopathy, dentist or dental surgeon currently holding an active state license.

Employee-Initiated Resignation: Voluntary separation for any reason other than formal retirement.

Exempt: Employees exempted from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA).

Grievance: An actual or supposed circumstance regarded as just cause for complaint, such as unsafe or unhealthy working conditions; erroneous or capricious application of County policies; or unlawful discrimination.

He/His: Use of this pronoun in this document shall apply equally to both males and females.

Immediate Family: Includes spouse, child, parent, brother, sister, grandparents, parent-in-law, daughter-in-law, son-in-law, or grandchildren. The definition also includes any other person living in the employee's household who is recognized by state law as the employee's dependent, and any individual who stands in loco parentis to an employee when the employee was a child.

In-Law: A relative by marriage such as mother-in-law, father-in-law, daughter-in-law and son-in-law.

Layoff: Separation of an employee by the County for lack of work, lack of funds, reorganization, or other changes that have taken place.

Manager: A Manager is the person responsible for planning and directing the work of a group of individuals.

May: The word may is conditional and implies there is discretion concerning whether a condition exists or an action will take place.

Non-Exempt: Employees covered by the Fair Labor Standards Act.

Outside Employment: Employment outside of the

duties as a County employee. This shall include self-employment and other business activity, as well as working for a second employer.

Overtime: All work performed in excess of the hours permitted under the FLSA work period.

Personnel Records: Includes personnel and medical files. An employee medical file shall be kept separate from his personnel file.

Probation: A period during which a new employee or an employee who has been transferred, promoted, or demoted is being tested on job capability and performance. Additionally a period of time allotted to an existing employee to correct identified performance deficiencies.

Probationary Employee: An employee on a trial status of probation during a period of employment. Probationary periods may be extended under special circumstances.

Regular Employee: An employee, who has successfully completed the probationary period, and is assigned to a position which is regular full-time or regular part-time.

Full-Time Employee: An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule which will total no less than 2080 hours per year (40 hours per week).

Part-Time Employee: An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule of less than 40 hours per week.

Retirement: Voluntary separation after having satisfied the age and length of employment requirements, according to the County's applicable retirement plans.

Shall/Will: These terms are unconditional and imply that a condition exists or an action will take place.

Supervisor: A supervisor is usually the lowest, or most-junior, management position. It is usually a step above lead, but below Manager.

Supervisor-Initiated Resignation: Termination requested by the supervisor, which permits the employee to resign in lieu of being dismissed.

Tardiness is defined as the failure to report to work at the time scheduled.

Temporary Full-Time Employee: An employee who is assigned to a position that is not expected to continue for an indefinite duration, and works a shift schedule that totals no less than 40 hours per week.

Temporary Part-Time Employee: An employee who is assigned to a position that is not expected to continue for an indefinite duration, and works a shift schedule of less than 40 hours per week.

SECTION 3: CONDITIONS OF EMPLOYMENT

3.0 WORKPLACE ENVIRONMENT

Cherokee County is committed to ensuring that all employees enjoy a work environment free from intimidation, discrimination, harassment, and violence. These issues are discussed in more detail within this Policy Manual. If you have any concerns regarding your workplace environment, report those concerns to the County Manager, the Human Resources Director, and/or to your Agency/Department Director.

3.1 HOURS OF WORK

3.1.1 The normal working hours for County administrative offices shall consist of a continuous eight (8) hour period, excluding a one(1) hour unpaid lunch, scheduled between the hours of 7:00 am and 6:00 pm, with such schedule to be established so that the needs of the department to deliver services to the citizens are met. Such schedule shall be approved by the County Manager. Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule. The meal periods should be scheduled to allow for continuous staffing of offices with at least one person, except where more personnel are required to be on duty.

3.1.2 The standardization of working hours is necessary to provide:

- a. Continuity in access by and service to the citizenry.
- b. Facilitation of teamwork.
- c. Facilitation of supervisory assistance.
- d. Reasonable assurance of compliance with the Fair Labor Standards Act.

3.1.3 Occasions may arise when County services may be improved through the adjustment of an employee's work hours. Therefore, the County permits Agency/Department Directors the option of approving varying work hours or schedules within their respective departments consistent with this

policy. Prior to implementing any varied work schedule, the Agency/Department Director must establish administrative standards and procedures to ensure no disruption in services provided by that department, either to the public or other employees.

3.1.4 The recognized varying work schedules are limited to:

1. Flextime - Employees are given a choice in their report to work time and their end of work time. Flextime schedules are approved in advance and shall not be used to correct tardiness or other attendance problems.
2. Compressed Work Week - Employees are assigned varying hours of work during the payroll period. The typical compressed workweek consists of 4 days working 10 hours each day.
3. Split Shift – A combination of two continuous work periods, separated by a period of two or more hours, including lunch, when no work is performed.

3.1.5 When the workload and schedule permit, two 15 minute paid work breaks daily may be permitted, subject to approval by the employee's supervisor/manager.

3.1.6 Individual requests for adjustment of working hours for personal reasons must be evaluated in light of the employee's past work performance and effect on the criteria enumerated in 3.1.2 above.

3.1.7 Employees must provide their supervisors advance notice of anticipated tardiness or notice of unavoidable tardiness within one hour of their scheduled start time. Failure to do so will be construed as an unexcused absence, and the day or time missed will not be paid for non-exempt employees. Exempt employees will have unexcused time charged to either their vacation or sick leave accumulation, if vacation is not available.

3.1.8 Notification by another employee, friend, or relative is not considered proper, except in an emergency situation where the employee is physically unable to make the notification. Likewise, notices to employees other than the immediate supervisor, or above is not considered proper.

3.1.9 Daily attendance records will be maintained by each department, including the date and time of each absence and the reason for each absence. Attendance shall be a consideration in determining

promotions, transfers, satisfactory completion of probationary periods, and continued employment with the County. Frequent tardiness or other attendance irregularities shall be cause for disciplinary action.

- 3.1.10 Hours for part-time and certain other employees may vary from the normal office hours noted above due to the nature of their duties and will be determined by the appropriate Agency/ Department Director.
- 3.1.11 The County may provide compensatory time off in lieu of cash overtime compensation for non-exempt and 207(k) employees in accordance with the FLSA.

3.2 WORK PERIODS

This section shall not apply to executive, professional, administrative, and all other employees who are exempt from the FLSA. The referenced work periods may be changed to accommodate special work schedules, such as summer maintenance schedules.

- 3.2.1 The work period for any 24-hour shift firefighter shall be twenty-eight (28) days. All firefighters shall work a schedule of 24 hours on and 48 hours off for an average of 212 hours per 28 day period.
- 3.2.2 The work period for any sworn law enforcement personnel shall be 86 hours per a 14 day period.
- 3.2.3 The work period for E9-1-1 shift employees is thirty-six (36) hours in a seven (7) day period followed by forty-eight (48) hours in a seven-day period. E9-1-1 shift employees work 12-hour shifts.
- 3.2.4 The work period for all other County employees shall be a seven (7) day period beginning on Sunday at 12:01 a.m. and continuing to Saturday at 12:00 midnight. The minimum work week for full time employees shall be forty (40) hours.
- 3.2.5 With respect to 207(k) employees, where hours worked are not in excess of the applicable maximum hours standard, the County may give the employee time off for the hours worked in excess of those normally scheduled.

3.3 NEPOTISM

- 3.3.1 Cherokee County seeks to avoid any suggestions of favoritism, discrimination, or conflict of interest in making decisions to hire, promote, and transfer staff. Because of the actual or perceived problems inherent in employing individuals with close

family or other relationships, it is the County's policy that Immediate Family will not be employed in full-time or part-time positions where:

- a. One relative would have the authority to supervise, appoint, remove, discipline or evaluate the performance of the other.
- b. One relative would be responsible for auditing the work of the other.
- c. Other circumstances exists which would place the relatives in a situation of actual or reasonably foreseeable conflict between the County's interest and their own.

3.3.2 Where business necessity requires the limitation of employment opportunity for Immediate Family members, the means chosen to meet the business necessity shall be those which have the least adverse impact on the employees, which may include re-assignment to another department or separation of employment for one of the affected employees.

3.3.3 The County Manager may authorize an exception to this policy if the position requires specialized training or experience not generally available, there is a vital need to fill the position, substantial efforts have been made to recruit a person who is not an Immediate Family member, and the relationship is unlikely to materially affect their employment.

3.4 PROBATION PERIOD

3.4.1 All employees placed in new full-time and part-time positions must serve at least a six-month period of probation, except sworn law enforcement personnel or POST certified employees, E9-1-1 employees, or firefighting personnel, who serve a twelve-month period of probation. This applies to new hires, promotions, demotions, and transfers, and may also be utilized as a disciplinary measure in an attempt to improve deficient performance

3.4.2 The probation period is designed to give the employee time to learn the position and to give the supervisor time to evaluate the employee's potential and performance. Nothing in this section, including an employee being placed in a probationary status, shall limit, alter, modify, or nullify the County's employment at-will status, which includes the right to terminate employment without cause or notice.

3.4.3 If an employee is unable to perform the work, the person may be transferred to a vacant position for which he is qualified. If the department elects not to exercise this option, then the person should be

terminated as early as possible. Prior to termination, the Department Director should review the case with the Agency Director for consistency in the application of policy. Early termination saves the County a time and monetary investment and saves the employee possible embarrassment and frustration. Rejected probationers shall be notified of such action in writing by the Agency or Department Director and a copy of said notification shall be retained in the employee's personnel file.

- 3.4.4 It is expected that informal evaluations will be conducted during the course of the probation period to assess performance and to advise employees of expectations regarding performance. Significant job deficiency (ies) shall be documented in the employee's personnel file. These evaluations provide the necessary justification for retention of the person as a regular employee.
- 3.4.5 Under unusual circumstances, the probationary period may be extended. This is only after an evaluation of the situation, the employee's abilities, and demonstrated potential. Probation extension is done only upon recommendation of the Agency/Department Director, and approved by the County Manager. Employees whose probationary periods are being extended must be notified by the supervisor prior to the conclusion of the original period.
- 3.4.6 If the employee successfully completes the probation period, he shall automatically become a regular employee.
- 3.4.7 When an employee first becomes a regular full-time employee, he becomes eligible for vacation and other appropriate leaves retroactive to the person's beginning date of employment, but will not be able to take vacation leave until after he has been employed six months, unless authorized by Agency/Department Director. Successfully completing the probationary period will not result in additional compensation being paid to the employee.
- 3.4.8 If an individual has been transferred or promoted, he remains eligible for all fringe benefits included with the previous position during the probation period for the transfer or promotion. If the position to which an employee has been transferred or promoted carries benefits different from those of the previous position, the person becomes eligible for the benefits of the new position upon the satisfactory completion of the probation period retroactive to the date of the transfer or promotion.
- 3.4.9 If an emergency arises during an employee's

probationary period which requires a leave of absence, such time off, if granted will not be considered as time worked. In this case, the probationary period will be extended to match the time granted through the leave of absence.

3.5 RE-EMPLOYMENT

- 3.5.1 Any former regular, full-time employee who resigned from the County in good standing is eligible for re-employment.
- 3.5.2 Persons interested in re-employment should file a completed County application form with the Human Resources department for any advertised vacancy for which the former employee believes matches his/her qualifications. The individual will then proceed through the regular hiring procedures with other applicants.
- 3.5.3 The date of hire will take the person's previous service with the County into account for retirement service credit purposes; however, salary, benefits, and future increases will coincide with the re-employment date.
- 3.5.4 The individual's previous personnel file will be re-activated once re-employed by the County provided re-employment is within seven years after the original separation.
- 3.5.5 All individuals re-employed by the County must complete a new probationary period.
- 3.5.6 The Agency/Department Director has the discretion to re-employ an individual into any vacant position within the department for which the employee is qualified by following the prescribed recruitment process.
- 3.5.7 Re-employment of Retirees: If a bona-fide termination of employment as described in section 3.5.1 has occurred, the County may re-employ a retiree on a limited term basis. The following guidelines provide a consistent standard by which all requests for re-employment of retirees will be measured.
 - 1. County Need - Re-employment must be as a result of County need, such as the retired employee possesses skills and institutional knowledge that the hiring department cannot otherwise obtain with equal cost effectiveness. Or, the hiring department anticipates that the Retired Employee will assist a replacement to acquire necessary skills and knowledge.
 - 2. Break in Service - A period of at least 30 days has elapsed since the time the employee retired and the date of re-employment. Additionally,

employees who have not reached normal retirement age must not engage in discussions concerning re-employment for a period of 30 days after their retirement date.

3. Re-employed Status - Unless specifically approved by the County Manager, retired employees are limited to no more than 19 hours per week, or 988 hours during any 12-month period. Re-employment into multiple part-time positions may violate the maximum hour limitation and is prohibited.

4. Compensation - Upon re-employment, the employee will be compensated at the regular rate of pay for the position rehired. The retired employee may elect to either cease or continue to receive benefits under a defined benefits plan, if applicable. If the re-employed retiree continues the benefit, there will be no further accrual of credited service under the defined benefits plan.

If the retiree elects to cease and is rehired into a full-time position, then the employee would be paid at the regular rate, resume contributions and receive additional credited service; at the time of subsequent termination, the retirement benefit is recalculated with the additional service added.

5. Employee Benefits - This policy will not inhibit the County's ability to extend medical benefit eligibility as part of an Early Retirement Incentive Plan (ERIP), or as approved by the Board of Commissioners.

6. Prior Approval Required - All actions to rehire a retiree must be approved by the County Manager after review and consideration of the aforementioned guidelines by the Director of Human Resources.

3.6 ELIGIBILITY FOR BENEFITS

3.6.1 Non-exempt employee compensation will be stated in terms of hourly wage. Exempt employees are considered salaried.

3.6.2 Employee's classified as regular full-time employees shall be eligible to receive all employee benefits provided by the County. Probationary employees shall be classified as regular full-time employees upon successful completion of their probationary periods, and shall then be entitled to the same benefits as regular full-time employees subject to applicable eligibility provisions and time periods.

3.7 HIRING PROCESS

3.7.1 The Human Resources Department may

administer and/or coordinate, for departments under the jurisdiction of the Board of Commissioners, or others if assigned, the hiring process for all position vacancies to ensure compliance with contractual, legal, and equal opportunity requirements.

3.7.2 Cherokee County is committed to fair hiring practices. Employment applications, with the exception of employment applications for public safety, highly sensitive positions, or as otherwise required by law, shall exclude questions or checkboxes that would disclose an applicant's criminal history.

After a candidate's application has been accepted and an interview has been conducted, candidates shall disclose their criminal history to the hiring agency/department and the Human Resources Department. A criminal background check will be conducted before an employment decision is made by the hiring agency/department.

If a background check yields information of concern, the candidate shall be given the opportunity to demonstrate that the conviction should not exclude him/her from consideration for the position he/she seeks with the County.

The hiring agency/department before making an employment decision based on convictions records will consider the following three factors:

1. The nature and gravity of the offense.
2. The time that has passed since the conviction and/or completion of sentence.
3. The nature of the job held or sought.

Thereafter, the County will make a determination on whether exclusion of the application is job related and consistent with business necessity.

3.7.3 Prior to filling any vacant regular, full-time or part-time position, hiring departments must complete a position requisition form and secure written authorization from the County Manager, or designee, as may be modified or waived from time-to-time by the County Manager.

3.7.4 POSTING VACANT POSITIONS – In order to fill any vacant or newly created position, the position must be posted to allow for interested candidates to apply. Cherokee County departments have three posting options to use when filling vacant positions:

- a. In-house Posting (Departmental) – This option should be used first if departments are able to identify candidates from their current staff. The announcement of the position

should be posted for a minimum of five days in a conspicuous place.

b. Internal Posting (For County Employees Only) – This option has been established to provide County employees the first opportunity to apply for vacant positions. Internal postings are accessed via the County intranet and are not accessible to the population at large. These postings will remain open for a minimum of five days and may be updated on a weekly basis.

c. External Posting (All Candidates Interested in County Positions) – This option allows departments to consider anyone who is interested in County positions. External postings will be posted for a minimum of 10 days and may be accessed in the selected media, as well as in the following ways:

1. The website for Cherokee County at: <http://www.cherokeega.com/Human-Resources/employment-opportunities/>
2. Human Resources Department at 1130 Bluffs Parkway, Canton, GA 30114.

3.7.5 Applications for all advertised vacancies under the jurisdiction of the BOC are to be submitted directly to the Human Resources Department, or if submitted to the hiring department by applicant, immediately following processing by the hiring department. Upon the position closing date, all submitted applications to Human Resources Department will be forwarded to the hiring department for review and consideration. If the posting does not provide for a closing date, the Human Resources Department shall forward applications to the hiring department as they are received.

3.7.6 Upon completion of the review process, the hiring department shall notify Human Resources of the candidate selected to fill the vacancy.

3.8 TESTING

3.8.1 Examinations may be developed for certain positions based on the position's responsibilities, the qualifications required, and resources available. Notice of required examinations will be included on the advertised position announcement.

3.8.2 The examination may consist of oral interview, application review, a structured questionnaire, practical tests, written tests, in-basket exercise or assessment center, and/or other performance tests. In all cases, the testing will be job related and designed to determine the candidate's knowledge,

skills and abilities for the position.

3.8.3 The examination contents are developed by the affected department and reviewed by Human Resources for consistency with applicable employment laws. Examination contents are confidential and unauthorized disclosure to any candidate is grounds for discipline. In certain situations, outside consultants may be contracted to assist with test development.

3.8.4 The Agency/Department Director shall ensure that all testing is based on bona-fide occupational qualifications.

3.8.5 Upon receipt of a request for same, the Agency/Department Director shall work with the Director of Human Resources to ensure that reasonable accommodations are made in test procedures to assure that persons with disabilities can be tested in an appropriate manner, unless such accommodation(s) would impose an undue hardship.

3.8.6 Pre-employment testing. All job applicants being considered for employment shall be required to pass pre-employment tests, which may include, but are not limited to, a drug and alcohol screening test, criminal background, medical and/or psychological exam, and credit check..

3.8.7 Random and periodic drug testing. The County retains the right to require all to submit to a drug and alcohol screening test at random or on a periodic basis from time to time as determined by the Agency/ Department Director and the Human Resources Director.

3.8.8 Reasonable Suspicion Testing. A drug and/or alcohol screening test based on reasonable suspicion shall be undertaken in accordance with Section 7.1.7 of this Policy Manual.

3.8.9 Testing after accidents or injury. All employees involved in a work-related accident/incident causing personal injury shall be tested promptly for drug and/or alcohol use in accordance with County policies.

3.8.10 Voluntary participation in an employee assistance program prior to an employee being requested to submit to a test is encouraged and such participation shall be kept confidential.

3.9 AT-WILL EMPLOYMENT

All employees of Cherokee County are “at-will” employees. Employment with Cherokee County is entered into on a voluntary basis, and all employees are employed for an indefinite time

period. Either the County or the employee is free to terminate the employment relationship at any time without notice, for any reason.

The Board of Commissioners may provide a contract/letter of agreement and/or employment offer letter for the position of County Manager.

3.10 IMMIGRATION LAW COMPLIANCE

Cherokee County is committed to full compliance with federal and state immigration laws, and will hire only individuals with the legal right to work in the United States. Pursuant to the Georgia Security and Immigration Compliance Act, all employees must complete the Form I-9 and provide legal documentation of citizenship and/or work status as set forth on the form. Within three (3) business days of hire, the County Human Resources Department electronically verifies accuracy of the employee's Social Security number and other documentation through the U.S. Department of Homeland Security verification system. The employee will be immediately notified of a non-confirmation of their Social Security number and will be provided a referral letter. It is the employee's responsibility to resolve the discrepancy with the Social Security office within eight (8) federal government working days. On the 10th federal government working day after the date of the referral letter, the Human Resources Office will make a second inquiry to the Social Security Administration database for a final confirmation. The employee shall continue working until the confirmation process is completed, however, a final non-confirmation will result in immediate termination. This policy and its procedures are intended to comply with the Georgia Security and Immigration Compliance Act. Should any portion of said Act be amended, modified, revised, or repealed, or if other or additional controlling federal or state immigration laws or regulations become adopted in the future, the processes and requirements set forth in such Act, laws, or regulations shall govern.

3.11 PERFORMANCE REVIEWS

3.11.1 County agencies/departments shall utilize an annual performance review process to provide employees appropriate feedback on their work performance and to communicate general competencies necessary to perform the assigned duties and responsibilities of their positions. The form and manner of reviews should be prescribed by the Human Resources Department, in consultation with the respective Agency Director.

3.11.2 Managers and supervisors shall meet with each employee within their area of supervision at least

once per year to review performance.

3.11.3 In addition to the annual performance review period, supervisors are encouraged to establish a performance review period of a shorter duration for employees, and particularly for an employee whose performance is deemed to be unsatisfactory, who has been placed on performance probation, who has been issued a performance improvement plan, or for any reason.

3.11.4 As an At-Will employer, the County reaffirms its authority to terminate employment with or without cause, with or without notice. However, there are times when the County recognizes that it is in its best interest to attempt to take rehabilitative actions to positively affect employee behavior and performance, including progressive discipline. Progressive discipline is a process in which disciplinary action is taken in degrees of increasing severity, such that when an employee engages in different types of misconduct or poor performance, each incident can provoke increased discipline. While Cherokee County advocates progressive discipline when appropriate, the use of progressive discipline will be discretionary and steps should be skipped for particularly inappropriate employee conduct.

SECTION 4: COMPENSATION

4.0 GENERAL

4.0.1 It is the policy of the County and the purpose of this plan to establish a compensation system that will allow the County to effectively compete for qualified personnel and to ensure that salaries are equitable and commensurate with the duties performed by each employee.

4.0.2 The County's pay range schedules include minimum and maximum pay allowed by grade. The pay range schedules for employees shall be adopted by the Board of Commissioners.

4.0.3 Cost-of-Living adjustments may be granted by the Board of Commission upon recommendation by the County Manager. In the event a cost of living adjustment is made, the salary range allowed by grade may not change. Rather, the eligible employee's pay should be adjusted up the range to reflect the cost-of-living increase.

4.0.4 Classification Plan: The County administers a point-factor classification and compensation plan in which jobs with similar duties and responsibilities are assigned to the same salary grade. The Human Resources Director may conduct a point-factor analysis of various jobs

when there is an indication an employee is working above or below the established responsibilities for that position. Such review may result in the position being upgraded to a higher grade or downgraded to a lower grade within the plan.

4.0.5 Position Upgrade: In the event that the duties of any position are re-evaluated by the Human Resources Director or County Manager and results in the position moving to a higher grade range, the employee's salary may increase by 5% or the employee may assume the entry level salary of the new range, whichever is greater, subject to the grade minimum and maximum salary levels. However, if the employee is receiving temporary additional compensation or supplemental pay, such temporary additional compensation shall not be included in the calculation of the salary adjustment.

4.0.6 Position Downgrade: In the event that the duties of any position are re-evaluated by the Human Resources Director or County Manager and results in the position moving to a lower grade range, the employee's salary may be reduced by 5% or more, subject to the grade minimum and maximum salary levels. However, if the employee is receiving temporary additional compensation or supplemental pay, such temporary additional compensation shall not be included in the calculation of the salary adjustment.

4.0.7 Maintenance of the Salary Plan: The Human Resources Director shall be responsible for the continuous maintenance and administration of the County's Compensation Plan. Reviews will include an analysis of prevailing rates of pay for similar positions in comparable labor markets, organizations, cost-of-living factors, budgetary considerations, and other related factors. On the basis of this information, the County Manager may recommend to the Board of Commissioners changes to keep the plan current, uniform and equitable.

4.0.8 New Employees: New employees will ordinarily be paid the minimum rate in the appropriate salary range.

4.0.9 The salary offered to the employee must be consistent with the salary and requirements of the position. An employee who meets only the minimum requirements for the position will start at the bottom of the salary range regardless of the employee's current salary. Employees who exceed the minimum requirements for the position may be offered a salary consistent with the employee's level of skills, experience, and knowledge, but in no case shall the salary be more than 10% above the entry level pay for the position, unless prior

approval is obtained from the County Manager.

4.0.10 No employee's salary shall exceed the maximum salary for their position. In the event an employee's salary exceeds the maximum range, he may not receive annual increases until market research warrants increases in grade and/or range or, unless authorized by the County Manager.

4.1 OVERTIME

4.1.1 FLSA: This policy shall not contravene the provisions of the Federal Fair Labor Standards Act (FLSA) pertaining to the minimum rate of compensation for employment in excess of an established work week/period, excluding exempted positions.

4.1.2 Qualification: To be eligible for overtime pay, the employee must have actually been present at work for the specified number of hours. Vacation, sick, holiday or other types of leave will not count as hours worked for calculating overtime pay.

4.1.3 The County's responsibility for payment of overtime is as follows:

a. The County will compensate overtime at the rate of one and one-half for hours worked in excess of the number of hours allowed per work week/period defined below:

1. Non-exempt Employees will be paid at the rate of one and one-half for hours worked in excess of forty (40) hours per week.

2. Sworn law enforcement personnel (207(k) employees) will be paid at the rate of one and one-half for hours worked in excess of one hundred seventy-one (171) hours in a 28-day work period.

3. Firefighters (207(k) employees) will be paid at the rate of one and one-half for hours worked in excess of two hundred twelve (212) hours in a 28-day work period.

4.1.4 Compensatory Time: When applicable, compensatory time shall be earned at a rate not less than one and one-half hours for each hour of employment in excess of the maximum hours worked as defined in section 4.1.3. Accrued compensatory time shall not exceed one-hundred twenty (120) hours.

a. Any such non-exempt employee who has accrued 120 hours of compensatory time off

shall, for additional overtime hours of work, be paid overtime compensation.

- b. If compensation is paid to an employee for accrued compensatory time off, such compensation shall be paid at the regular rate earned by the employee at the time the employee receives such payment.
- c. An employee who has accrued compensatory time off shall, upon termination of employment, be paid for the unused compensatory time at a rate of compensation not less than:
 - 1. The average regular rate received by such employee during the last 3 years of the employee's employment, or
 - 2. The final regular rate received by such employee, whichever is higher.
- d. An employee, who has accrued compensatory time and has requested the use of such compensatory time, shall be permitted to use such time on the specific date requested by the employee, unless doing so would be unduly disruptive to the department's operations.

4.1.5 Call-Back Pay: If an employee is called back to work outside of normal working hours he will be paid for hours worked, or provided compensatory time, as recommended by the Agency Director

4.2 DEMOTIONS

- 4.2.1 An employee reassigned to a position in a lower classification regardless of the reason (disciplinary, in lieu of layoff, for as an accommodation due to disability or incapacity, department reorganization, etc.) will receive a cut in pay commensurate with the nature of the demotion as determined by the Agency/Department Director in consultation with the Human Resources Director and County Manager and taking into account the pay scale for the position.
- 4.2.2 Demotions do not change the person's date of hire.
- 4.2.3 No employee shall be demoted to a position for which he does not possess the minimum qualifications.
- 4.2.4 The Department Director will provide advance notice to an employee being demoted whenever possible, except in emergency situations.
- 4.2.5 Any demotion to prevent layoffs may be revised when the employee's previous position is reopened.

4.2.6 Persons demoted to new positions will be subject to the standard probationary period for the new position.

4.3 PROMOTIONS

- 4.3.1 The County shall attempt to fill all vacant positions with qualified County employees before advertising to the general public, following a policy of upward mobility whenever possible.
- 4.3.2 Generally, employees are expected to serve in their current position for at least a year before being considered for a promotion or transfer.
- 4.3.3 Selection of an employee for a promotion (or lateral transfer) is based on past work record, education, knowledge of the job duties, as well as time in service.
- 4.3.4 When considering the promotion (or lateral transfer) of County employees having the same or similar qualifications, the position will be filled after considering the factors listed above.
- 4.3.5 In cases where only one employee applies for a position and the person's abilities and qualifications are known to the hiring department, the formal selection process may be dispensed with upon concurrence of the Human Resources Director.
- 4.3.6 No offer of promotion may be made to any employee prior to completion of the recruitment and selection process. Temporary assignments may be made by the Agency/Department Director for a specified time or assignment as necessary. Such acting status appointments are made on a temporary basis and the employee returns to his regular position upon completion of the assignment. Such acting status appointments are governed by Section 4.7.4
- 4.3.7 Whenever an employee is promoted to a higher position, or whenever an employee's position is upgraded, said employee will enter the new grade/position at the entry level of the new position. In the event the entry level of the new or upgraded position does not provide a salary increase, the employee may enter at the level which provides a salary increase of 5% or more with County Manager approval. However, if the employee is receiving supplemental pay for acting status pursuant to Section 4.7.4, such temporary additional compensation shall not be included in the calculation of the salary adjustment. The new pay rate, upon promotion, shall not exceed the maximum of the new pay range.
- 4.3.8 Promotions do not change the person's date of hire.

- 4.3.9 Persons so promoted will be subject to the standard probationary period for the new position.
- 4.3.10 Non-exempt employees promoted to exempt positions shall be entitled to use any accrued compensatory time prior to the effective date of the promotion. In the event that use of compensatory time is not feasible, the employee shall be paid the balance of the compensatory time prior to the effective date of the promotion.

4.4 TRANSFERS

- 4.4.1 Any current employee interested in applying for a transfer must file a completed County application form with the Human Resources Office.
- 4.4.2 If the employee meets the stated requirements for the position, he will proceed through the regular hiring procedures with all other applicants. Transfers are made only when the County's service will benefit. All else being equal, current County employees will be given priority for open positions.
- 4.4.3 Transfer employees will serve a probationary period in his new position. Transfer employees remain eligible for all fringe benefits included with the previous position. If the position to which an employee transfers carries benefits different from those of the previous position, the benefits of the new position apply.
- 4.4.4 Transfers do not change a person's date of hire.
- 4.4.5 Transfers may also be initiated by the County in instances where the County's best interests may be served, without following the standard recruitment procedures.
- 4.4.6 The salary of an employee transferred to a position within the same salary grade will not change, unless prior approval is obtained from the County Manager.
- 4.4.7 Any unused accrued vacation, or sick time for which the employee has at the time of transfer, shall transfer to the new department. Any unused compensatory time will be cashed out or used prior to moving to the new department.
- 4.4.8 Unused holiday hours accrued by Fire & Emergency Services personnel will not transfer and will be paid out at time of transfer.

4.5 POSITION DESCRIPTIONS

- 4.5.1 Position descriptions and job specifications shall be maintained by the Human Resource Department for all positions.

- 4.5.2 The position descriptions shall include: Class Title, Grade Number, Class Code, Department, General Purpose, Supervision Received, Supervision Exercised, Examples of Duties, Minimum Qualifications and Special Requirements.

- 4.5.3 The position description does not constitute an employment agreement between the County and employee and is subject to change as the needs of the County and the requirements of the job change.

- 4.5.4 Examples of duties listed in the position description are intended only as illustrations of the various types of work performed. The omissions of specific statements of duties do not exclude them from the position if the work is similarly related or a logical assignment to the position.

- 4.5.5 Each employee's position description is maintained as part of his personnel file. Additional copies of position descriptions may be requested through the Agency/Department Director or Human Resources Director.

4.6 RECLASSIFICATION

- 4.6.1 Revision of position descriptions and re-allocations within the classification plan shall be made as often as is necessary to provide current information on positions and classes.

- 4.6.2 Each position of employment under the jurisdiction of the Cherokee County BOC is assigned to a particular pay grade. This section allows for changing the assignment of a particular position to a different and more suitable pay grade when it is determined that the position is incorrectly assigned. This change may produce a corresponding change in the salary for the position.

- 4.6.3 An Agency/Department Director may request reclassification review to the Director of Human Resources. A Request for Reclassification shall be submitted in writing, along with a position analysis questionnaire, a detailed statement of justification for the request, and proof of budget availability to support any potential increase in salary of the affected employee. Reclassifications are justified as a result of the following:

- a. The position was originally assigned to an inappropriate pay grade; or
- b. There has been a substantial change in the duties and responsibilities associated with a position since it was originally assigned to a particular pay grade.

- 4.6.4 Upon receipt and verification of the request, the

Human Resources Director shall conduct an analysis of the request for the purposes of determining whether the requested reclassification is warranted.

- 4.6.5 The Position Analysis Questionnaire will be reviewed using established point-factor analysis. Based on this analysis, the Human Resources Director shall determine the appropriate pay grade for the position.
- 4.6.6 If the analysis reveals that the position should be reclassified to a pay grade that is different than the one currently assigned, the Human Resources Director will forward this information to the County Manager for review/approval.
- 4.6.7 If the analysis reveals that the position is properly assigned, then no further action will be taken other than to inform the Agency/Department Director of the result of the review.
- 4.6.8 The County Manager shall review, approve or disapprove recommendations of the Human Resources Director regarding all Requests for Reclassification.
- 4.6.9 Treatment of Affected Employee Upon Reclassification of Position
 - a. If the position is occupied at the time of reclassification, the employee shall be entitled to serve therein with the corresponding status after the reclassification.
 - b. If the position is assigned to a higher grade as a result of the reclassification, such action is considered a position upgrade. If the position is occupied at the time of an upgrade, the employee's salary shall be affected as outlined in 4.0.5.
 - c. If the Position is assigned to a lower grade as a result of the reclassification, such action is considered a downgrade of the position. If the position is occupied at the time of a downgrade, the employee's salary shall be affected as outlined in 4.0.6.
 - d. In all cases of reclassification of a vacant position, the position shall be filled at the beginning salary of the new pay grade.

4.7 SUPPLEMENTAL PAY

- 4.7.1 The County may provide supplemental pay to employees who perform hazardous or specialized duties as required by the job description for Special Operations (Fire) and Paramedic. Employees in classifications up to, but not including, Fire

Division/Battalion Chief may be eligible for this pay.

- 4.7.2 Employees in the Sheriff's Office assigned in a specialty area may receive supplemental pay in the amount up to 5%, or up to 7% if assigned as CMANS Agent. Employees in sworn classifications up to, but not including, Captain, Major or Chief Deputy Sheriff, may be eligible for this pay.
- 4.7.3 Supplemental pay will be discontinued in the event the employee is reassigned to a different position not eligible for supplemental pay. The number of slots eligible for supplemental pay is a fixed number authorized by the Board of Commissioners.
- 4.7.4 The County Manager reserves the right to provide supplemental pay to employees who achieve additional or special degrees and/or certifications at the request of the Agency Director.
- 4.7.5 *Acting Status.* When an employee is temporarily reassigned to a position that is different from the regular assignment, or when the employee is temporarily assigned a significant increase in duties and responsibilities above the employee's regular position, the Agency Director may recommend to the County Manager that the employee's salary be increased up to 5% percent for the duration of the reassignment. All employees reassigned to acting status should meet the minimum requirements for the new position prior to the reassignment. The duration for acting status shall not exceed 12 continuous months without written approval of the County Manager. Requests to extend the 12 month limitation must be provided in writing to the County Manager.

4.8 WORKER'S COMPENSATION

- 4.8.1 All employees of the County are covered by the State of Georgia Workers' Compensation Act. Workers' compensation is a benefits program created by state law that provides medical, rehabilitation, income, death and other benefits to employees and dependents due to injury, illness and death resulting from a compensable work-related injury covered by the Law. The County self-funds its Workers' Compensation Program.
- 4.8.2 An employee who sustains an injury on the job must, at the time of the injury, notify his or her supervisor, Agency/Department Director, or the Human Resources Director of the injury, and must document same on forms provided by the Human Resources Department. An employee may lose the right to receive compensation if an accident is not reported promptly.

- 4.8.3 Use of Designated Physicians – If medical attention by a physician is needed, the employee must select a doctor from the approved panel of physicians provided by the County. In an emergency, the employee may receive temporary medical care from any doctor until the emergency is over, then the employee must obtain treatment from a doctor on the County’s approved panel of physicians. Cherokee County reserves the right to refuse payment of medical services for any employee examined by a physician not listed on its approved panel of physicians.
- 4.8.4 If the injury will prevent the employee from working, the employee must submit a physician’s statement verifying same.
- 4.8.5 If the injury necessitates the employee’s absence from work, the employee shall receive his/her regular rate of pay for a maximum of seven (7) calendar days. Thereafter, the County’s worker’s compensation carrier shall determine if further compensation is required.
- 4.8.6 Effect on Leave - Time spent on Workers’ Compensation leave shall not be considered "hours worked" for purposes of leave accrual.
- 4.8.7 An employee may be paid for earned sick leave while on Workers’ Compensation leave. Such payment, when combined with the Workers’ Compensation benefit, shall not cause the employee’s salary to exceed the normal rate of pay prior to work injury.
- 4.8.8. If an employee qualifies for worker’s compensation benefits, and the worker’s compensation leave is for an FMLA-qualifying reason, the employee’s worker’s compensation leave and the FMLA leave will run concurrently.
- 4.8.9 Return to Work – Any employee who has lost time due to a work-related injury or illness must obtain a doctor’s statement for the time missed and a fitness-for-duty certification to return to work. Doctor’s notes that specify work restrictions must be adhered to by the employee.
- 4.8.10 A worker’s compensation leave may not exceed twelve (12) months. If an employee does not return to work within twelve months from the date of injury, employment will be terminated.

**SECTION 5:
BENEFITS**

- 5.0 Cherokee County offers a variety of benefits to its employees. Information in this Policy Manual is intended to only summarize those benefits. Terms of written plan documents, insurance policies or

other benefits plans and policies will be the controlling documents. Employees should refer to official plan documents or policies for detailed plan or policy information. Employees should contact the Human Resources Department with any questions about Cherokee County’s employee benefits.

5.1 GROUP HEALTH PLAN

- 5.1.1 The County offers to all its full-time employees and their eligible dependents group health coverage. The County pays a percentage, approved by the Board of Commissioners, of premiums for those with individual, dependent or family coverage.

5.2 LIFE INSURANCE

The County provides life insurance to all its full-time employees. Premiums for employees may be paid in full by the County.

5.3 GROUP DENTAL PLAN

- 5.3.1 The County offers to all its full-time employees and their eligible dependents group dental coverage. The County pays a percentage, approved by the Board of Commissioners, of the premiums for those with individual, dependent or family coverage.

5.4 CREDIT UNION

- 5.4.1 County employees and their family members are eligible to participate in the credit unions. Credit unions offer a variety of services to members, including savings programs, money market accounts, certificates of deposit, individual retirement accounts (IRA's), loans, check cashing, loan protection insurance, and member account insurance. All contributions are financed 100% by the employee.

5.5 DEFERRED COMPENSATION - 457

- 5.5.1 The County provides an option to any eligible employee to invest a portion of his present earnings in a deferred compensation (457) plan. This is an arrangement where a percentage of an employee’s salary can be designated by the employee to be withheld from his or her paycheck and invested for payment at a later date, usually at retirement. Under this arrangement, neither the deferred amount nor earnings on the investments are subject to current Federal income taxes until such time as the employee receives payment from the plan.
- 5.5.2 The County approved program includes various

investment options. Enrollment may be arranged through the Human Resources Office, and is open to any individual who has achieved full-time employee status with the County. Contributions to the program are made by employees through payroll deductions.

5.5.3 Benefits received through this program are in addition to any Social Security for which the participating employee would be eligible.

5.5.4 The County makes no claim of profitability of investment options and is not responsible for any gains or losses that may occur as a result of individual investment choices.

5.6 RETIREMENT – DEFINED BENEFIT PLAN

5.6.1 The County chooses to provide all full-time County employees a defined benefit retirement program, and may modify defined benefit plan documents from time to time.

5.6.2 A participant who meets the requirements of the Defined Benefit Pension Plan, upon retirement on his normal retirement date, shall receive a monthly retirement benefit under which payments shall commence on the first day of the month coinciding with his normal retirement date (provided that appropriate advanced notice is given by the employee) and shall be payable on the first day of each month thereafter during his lifetime. The amount of the monthly retirement benefit of service shall be in accordance with the County's Pension Plan. Employees should notify the Human Resources Department at least 30 days prior to their anticipated retirement date to ensure that all paperwork can be processed in a timely manner.

5.6.3 County employees hired before January 1, 2003 may still participate in the County's 401(a) Defined Contribution Plan, if they do not elect to participate in the Defined Benefit Plan.

5.7 FLEXIBLE SPENDING ACCOUNT

5.7.1 The County may provide Medical and/or Childcare Flexible Spending Accounts for its full-time employees. Employee contributions are pre-tax deductions and shall be used for reimbursement for medical and/or childcare related expenses not covered by other County healthcare plans. Employees seeking to take advantage of such flexible spending accounts are urged to give due consideration to the amount of money they wish to contribute for the subject year, because if the employee puts in more money than they use for medical and/or childcare related expenses, they may lose the unused amount.

5.8 SOCIAL SECURITY

5.8.1 All employees are automatically included as participants in the Social Security System (FICA) which provides workers with the following benefits: retirement insurance, survivor's insurance, disability insurance, Medicare for the disabled and the aged, and supplemental security income.

5.9 UNEMPLOYMENT COMPENSATION

The County is a covered employer under the Unemployment Compensation law. The basic objective of the program is to provide a partial replacement of wages for its employees during short periods of involuntary unemployment under certain circumstances. The program is financed completely by the County.

5.10 CONTINUANCE OF MEDICAL COVERAGE (COBRA)

5.10.1 Group insurance benefits will terminate upon termination of employment. However, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified dependents the opportunity to continue health insurance coverage under the County's health plan when a "qualifying event" would normally result in loss of eligibility. Typical qualifying events include termination of employment (excluding for gross misconduct), divorce or legal separation, leave of absence, a dependent child no longer meeting eligibility requirements, or retirement. Under COBRA, the employee or dependent pays the full cost of coverage at Cherokee County's group rates (which includes Cherokee County's portion of the premium) plus an administrative fee. The County will provide a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the health plan, or upon request of the employee. Employees should contact the Human Resources Department to report any change in personal status (or qualifying event) which might affect their benefits, or for any questions about County health plans.

COBRA benefits will be discontinued when the employee becomes eligible for Medicare benefits, with the exception that where an employee's separation occurs less than 18 months after the date the covered employee became entitled to Medicare benefits, the period of coverage for qualified beneficiaries other than the employee will not terminate before the close of the 36-month period beginning on the date the covered employee became so entitled to Medicare benefits.

5.11 EMPLOYEE RECOGNITION

- 5.11.1 Service Awards - Employee tenure may be recognized by the presentation of a service gift or cash. These may be awarded to full-time employees by the Board of Commissioners or its designee. Recognition may be given every 5 years.
- 5.11.2 Retirement - Upon retirement, an employee may be honored by the Board of Commissioners with a plaque and gift. The value of gifts may be determined by the tenure of the employee:

<u>Years of Service</u>	<u>Gift Value</u>
20+	\$ 250.00

- 5.11.3 Post-Retirement - Upon retirement, an employee may continue medical insurance coverage with the County at the County’s expense for employee-only medical premium costs until the employee age of 65. Cherokee County’s payment of premiums for post-retirement medical benefits shall be capped at the 2014 monthly employee-only medical premium costs, or as may be adjusted by the Board of Commissioners from time to time. Any future cost increases above Cherokee County’s contribution level for 2014 employee-premiums shall be fully paid by the retiree or such medical coverage shall be discontinued. If the retiree obtains employment after retirement with an employer that offers medical coverage at no cost, this benefit shall immediately discontinue and the retiree shall be required to accept coverage with the new employer. The employee-only premium benefit shall be determined by the tenure of the employee:

<u>Years of Service</u>	<u>% Paid for Employee-Only Medical Premiums</u>
30+	100% county/0% employee

5.12 VEHICLE

- 5.12.1 County Vehicles – Cherokee County may provide employees with vehicles to help them in carrying out their job efficiently and effectively.
 - a. Personal Use - Employees shall not use a County vehicle for personal or private business. The only exception to this is commuting to and from work in a County vehicle. Employees who commute in a County vehicle shall be governed by the following guidelines.
 - b. Authorization - Use of a County vehicle for commuting must be authorized by the County Manager for one of the following reasons:
 - 1. Emergency Calls - The employee

responds to emergency or after hours calls, and

- 2. The cost of providing the vehicle is less than the expense of mileage reimbursements for using a personal vehicle on County business, or
 - 3. The vehicle carries special equipment or personnel to respond to an emergency. Delays in getting this equipment or personnel to the scene of the emergency would result in increased danger to the public.
- 5.12.2 Additional Benefits - The County may provide a vehicle or an allowance for the use of a personal vehicle as an additional fringe benefit for selected personnel. The criteria for providing such a benefit shall be:
 - a. The County receives intangible benefits from giving the employee the vehicle benefit such as the speed of response to emergencies or after hours services which justify the benefit, or
 - b. Provision of the vehicle or vehicle allowance is considered to be a part of the total compensation package for the position.
 - 5.12.3 Taxation – If the vehicle is provided to an employee and is authorized and required for commuting to and from work, there is no tax liability on part of the employee. If a vehicle is not required for commuting to and from work, the value of the use of the County's vehicle will be reported as income to the employee for tax purposes. The County will withhold appropriate taxes from the employee for the value of the vehicle's use and will pay any taxes incurred as an employer.
 - 5.12.4 Penalty for abuse - Employees may not use a County vehicle for personal use other than authorized commuting to and from work, unless written authorization is obtained from the County Manager. Any further personal use of the vehicle will result in disciplinary action against the employee.
 - 5.12.5 Motor Vehicle Record - It is the policy of Cherokee County and a requirement of employment that every employee filling a position that requires a valid driver’s license have a motor vehicle record (MVR) specified grading requirements. This MVR policy applies both to drivers of entity owned vehicles, and employees using personal vehicles in the course of their employment as well.

Employee MVR's will be examined prior to the date of employment and every year thereafter. Any job offer made where the job requires a valid driver's license will be contingent upon a MVR meeting the required standards. Continued employment with the County in a position requiring a valid driver's license will require a MVR meeting the specified standards.

All violations will be reviewed by the County Manager and Human Resources Director and may result in disciplinary action, up to and including termination.

5.13 EMPLOYEE ASSISTANCE PROGRAM

5.13.1 The County may maintain for its employees and their immediate family members a counseling and treatment program, referred to as the Employee Assistance Program or EAP. This program, provided by an outside professional medical organization, assists County employees and their immediate family members with a wide range of personal problems that may have a negative effect on their well-being and/or job performance. The provider will furnish an assessment for the employee or family member and make recommendations for further counseling or treatment as needed either at their facility or by making a referral to an appropriate agency.

5.13.2 Common problems for which employees may seek professional counseling through the Employee Assistance Program are: financial, marital, alcohol abuse, drug abuse, dealing with problem children, coping with stress, death of a family member, divorce and children with certain medical problems.

5.14 OTHER BENEFITS

5.14.1 Year End Supplement: The Board of Commissioners may authorize a year-end supplement to both full and part-time employees, contingent upon budgetary approval.

5.14.2 Uniforms: The County may provide uniforms or an allowance for the purchase of uniforms to regular full-time employees.

5.14.3 Personal Safety Equipment: Employees may be eligible to purchase safety equipment through a County Contract. Employees may use payroll deductions to pay for these items. The County may pay for personal safety equipment at the discretion of the County Manager.

SECTION 6: LEAVE

6.0 FAMILY LEAVE

6.0.1 Cherokee County will provide employees with up to twelve (12) workweeks of unpaid family and medical leave during any twelve month period for the following:

- a. Birth of a child and to care for the newborn child within one year of birth;
- b. The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- c. To care for the employee's spouse, child, or parent who has a serious health condition;
- d. A serious health condition that renders the employee unable to perform the essential functions of his or her job; and/or
- e. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on covered active duty; or

Twenty-six (26) work weeks of leave during a single 12-month period to care for a member of the Armed Forces, including a member of the National Guard or Reserves, who is the spouse, son, daughter, parent, or next of kin to the employee, and who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

6.0.2 Ordinary illnesses do not qualify for FMLA, such as the common cold, flu, ear aches, upset stomach, headaches and routine dental care. To be eligible for leave under the FMLA, an employee must have a condition that renders him or her unable to perform their essential job function.

6.0.3 To be eligible for leave, an employee must have worked for at least twelve (12) months for the County and for a minimum of 1,250 hours during the previous year.

6.0.4 Employees who take leave will be entitled to return to their positions, or positions with equivalent benefits, pay and other terms and conditions of employment, provided that the returning employee is able to perform the essential functions of the same or equivalent position upon his or her return. The County may deny restoration to a job position to employees who are among the highest paid 10

percent of the employees where the denial is necessary to prevent substantial and grievous economic injury to the operations of the County.

- 6.0.5 Employees may accrue any seniority or employment benefits during any period of FMLA leave.
- 6.0.6 The County will provide coverage under a group health insurance plan for employees who are on leave under the same conditions as coverage would have been provided if no leave had been taken.
- 6.0.7 Employees are required to provide at least 30 days' notice for foreseeable events that require leave under the FMLA. Leave resulting from the birth of a child or the placement of a child for adoption or foster care may not be taken intermittently or on a reduced leave schedule unless the employee and the County agree on the schedule of intermittent or reduced leave.
- 6.0.8 Leave resulting from the serious illness of a child, spouse, parent or the employee can be taken intermittently or on a reduced leave schedule when medically necessary.
- 6.0.9 Concurrent Utilization of Paid Leave and/or Compensatory Time: An employee requesting leave pursuant to the FMLA is required to utilize all accrued personal leave and/or compensatory time available as part of the 12-week leave period. If the available paid leave for the employee is less than twelve working weeks, the additional weeks of leave necessary to obtain the twelve work weeks of leave available under the FMLA shall be provided without compensation. In any event, any combination of personal leave, compensatory time, and/or unpaid family and medical leave shall not exceed twelve (12) weeks. Use of personal and/or compensatory leave, or any combination thereof, must be used concurrently with FMLA leave. FMLA requests will be retroactively dated to the beginning of the current personal and/or compensatory leave, or any combination thereof in the event that the paid leave is commenced prior to the request for FMLA.
- 6.0.10 An eligible employee who requests leave for a serious health condition of the employee or a qualifying family member shall submit certification from an appropriate health care provider to the Human Resources Director when requesting FMLA leave.

Certification shall be sufficient if it states:

- (1) The date on which the serious health condition commenced;

- (2) The probable duration of the treatment or condition;
- (3) The appropriate medical facts within the health care provider's knowledge; and
- (4) The estimated amount of time the employee needs to care for the qualifying family member or a statement of the extent to which the employee is unable to perform the essential functions of the employee's position.

In any case in which the Human Resources Director has reasonable doubt as to the validity of the certification, the Human Resources Director may require the employee to obtain the opinion of a second health care provider at the expense of the County. In any case in which the second opinion differs from the original certification, the Human Resources Director may require the employee to obtain the opinion of a third health care provider designated or approved jointly by the Human Resources Director and the employee at the expense of the County. The opinion of the third health care provider shall be considered to be final and shall be binding on the County and the employee. The Human Resources Director may also require that the employee obtain subsequent re-certification on a reasonable basis.

Health care providers who may provide certification of a serious health condition include:

- a. doctors of medicine or osteopathy authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices;
 - b. podiatrists, dentists, clinical psychologists, and optometrists, authorized to practice in the State and performing within the scope of their practice under State law; and
 - c. any health care provider recognized by the County's group health plan.
- 6.0.11 An employee qualifying for worker's compensation leave must run any requested FMLA leave concurrently with that of all concurrent and/or intermittent worker's compensation leave. The employee must elect to use either worker's compensation benefits or paid leave during the FMLA period.
 - 6.0.12 In any occasion in which a husband and wife are eligible for leave under the FMLA and are both employed by Cherokee County, the aggregate number of work weeks of leave to which both may be entitled may be limited to twelve (12) work weeks during any 12-month rolling period, in the

case where leave is taken for childbirth, adoption, foster care, or to care for a sick parent.

- 6.0.13 In the event that the Human Resources Director denies, in whole or in part, a request for leave pursuant to the FMLA, an employee has the right to appeal that decision consistent with the following procedures:

Any such appeal from an employee must file within three (3) working days following receipt of the denial decision from the Human Resources Director. The written notice of appeal shall include the request for leave and all supporting documentation provided to the Human Resources Director. The appeal shall be filed with the County Manager who has the authority to amend or reverse the decision of the Human Resources Director. Failure of the employee to appeal within three (3) working days shall result in forfeiture of any further right of appeal of a denial.

The County Manager shall review the record of the appeal and shall, within five (5) working days, issue a final determination. The decision of the County Manager shall be final.

- 6.0.14 Return to Duty from FMLA Leave: As a condition for return to duty, the employee may be required to provide certification from the employee's health care provider that the employee is able to resume work.

6.1 BEREAVEMENT LEAVE

- 6.1.1 A regular full-time employee who has a member of his immediate family taken by death shall receive up to five days off with pay as bereavement leave to arrange and/or attend funeral activities.
- 6.1.2 If additional time is necessary, it shall be taken as vacation or sick leave (or unpaid leave if vacation or sick leave has been exhausted) with advance authorization by the appropriate Agency/Department Director or Human Resources Director. Time for attendance at funeral of others may be granted without pay or made up within the same pay period.
- 6.1.3 The employee must notify his immediate supervisor upon making the determination to take time off from work.
- 6.1.4 Employees who fail to return to work on the date specified to the Agency/Department Director without receiving an extension are subject to disciplinary action, up to and including termination.

6.2 HOLIDAYS

- 6.2.1 The County may celebrate the following holidays off with pay for full-time employees, contingent upon budgetary approval by the Board of Commission:

New Year's Day	January 1
Martin Luther King	3 rd Monday of January
Memorial Day	Last Monday of May
Independence Day	July 4
Labor Day	1 st Monday of Sept
Veterans Day	November 11
Thanksgiving Day (2)	
Christmas (3)	
Birthday (floating)	

- 6.2.2 In the event a holiday falls upon a Sunday, the following Monday shall be deemed to be the legal holiday. In the event the legal holiday falls on a Saturday, the preceding Friday shall be deemed to be the legal holiday. Notwithstanding, New Year's Day will always be recognized on the first business day of the year.

- 6.2.3 To receive pay for an official holiday, the employee must either: 1) work the days immediately before and after the holiday, or 2) be on approved paid leave on those days.

- 6.2.4 Non-exempt Firefighters and uniform sworn law enforcement personnel (207(k) employees), and other non-exempt employees authorized to work during any holiday as defined in Section 6.2.1, may be paid at the rate of one and one-half times the normal hourly rate for hours worked on the holiday, plus holiday pay equal to twelve hours for non-exempt firefighters and eight hours for all other workers, as approved by the Board of Commissioners and included in the annual budget.

- 6.2.5 Any employee who has accrued holiday hours shall use said holiday hours within the year earned and prior to using vacation hours.

6.3 JURY/COURT LEAVE

- 6.3.1 Any regular full-time employee who is required to serve on a jury, or as a result of official Cherokee County duties is required to appear before a court, legislative committee or quasi-judicial body as a witness in response to a subpoena or other directive, shall be allowed authorized leave with pay. A probationary employee called will have his probationary period extended to by the same amount of time as required for serving on jury duty. An employee who receives notice of jury duty or witness service must notify his supervisor immediately in order that arrangements may be made to cover the position. The County reserves

the right to request that an employee who is called for jury be excused if their absence would create a hardship on the operational effectiveness of the department to which they are assigned.

6.3.2 Time away will not affect vacation or sick leave accruals.

6.3.3 Employees who appear in court as the plaintiff or defendant or are otherwise subpoenaed to appear in any action not related to their official duties or County business shall not be paid for time away from work unless that time is accrued vacation or compensatory leave. In addition, an employee shall not be granted court leave for any case in which the employees is charged with a crime.

6.3.4 The employee may keep any court payment for services performed on the days of his regularly scheduled workday or performed while on vacation or compensatory leave.

6.3.5 Employees are to return to work after jury duty although no more than the regularly scheduled number of hours for both jury duty and work shall be required. If excused as a juror on any given day, the employee is expected to contact his supervisor and to report to work as instructed.

6.4 MILITARY LEAVE

6.4.1 The authority for this policy is derived from the provisions of Georgia law § 38-2-279 and applies to all County employees who are affiliated with the United States Armed Forces, National Guard or Coast Guard.

6.4.2 Employer's Responsibilities:

- a. The County is obligated to release employees for service with the Armed Forces when the employee participates in:
 1. Annual Training
 2. Inactive Duty Training (Weekend drills)
 3. Involuntary call-up
- b. Ordered military duty shall result in no loss of seniority status or benefits which would have normally accrued if the employee had not been absent for such purposes.
- c. The County is obligated to grant Military Leave with pay to the employee for absences not exceeding eighteen (18) calendar days per year in accordance with Georgia law. For 207(k) firefighters, or any other employee working a 24 hour shift on and 48 hour shift off, a calendar day shall consist of 24 hours. The County will not require the employee to

use normal annual leave (accrued vacation) for such purposes. The employee may, however, request use of vacation, or leave without pay to supplement absences exceeding those covered by the eighteen day Military Leave allowance.

d. In the event an employee is called to active military duty, the county will provide the reservist differential pay to be the difference between the reservist's base pay with the County and the base pay, excluding benefits, for the military service. This differential pay will not be dependent upon accrued leave and will continue for the period of active duty not to exceed 365 days.

All reservists called to active duty will be required to present a payroll receipt for their military service to verify salary levels. A check will then be issued for the differential.

6.4.3 Employee's Responsibilities:

a. The employee is responsible to provide to their Agency/Department Director copies of all military orders which will result in a leave of absence for military duty.

Orders must specify the duties of absence, promulgation authority, letter order number and signature of issuing authority. Employees are required to notify their supervisors at the earliest possible date upon learning of scheduled military duty.

b. Employees who fail to return to work on the date specified in the leave request without receiving an extension in advance are subject to disciplinary action up to and including termination.

c. Inactive duty training dates (weekend drills) should be provided to the Agency/Department Director as soon as available if the dates conflict with scheduled employment with the County.

d. Extended leave of absence (exceeding 18 calendar day allowances) will be pursuant to the policy on LEAVE OF ABSENCE WITHOUT PAY.

6.5 SICK LEAVE

All full-time employees, whether paid on an hourly basis or by salary, shall be entitled to sick leave as follows:

6.5.1 A full-time employees shall be entitled to sick

leave from the date of employment. Sick leave shall be granted at the rate of 3.08 hours for each pay period of service. Sick leave shall be granted at the rate of 4.38 hours each pay period for 207(k) firefighter employees.

- 6.5.2 Employees entitled to sick leave may remain away from work with pay, where such absence is the result of personal illness or physical incapacity not job related, sickness of an immediate family member, involuntary or enforced quarantine, or death in the immediate family of such employee.
- 6.5.3 In the event of an employee's death, accumulated sick leave may be paid to the dependent spouse or child or the dependent's estate.
- 6.5.4 Sick leave benefits shall apply to bona fide cases of sickness, accidents, doctor or dental appointments, maternity leave, and requests for the employee's presence by immediate family, doctor or clergy due to family illness or emergency.
- 6.5.5 A full-time employee who is on sick leave as above specified for a period of three (3) consecutive work days or longer shall, prior to being entitled to any compensation therefore, furnish without delay a report from a doctor which shall contain a diagnosis of the sickness, whenever possible.
- 6.5.6 Any employee who becomes ill while on a vacation status may be granted sick leave for the period of illness. This determination shall be made by the Human Resources Director based on a written statement from the employee's doctor.
- 6.5.7 When an employee goes on Sick Leave he must notify his Agency/Department Director or designated supervisor immediately. Notification should be at least one (1) hour prior to the beginning of the scheduled work day. Failure to do so may result in denial of such leave pay. The employee should also let the supervisor know when he expects to return to work.
- 6.5.8 An employee who is on sick leave shall keep his supervisor advised on a daily basis as to improvement to his or her condition and expected date of return to duty. If requested, the employee shall file a doctor's certificate stating the cause of the absence and the nature of the illness before sick leave payment is authorized.
- 6.5.9 Sick leave shall be rounded off to the nearest half hour. When possible, sick leave should be taken in increments of no less than one (1) hour.
- 6.5.10 No sick leave will be given to an employee in excess of the amount earned and available to the employee. An employee may utilize vacation time

when sick leave has been exhausted at the discretion of the Agency/Department Director.

- 6.5.11 An employee who voluntarily separates employment with the County in good standing for any reason may be paid for ½ sick leave accrued up to the date of separation. The estate of an employee who passes away while employed with the County may be paid for 100% sick leave accrued up to the date of death.
- 6.5.12 At least ½ of accrued sick leave of an employee covered under the Defined Pension Plan who is vested for a minimum of ten (10) years may be credited toward the Defined Benefit Pension calculation.
- 6.5.13 Sick leave is non-transferable, except in cases of extreme life-threatening illness, such as cancer, heart attack, stroke or other major illness. All requests will be reviewed and approved by the County Manager and Human Resources Director on a case by case basis.
- 6.5.14 Perfect Attendance: In December each year, Agency/Department Directors shall provide a list of full-time employees who have not utilized sick leave for any reason during the previous 12 months. Upon certification, the employee may be granted twenty-four (24) hours compensation as discretionary pay for perfect attendance. 207 (k) fire-fighter employees may be granted thirty-six (36) hours compensation as discretionary pay for perfect attendance.

For the purpose of Perfect Attendance, employees may choose to use accrued compensatory time (excludes accrued vacation or holiday time) in lieu of accrued sick leave, for bona fide accidents, doctor or dental appointments, maternity leave, and request for the employee's presence by immediate family, doctor or clergy due to family illness or emergency.

6.6 VACATION LEAVE

- 6.6.1 Vacation (Annual) Leave- The County provides vacation leave with pay to each regular full-time employee for rest and relaxation.
- 6.6.2 Probationary Employees - While in a probationary period, employees shall earn vacation leave; however, an employee may not take vacation leave during his/her first six months of employment (12 months for sworn law enforcement personnel, applicable E9-1-1 employees, and applicable Fire & Emergency Services personnel) unless authorized by Agency/Department Director.
- 6.6.3 Vacation Earned - A regular full-time employee

working the basic workweek shall earn vacation leave at the following rates:

Service	Hours
0 – 5 years	80 hours
6 – 10 years	120 hours
11 – 15 years	144 hours
16 – 20 years	160 hours
21 – 24 years	176 hours
25 and over	200 hours

6.6.4 Vacation Earned – Firefighters/Sheriff (207k): All 207(k) employees, except FLSA exempt staff, shall be granted vacation leave in proportion to the average number of hours in the work period.

Yrs of Service	Hrs Earned each Year	
	Fire	Sheriff
1 – 5 years	108	86
6 – 10 years	162	129
11- 15 years	194	155
16 – 20 years	216	172
21 – 24 years	238	189
25 and over	270	215

6.6.5 Maximum Accumulation - Employees with an accumulated balance on December 31 may retain this balance. In no event shall annual leave be accrued in excess of 320 hours (480 for firefighters). Near the end of each year, accrued leave in excess of the maximum annual accumulation will be credited toward the employee’s Defined Benefit Pension calculation. The date for the review and cutoff will be published each year, but will occur using the end date of the last full payroll cycle for the year. As an example, for 2011 the effective date is Saturday, 12/24/2011.

6.6.6 Payment for Annual Leave - An employee who is terminated shall be paid for annual leave earned up to the date of separation.

- a. On Death of Employee - The estate of an employee who dies while employed by the County is entitled to be paid for all the vacation leave in the employee's account.
- b. Maximum Limit - The maximum payment for annual leave on termination shall be three hundred and twenty (320) hours (480 for firefighters).

6.6.7 Upon resignation or retirement from County employment an employee in good standing shall be paid the normal rate of pay received by the employee on his last physical date of employment for his unused annual leave.

Upon retirement from County employment an

employee may elect to be paid for unused annual leave or apply such leave toward the Defined Benefit Pension calculation.

6.6.8 All vacations shall be taken at such time as shall be approved by the head of the department.

6.6.9 Annual leave shall be expended in increments of not less than 1 hour.

6.6.10 Vacations shall be scheduled at such times as the supervisor or Agency/Department Director finds most suitable after considering the wishes of the employee and the requirements of the department. All requests for vacation must be approved by the supervisor or Agency/Department Director prior to the commencement of the requested vacation.

6.6.11 The established period of determining vacation credit will be from the employee's date of hire. Vacation credit earned by an employee cannot be transferred to another employee except by written approval of the Agency/Department Director(s).

6.6.12 Paid holidays occurring during vacation are not charged to vacation.

6.6.13 Compensatory time off must be exhausted before vacation is taken, even if this will result in accrued vacation being forfeited.

6.6.14 Accrued holiday time must be exhausted before vacation is taken, even if this will result in accrued vacation being forfeited, unless the County Manager deems necessary to extend.

6.6.15 In cases of extreme hardship, due to serious illness or family emergencies, the County reserves the right to allow an employee to “buy-out” accrued vacation time. Requests for such must be in writing to the County Manager.

6.7 EMERGENCY CLOSING COMPENSATION

6.7.1 If an official County Emergency Closing is issued by the governing authority or its designee due to natural disaster or inclement weather, employees will receive pay for their regular work hours for that day.

If an employee actually works on an official emergency closing day, whether required by or at the request of their supervisor or manager, he/she still will receive full pay for their regular work hours, plus compensatory time for actual hours worked (at the rate of one hour for one hour worked). Department managers and/or supervisors will be responsible for maintaining an employee log of compensatory time accrued due to working on emergency closing days.

If an employee does not report when requested or required because the employee deems the conditions to be too dangerous to travel from their home to their work location, the employee will be required to take vacation or sick leave in order to be paid for the time. In addition, the manager or supervisor will review each case of non-report, and if deemed necessary, may issue disciplinary action.

This policy does not apply to non-administrative (i.e., clerks, administrative assistants, etc.) Public Safety employees, including: E9-1-1, Fire & Emergency Services, Law Enforcement, and County Marshal (Code Enforcement and Animal Control).

6.8 ADMINISTRATIVE LEAVE

6.8.1 At the discretion of the County, a full-time employee may be granted administrative leave with or without pay, in order to fulfill personal obligations not covered by any of the aforementioned leave categories, or to temporarily remove the employee from the County when it is deemed to be in the employee's and/or County's best interest.

6.8.2 Employees placed on Administrative Leave with pay may be required to remain at home or be otherwise available during normal work hours to assist the County as needed.

SECTION 7: CONDUCT

Employees are expected to follow the Laws of the State of Georgia and the ordinances of the County. Additionally, since County employment is a position of public trust, certain activities are specifically prohibited.

7.0 CODE OF ETHICS

A. It is the policy of the Cherokee County Board of Commission to uphold, promote, and demand the highest standards of ethics from all of its employees. County employees shall maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants including the appearance of impropriety, and never use their County position or powers for improper personal gain.

B. It is the intention of the Board of Commission that this Section be liberally construed to accomplish its purpose of protecting the public against decisions that are affected by undue influence, conflicts of interest, or any other violation of this Code of Ethics.

7.0.1 Definitions. The following words and phrases as used in this chapter, unless the context clearly indicates otherwise, shall have the following meanings:

A. "*Business*" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, consultant, holding company, joint stock company, receivership, trust, or any legal entity organized for profit.

B. "*Commercially reasonable loan*" means any loan between a person and employee that does not provide the employee with significant benefit, such as an unusual discount.

C. "*County employee*" means every individual hired to an office or position with the County – under the jurisdiction of the Board of Commission, whether such individual is paid or unpaid, or receives taxpayer funding appropriated by the Board of Commission. Volunteer Board/Committee Members appointed by a Commissioner or the Board of Commission are considered "county employee" for the purpose of Section 7.1, Code of Ethics.

D. "*Compensation*" means payment in any form for real or personal property or services of any kind.

E. "*Gift*" means a voluntary transfer of real or personal property of any kind or the voluntary rendition of services of any kind without consideration of equal or greater value, but not including any reasonable hosting, including travel expenses, entertainment, meals, or refreshments furnished in connection with appearances, ceremonies, and occasions reasonably relating to official County business, where otherwise permitted by law.

F. "*Immediate family*" shall mean spouse, child, parent, brother, sister, grandparent, parent-in-law, daughter-in-law, son-in-law, or grandchildren. The definition also includes any other person living in the employee's household who is recognized by state law as the employee's dependent, and any individual who stands in loco parentis to an employee when the employee was a child.

G. "*Interest*" means direct or indirect pecuniary or material benefit accruing to a County employee as a result of a contract or transaction which is or may be the subject of an official act by an employee, committee, or Board of Commission, or action by or with the County. For the purpose of this ordinance, an employee is deemed to have an

interest in the affairs of:

1. Any partner in the joint ownership of real estate with another person, excluding immediate family member;
2. The counterparty in any purchase or sale of real estate within one year before or after the employee's interaction with that counterparty on behalf of the county;
3. Any person of the employee's immediate family;
4. Any business entity in which the stock of, or legal or beneficial ownership of, excess of one percent of the total stock or total legal and beneficial ownership, is controlled or owned directly or indirectly by the employee;
5. Any person with whom a contractual relationship exists with the employee; provided, that a contractual obligation of less than \$500.00, or a commercially reasonable loan made in the ordinary course of business or a contract for a commercial retail sale at prices available to the general public shall not be deemed to create an interest in violation of this ordinance.

H. "Legislation" means any ordinance, resolution, or official approved action on the part of the Board of Commissioners.

I. "Person" means any individual or corporation, business, or other entity, however constituted, organized, or designated.

7.0.2 Prohibited Conduct. The following shall constitute violations of this Code of Ethics:

A. *General Prohibition Against Conflicts of Interest.* In order to avoid becoming involved or implicated in a conflict of interest or impropriety, or an appearance of conflict of interest or impropriety, no County employee should be involved in any activity that might be seen as conflicting with the conduct of official County business or as adverse to the interests of the County.

B. *Beneficial Interests in Contracts Prohibited.* No County employee shall participate in his or her capacity as a County employee in the making of a contract in which he or she has a financial interest, direct or indirect, or performs in regard to such a contract some function requiring the exercise of discretion on behalf of the County. Except, that this prohibition shall not apply where the County employee has only a remote interest in the contract, and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the County prior to formation of the contract, and thereafter the governing body

authorizes, approves, or ratifies the contract in good faith.

For purposes of this section, a "remote interest" means:

1. That of a non-salaried officer of a nonprofit corporation;
2. That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;
3. That of a landlord or tenant of a contracting party;
4. That of a routine purchaser or seller of residential real estate within one year before or after the county employee's interaction on behalf of the county with the counterparty to that purchase or sale, where such real estate is used by the employee or his/her immediate family;
5. That of a holder of less than 1 percent of the shares of a corporation, limited liability company, or other entity which is a contracting party.

C. *Beneficial Influence in Contract Selection and Other County Business Prohibited.* No County employee shall influence the County's selection of, or its conduct of business with, a person having or proposing to do business with the County if the County employee has a financial interest in or with the person, unless such interest is a remote interest and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the County prior to formation of the contract, as defined in the preceding section. "Conduct of business" includes, and is not limited to, a county employee's exercise of judgment with regard to approving plans, making inspections, considering or approving of variances, and granting waivers. Delegation of decisions to a subordinate does not relieve a county employee's disclosure obligations under this ordinance in circumstances where it is reasonable to believe that the employee would have influence over the subordinate's decisions.

D. *Representation of Private Person at County Proceeding Prohibited.* No County employee shall appear on behalf of a private person, other than himself or herself or an immediate family member or except as a witness under subpoena, before any regulatory governmental agency or court of law in an action or proceeding to which the County or a County employee in an official capacity is a party, or accept a retainer or compensation that is

contingent upon a specific action by the County.

E. Certain Private Employment Prohibited. No County employee shall engage in or accept private employment, or render services for, any private interest when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties.

F. Beneficial Interest in Legislation Prohibited. No County employee, in appearing before the Board of Commissioners or when giving an official department or individual opinion, recommendation or stating a position before the Board of Commissioners, shall have an interest in any legislation coming before the Board of Commissioners and participate in discussion with or give an official opinion to the Board of Commissioners, unless such interest is a remote interest and where the fact and extent of such interest is disclosed and noted on the record of the Commission, or similar records of the County, prior to consideration of the legislation by the Board of Commissioners.

G. Disclosure of Confidential Information Prohibited. No County employee shall disclose or use any confidential, privileged, or proprietary information gained by reason of his or her official position for a purpose which is for other than a County purpose; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.

H. Improper Use of Position Prohibited. No County employee shall knowingly use his or her office or position to secure personal benefit, gain or profit, or use his or her position to secure special privileges or exceptions for himself, herself, or for the benefit, gain, or profits of any other persons.

I. Improper Use of County Personnel Prohibited. No County employee shall employ or use any person under the employee's official control or direction for the personal benefit, gain, or profit of the employee, or another.

J. Improper Use of County Property Prohibited. No County employee shall unreasonably use County-owned vehicles, equipment, materials, money, or property for personal or private convenience or profit. Use is restricted to such services as are available to the public generally, for the authorized conduct of official business, and for such purposes and under such conditions as are approved by administrative order of the County Manager; provided, the use of a County vehicle by

a County employee participating in a carpooling program established by the County, and for a purpose authorized under such program, shall not be considered a violation of this section or of any other provision of this section.

K. Acceptance of Compensation, Gifts, Favors, Rewards, or Gratuity Prohibited. No County employee may, directly or indirectly, give or receive, or agree to give or receive, any compensation, gift, favor, reward, or gratuity for a matter connected with or related to the employee's services with the County of Cherokee, except this prohibition shall not apply to:

1. Attendance of a County employee at a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of County business or where official attendance by the officer or employee as a County representative is appropriate;
2. An award publicly presented in recognition of public service; or
3. Any gift valued at \$100 or less, which cannot reasonably be presumed to influence the action, judgment of the employee, or be considered as part of a reward for action or inaction.

L. Political Activities.

1. Cherokee County employees are encouraged to exercise their right to vote and, on their own time, if they so desire, to take part in political activities on the local, State and Federal levels as long as such activities do not interfere with the performance of their job. However, no County employee may engage in political activities at the work place or during working time. Further, no County employee may make use of County time, equipment, or other resources to aid a political candidate, political party, or political cause; nor may any employee use his or her position or official authority or influence to persuade, coerce, influence, or intimidate any person in the interest of a political candidate, party or cause, or for the purpose of interfering with or affecting the result of an election for a position on the Cherokee County Board of Commission, or any elected office in Cherokee County. All County employees should be free of any and all political persuasion or coercion in relationship to their employment, and/or from their supervisors and co-workers, and should report any such activity to their supervisor or to the Director of Human Resources if the same should occur.

2. No employee shall use or authorize the use of

the facilities or resources of the County for the purpose of assisting a campaign for the election of any person to any office, or for the promotion or opposition to any ballot proposition.

3. Nothing in this section shall prevent an employee from fully exercising those rights to participate in political activities granted by the laws of the State of Georgia or the laws of the United States of America.

7.0.3 Employment of Relatives. It is the County's policy that immediate family members (relatives) will not be employed in regular full-time or part-time positions where:

- a. One relative would have the authority to supervise, appoint, remove, discipline or evaluate the performance of the other.
- b. One relative would be responsible for auditing the work of the other.
- c. Other circumstances exists which would place the relatives in a situation of actual or reasonably foreseeable conflict between the County's interest and their own, in the opinion of the County Manager, including but not limited to safety, efficiency, morale, or effective administration of the department's operation.

Where business necessity requires the limitation of employment opportunity of spouses, the means chosen to meet the business necessity shall be those which have the least adverse impact on spouses or members of either sex, which may include re-assignment to another department or separation of employment for one of the affected employees.

If it is determined that continued employment of an immediate family member within the same department is in conflict with any of the above listed factors (Section 7.1.3 a-c), one of the two employees must competitively transfer to another County department or be terminated from County employment with six months from date of such determination.

The County Manager may authorize an exception to this policy if the position requires specialized training or experience not generally available, there is a vital need to fill the position, substantial efforts have been made to recruit a person who is not a relative, and the relationship is unlikely to materially affect their employment.

7.0.4 Complaint Process

A. A complaint that this Code of Ethics has been violated shall be filed with the County Manager, or with the Director of Human Resources, who shall promptly provide same to the County Manager.

B. No person shall knowingly file a false complaint or report of violation of this Code of Ethics.

C. Upon receipt of the complaint, the County Manager may designate an individual to conduct an investigation of the matters set forth in the complaint. The individual designated to conduct the investigation shall complete the investigation and prepare written findings and conclusions, which shall be provided to the County Manager within fifteen (15) working days, unless an extension of time for completion of same is granted by the County Manager.

D. Upon completion of the investigation, and upon receipt of review of the designated investigator's written findings and conclusions, as well as consideration of any other facts and information deemed appropriate by the County Manager, the County Manager shall render a final decision on the complaint and shall provide a copy of same to the party complained against at their last known addresses.

E. A finding by the County Manager that an employee has violated the Code of Ethics as set forth in the Policy Manual may result in disciplinary action, up to and including immediate termination of employment

7.1 DRUG FREE WORKPLACE

7.1.1 Cherokee County has a vital interest in maintaining a safe, healthy, and efficient working environment free from the adverse effects of employee drug and alcohol abuse. Employee drug and alcohol abuse poses serious safety and health risks to the user, and to those who work or come in contact with the user in the workplace. Accordingly, the County does not and will not tolerate any employee's consumption, possession, sale, distribution, or presence in the body of illegal drugs or alcoholic beverages while on County property and/or on County work time. The County further expresses its intent, through this policy, to comply with Federal, State and local laws and regulations that relate to the maintenance of a workplace free of illegal drugs and alcohol.

7.1.2 Scope of Policy and Prohibitions. This policy applies to all County employees, volunteers, interns, and any other individuals performing services on the County's behalf, whether paid or unpaid. For purposes of this policy section, all such persons shall be referred to herein as County employees. The policy applies to all off-site meal

breaks or rest breaks when an employee is scheduled to return to work, as well as to all work, activities, and occupation and use of County property and facilities.

7.1.3 Prohibitions. The County prohibits all employees from engaging in the following conduct or behavior while performing County business, while on County property, while in use of County property, or while operating or riding in a County vehicle and/or conducting County business:

1. The use or consumption of illegal drugs, controlled substances, and/or alcohol;
2. The possession of illegal drugs, controlled substances, and/or alcohol;
3. The abuse of prescription medications and over-the-counter medications;
4. Being impaired by and/or under the influence of illegal drugs, controlled substances, and/or alcohol;
5. The manufacture, sale, purchase, transfer, dispensing of, and/or distribution of illegal drugs, controlled substances, prescription medications, and/or alcohol; and/or
6. The use of County property to store, conceal, or transport illegal drugs, controlled substances, and/or alcohol.

7.1.4 Definitions. For purposes of this Drug-Free Workplace policy, the following definitions apply:

Alcohol – Any beverage or substance that contains alcohol manufactured for the primary purpose of personal consumption, including, but not limited to, beer, wine, and distilled spirits.

Illegal Drugs (includes Controlled Substances) – Any drug or substance the law prohibits individuals from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring, including, without limitation, all drugs listed as controlled substances under Title 16 of the Official Code of Georgia Annotated. This definition encompasses any measurable amount of any drugs or controlled substances such as amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or other drugs made unlawful under Federal or State laws, or a metabolite of any such substances, “look-alikes,” “designer drugs” having the same or similar psychotropic effects, unauthorized alcoholic beverages, marijuana, hallucinogens (whether natural or synthetic), inhalants, unauthorized

prescription drugs, or authorized drugs which are not prescribed for a verifiable medical condition and/or are not used in strict accordance with this policy and with the prescribing physician’s instructions, or any other substances that are mood-altering, mind or consciousness-affecting, or which are likely to have an effect upon a person’s perceptions, sensations, thought processes, self-awareness, emotions, or other mental or physiological or psychological reactions or behavior. It also includes urinalids or other substances, natural or synthetic, of a similar nature or purpose designed or used to alter a urine specimen or to conceal illicit chemical substances or other metabolites in an initial screening test.

Impaired – The condition of being weakened, diminished, or damaged, or of functioning poorly, incompetently, uncontrollably, or with less control or ability, due to the consumption, use, or abuse of illegal drugs, controlled substances, and/or alcohol, or if the employee’s drug test results indicate the presence of an illegal drug or controlled substance in an amount that constitutes a positive test under accepted scientific standards.

Legally Obtained Drug – Includes prescription drugs and over-the-counter medications.

Over-The-Counter Medication – Includes any drug or substance that does not require a prescription, but which has the capacity to affect a person physically, mentally, or emotionally or which could otherwise affect a person’s ability to perform.

Prescription Drug – Any drug or substance that is attainable only by lawful prescription from a licensed physician.

Reasonable Suspicion – A belief based on objective facts sufficient to lead a prudent person to conclude that a particular employee has used, consumed, is impaired by, or is under the influence of illegal drugs, controlled substances, and/or alcohol. Reasonable suspicion must be directed at a specific person and must be based upon specific and articulable facts and the logical inferences and deductions that can be drawn upon such things as observable phenomena, such as direct observation of the possession or use of an illegal drug, controlled substance, and/or alcoholic beverage, or the direct observation of physical symptoms of being impaired by or under the influence of illegal drugs, controlled substances, and/or alcohol, such as slurred speech, unsteady gait, a pattern of unusual or abnormal conduct or erratic behavior, odor of the employee, information provided by a reliable and credible source, and/or involvement in a work-related accident, and/or deviation from safe

working practices.

7.1.5 Use of Legally Obtained Drugs

County employees must not be on the job, be on County property, operate a County vehicle, or operate any other equipment or vehicle while in performance of County business while impaired due to any drug, legal or illegal, that renders the employee unfit for duty. An employee is “unfit for duty” if, in the County’s opinion, the employee’s use of legally obtained drugs jeopardizes his or her ability to work safely and efficiently.

An employee who is using legally obtained drugs must notify his or her immediate Supervisor, the Department Director, or the Agency Director of any and all known or experienced symptoms and probable adverse side effects that may render the employee unfit for duty. An employee’s failure to so notify the County constitutes grounds for disciplinary action, up to and including termination. An employee is not expected to notify the County of legally obtained drugs that are unlikely to render him or her unfit for duty.

Employees using legally obtained drugs while on the job shall do so in strict accordance with physician and/or manufacturer’s directions. It is the employee’s responsibility to notify the prescribing physician of the duties required by the employee’s position and to ensure that the physician approves the use of the prescription medication while the employee is performing his or her duties.

The abuse and/or inappropriate use of legally obtained drugs while on the job, while on County property, while in operation of a County vehicle, or while in operation of any other equipment or vehicle in performance of County business is prohibited and shall constitute grounds for disciplinary action, up to and including termination.

7.1.6 When Testing is Required

7.1.6.0 All applicants for full-time and part-time positions of employment with the County will be tested for drugs after a conditional offer of employment has been extended. No such applicant or new hire shall be permitted to report for duty until the results of the drug test are obtained. All applicants for temporary full-time and temporary part-time positions of employment will be tested for drugs after a conditional offer of employment has been extended in the discretion of the County Manager, depending on the nature of the temporary position.

7.1.6.1 All County employees will be subject to immediate testing when there is reasonable suspicion that the

employee has used or misused drugs or alcohol in violation of this policy. Any employee who is required to take a reasonable suspicion test will be immediately placed on administrative leave with pay pending the results of the test and confirmation of the results. Supervisors who suspect that an employee is under the influence of drugs or alcohol shall document all credible evidence on the Reasonable Suspicion Incident Checklist provide by the Human Resources Department and shall seek confirmation of the observations from the Human Resources Director or another employee with Reasonable Suspicion training before transporting the employee for testing.

7.1.6.2 Drug and alcohol testing must be performed when any employee, while in operation of a County vehicle, equipment, or heavy machinery, or while in operation of any other vehicle or equipment while in the performance of Cherokee County business, is involved in an accident that results in: (1) a fatality; or (2) a citation issued to the employee; or (3) an injured person requiring immediate medical treatment; or (4) employees who have been determined to be at fault by the investigating law enforcement officer for damage to County property; or (5) employee at fault for damage to any other property. Alcohol and drug test(s) shall be completed within eight hours of an accident. This testing is to be performed in addition to any drug or alcohol test(s) ordered by law enforcement authorities. The involved County employee must report immediately for testing, or be subject to disciplinary action, up to and including termination.

7.1.7 Procedures for Testing

Alcohol screening will be conducted using a federally approved evidential breath-testing device or the use of a swab/saliva test performed by an approved independent medical facility. In the event that it is not reasonable under the circumstances to conduct an alcohol test based on a breath test or a swab/saliva test, the County reserves the right to test for the presence of drugs or alcohol by a blood test analysis.

All drug tests shall be administered and accounted for by an approved laboratory and/or medical facility that are operating in compliance with the U.S. Department of Health and Human Services (DHHS). Testing will involve an initial screening test(s) and confirmation of positive tests by gas chromatography/mass spectrometry (GC/MS) analysis, or other test(s) that are approved by the DHHS for screening and confirmation of drugs or alcohol in a person’s system. Tests will be certified, to the fullest extent possible under the circumstances, by a laboratory approved by the DHHS.

All positive test results for drugs will be interpreted by a physician approved by the County as a medical review officer (MRO) before the results are reported to the County. Prior to notifying the County, the MRO will make reasonable efforts to contact the employee for the purpose of allowing the employee to offer an alternative medical explanation for the positive test result. If the MRO is able to contact the applicant or employee and determine there is a legitimate medical explanation for the positive test, the result will be communicated as negative to the County. The MRO's inability to contact the applicant or employee before providing test results to the County will not void the test results or make the test results unusable in any subsequent disciplinary action. An applicant or employee who fails to respond to an inquiry by the MRO within forty-eight (48) hours of such inquiry shall have waived his or her opportunity to offer an alternative medical explanation for the positive result or to request confirmation testing.

7.1.8 Test Refusal. The County has a zero tolerance policy regarding test refusals. As such, any employee so refusing to immediately proceed as directed will be subject to disciplinary action including termination from employment.

Other actions that constitute a test refusal occur when an employee:

- Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer
- Fails to remain at the testing site until the testing process is complete;
- Fails to provide a urine or breath specimen for any drug or alcohol test required;
- In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of his/her provision of a specimen
- Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
- Fails or declines to take a second test the employer or collector has directed the employee to take;
- Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process;
- Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the

collection process); and/or

- If the MRO reports that there is verified adulterated or substituted test result Failure or refusal to sign Step 2 of the alcohol testing form.

7.1.9 Investigation of Prohibited Drug and Alcohol Use and Searches. All County-issued equipment, property, and facilities, including, but not limited to, desks, workstations, file cabinets, lockers, vehicles, or any other property or equipment owned, leased, or provided by the County is subject to inspection at any time and for any reason. No employee shall have any privacy interest whatsoever in any County-issued property. If a search uncovers evidence of employee wrongdoing, illegal activity, or employee violations of County rules or policies, the evidence may be used to support disciplinary action, up to and including termination. In cases involving suspected illegal activities, the evidence may be turned over to appropriate legal authorities.

7.1.10 Discipline. An employee who violates any provision of this policy is subject to discipline, up to and including termination.

The following actions shall be presumed to result in immediate termination of an employee:

- Manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring an illegal drug(s) or controlled substance(s) while on the job, while on County property, while in operation of a County vehicle, or while in operation any other equipment or vehicle while in performance of County business;
- Refusing to consent to or to take a drug or alcohol test pursuant to this policy, or failure to appear at the designated collection site to take a drug or alcohol test when so directed; and/or
- A confirmed positive test for drugs and/or alcohol.

7.1.11 Treatment. Employees who have a problem with drugs and/or alcohol are urged to seek help before the problem adversely affects their health, relationships, or work performance, or before it results in a violation of this policy.

7.1.12 Reporting Requirements. An employee must report his/her arrest, indictment and/or conviction for violation of a criminal drug statute, whether the violation occurs in or outside the workplace or on or off duty, to his/her immediate Supervisor, Department Director or the Agency Director. An employee must report such an arrest, indictment or

conviction as soon as possible, but in no event later than 72 hours after such arrest, indictment and/or conviction. The term "conviction" as used in this policy means a plea of guilty or a finding of guilt, including a plea of nolo contendere and regardless of treatment as a first offender under Georgia law, or imposition of a sentence, or both, by any judicial body charged with a responsibility to determine violations of the federal or state criminal drug statutes. An employee who violates this policy may be subject to disciplinary action, up to and including immediate termination of employment.

7.2 GARNISHMENTS

Employee indebtedness is a personal concern, but multiple garnishments of an employee's salary may lead to disciplinary action. No employee shall allow his personal finances to hamper the performance of his job or create undue administrative problems for the County. A history of garnishments may be viewed adversely.

7.3 HARASSMENT/SEXUAL HARASSMENT

The County is committed to maintaining a work environment that is free of inappropriate or unlawful conduct. In keeping with this commitment, the County will not tolerate harassment, discrimination or the unlawful treatment of employees by anyone, including any supervisor, co-worker, vendor, client or customer of the County. Likewise, the County expressly prohibits such actions by employees against others, including vendors, clients, citizens, or customers of the County.

7.3.1 Prohibited Conduct. Harassment, discrimination and/or improper conduct consists of misconduct that includes unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, color, race, religion, national origin, age, disability or other protected group status or activity (e.g. opposition to prohibited discrimination or participation in the statutory complaint process) as provided for by law. This includes conduct by someone to another of the same gender. The County will not tolerate conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment. No supervisor or County employee has authority to engage in such conduct. If an employee feels they have been subject to the type of conduct prohibited by this policy, they must report this conduct. They are specifically authorized to bypass their supervisor and directly file an EEO complaint with the Human Resources Department as provided for

in this policy. If an employee complains to their supervisor and no action is taken, they are directed to report the conduct as described below to the Human Resources Department. An Employee should report any improper conduct before it becomes severe or pervasive and does not have to wait until it rises to the level of an unlawful action.

7.3.2 Sexual Harassment. Sexual harassment deserves special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when (1) submission to the conduct is an explicit or implicit term or condition of employment; (2) submission to or rejection of the conduct is used as the basis for an employment decision; or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Inappropriate conduct may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact, such as patting, pinching, or brushing against another's body.

7.3.3 What is Not Harassment. Harassment does not include the normal and lawful exercise of supervisory responsibilities, including direction, counseling, and discipline when necessary.

7.3.4 Retaliation. The County will not tolerate any retaliation against anyone pursuing in good faith the objectives or acting in accordance with this policy. Any complaints of retaliation should be reported to the Director of Human resources in the same manner as violations of these policies are to be reported. Any employee found by the County to have retaliated against another employee for these reasons will be subject to appropriate disciplinary action ranging from written reprimand up to and including termination.

7.3.5 Complaint Procedure. All employees should help to assure that we avoid any form of unlawful or inappropriate treatment. If you feel that you have experienced or witnessed harassment, discrimination or unlawful or inappropriate treatment, you are to notify immediately (preferably in writing within 24 hours) the Director of Human Resources. The address and telephone number for the Human Resources Department is 1130 Bluffs Parkway; Canton, GA 30114, (678) 493-6000.

If the employee is not contacted promptly about their complaint, they are to re-file it with the

Director of Human Resources and also send a copy by certified mail or contact the County Manager at 1130 Bluffs Parkway; Canton, GA 30114, (678) 493-6001. The County forbids retaliation against anyone who has made a complaint or provides information related to a complaint.

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

7.3.6 Malicious or Bad Faith Complaints. The County recognizes that intentional or malicious false accusations of misconduct can have a serious effect on innocent men and women. Individuals falsely accusing another of misconduct will be disciplined in accordance with the nature and extent of his or her false accusation. The County encourages any employee to raise questions he or she may have regarding misconduct or this policy with the Director of Human Resources or higher level officer.

7.3.7 Importance of Policy. Cherokee County is serious about and committed to enforcing its policy against harassment. However, the County cannot respond to complaints of harassment unless it is aware of those complaints. It is the responsibility of each employee to report any incident of harassment so that the County may take corrective action as needed. Anyone who experiences or observes any violation of this policy is required to report the same to the Director of Human Resources under the terms of this policy prior to the end of the workday or the following workday on which the violation was believed to occur.

7.4 CONFIDENTIALITY

As public servants, Cherokee County employees should carry out their duties in a manner which would withstand public scrutiny. Some employees handle confidential County-related or employee-related documents while others handle sensitive matters, such as health records and investigations. Consequently, employees should maintain the confidentiality of matters they handle assuring information about these activities is made public

only upon appropriate authorization.

7.5 OUTSIDE EMPLOYMENT

The County is sympathetic to the fact that employees may find it necessary to engage in outside employment. However, each County full-time employee position should be considered the Employee's primary employment. Therefore, County employees should carefully evaluate other employment that interferes with the employee's duties and obligation as a County employee, involves a potential conflict of interest, or in any way compromises the integrity or credibility of the Agency, Department or County government.

7.5.1 Prohibitions. All County employees should avoid the following outside employment situations:

1. Outside employment with any entity that conducts business with the County without full disclosure and satisfactory management of any conflict of interest.

2. Outside employment which cannot be accomplished outside of the Employee's normal working hours or is otherwise incompatible with the performance of the Employee's duties by placing the employee in a position of conflict between the Employee's position with the County and the Employee's position with the outside employer/employment.

3. Outside employment which exploits the Employee's position with the County or the confidential information acquired in the performance of County duties.

4. Outside employment which the public may reasonably view as work on behalf of the County. Due to the importance of the public's perception of the Cherokee County government, all employees who engage in outside employment must disclose such work to the Supervisor, Department Head and Agency Director. Outside employment is subject to review for conformance with this Policy. Employees engaged in outside employment determined not to be in conformance may be required to cease such outside employment

7.6 EMPLOYEE DISCLOSURE

Due to the importance of the public's perception of the Cherokee County government, all Agency/ Department Directors, division heads and supervisors shall disclose all outside interests and financial relationships that may place the employee in conflict with each person's

obligations to the County and to his or her profession. Timely and complete disclosure of potential conflicts of interest protects employees from suspicion and accusations of breach of professional integrity. Disclosure forms are available in the Human Resources Department.

7.7 WORKPLACE SAFETY

7.7.1 It is the policy of Cherokee County that every employee is entitled to work under the safest conditions reasonably possible. Every reasonable effort will be made to provide and maintain a safe and healthy workplace, safe equipment, and proper materials, and to establish and insist upon safe methods and practices at all times. It is the basic responsibility of every employee to make safety a part of their daily concern. Employees are obligated to observe all guidelines governing safety and appropriate conduct, to properly use the safety equipment provided, and to follow common-sense safety practices. Employees should always be conscious of the safety of others, as well as themselves. Employees should always observe the following guidelines:

1. Observe all safety rules, practices, and procedures.
2. Promptly report any unsafe conditions, accidents, damaged or malfunctioning vehicles or equipment, any employee who is performing his or her job in an unsafe manner, or any other type of hazardous situation.
3. Only operate equipment assigned to the employee and for which the employee has received full training.
4. Use proper safety clothing, equipment, and personal protective equipment wherever provided, assigned, or required, as designated for the work performed.
5. Wear a seat belt when in a Cherokee County vehicle, when driving on Cherokee County business, or when operating any vehicle on Cherokee County premises.
6. Use appropriate, safe methods to lift heavy objects, and use back braces, handcarts, or other devices to assist with lifting or moving activities.
7. Never endanger themselves or other individuals through inappropriate actions, horseplay, practical jokes, or by taking unnecessary chances.
8. Be prepared for fire or other emergency situations. Know what to do, what actions to take, where to go, and the location of exits, firefighting

equipment, and alarm pulls within the work environment.

9. Observe proper maintenance practices to keep work areas, vehicles, tools, or other equipment in a clean, safe, and operable condition.

7.7.2 Reporting Safety Hazards or Deficiencies – Any employee who believes that a safety or health risk exists must report the matter so that the County may take appropriate action. The employee should make this report immediately upon detection of the safety or health risk. A safety or health risk may consist of, among other things, a condition in the workplace or the work methods of other employees.

7.7.3 Reporting Employee Injuries or Accidents – All workplace injuries and accidents must be reported immediately to the employee's immediate Supervisor, Department Head, or Agency Director. This ensures prompt and appropriate medical treatment, allows for timely completion of reports as required by law, and enables eligible employees to qualify for coverage as quickly as possible. Except for emergencies (in which case the employee should seek emergency treatment), if medical attention by a physician is needed, the employee must use one of the physicians specifically listed on the Workers' Compensation Notice posted by Cherokee County in a conspicuous place and on the County internal website (intranet). Failure to report an injury or to receive medical treatment from a physician on the posted panel may jeopardize payment of medical bills or other benefits under workers' compensation insurance.

7.7.4 Response to Emergency Situations* – Employees should become familiar with emergency plans established within their assigned department or work area, as well as with their assigned role in the event of an emergency situation.

7.7.5 Safety Violations – Accidents, injuries, damaged equipment, or destruction of materials or property can cause needless suffering, inconvenience, and expense to Cherokee County or its employees. As a result, any such actions by employees that could be avoided by utilizing appropriate safety practices may result in disciplinary action up to, and including, termination.

7.7.6 Office Closings – For information about reporting procedures when Cherokee County closes (or postpones opening) due to inclement weather or other situations, refer to Section 6.9 of this Manual.

**A call to 9-1-1 may be appropriate first, in the judgment of the staff or managers involved.*

Decisions may need to be made quickly to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing. Nothing in this policy is intended to prevent quick action to stop or reduce the risk of harm to anyone, including requesting immediate assistance from law enforcement or emergency response resources.

7.8 WORKPLACE VIOLENCE

7.8.1 The County is concerned about the well-being and personal safety of its employees and anyone doing business with the County, and consequently strictly prohibits workplace violence. Acts of violence and/or threats of violence, whether expressed or implied toward individuals in the County workplace, are strictly prohibited and will not be tolerated. All reports of incidents or perceived incidents of workplace violence or threats of workplace violence will be taken seriously and addressed appropriately. This policy concerns prohibited conduct, as well as general procedures and potential responsive steps in the unfortunate event that workplace violence occurs despite these preventive measures.

Workplace violence is any conduct that is severe, offensive, or intimidating enough to make an individual reasonably fear for his or her personal safety or the safety of family, friends, or property. Examples of conduct that may be considered threats or acts of violence under this policy include, but are not limited to, the following:

1. Threats of any kind (veiled or direct, verbal or non-verbal); intimidation or attempts to instill fear in others.
2. Physically aggressive, hostile, or violent behavior.
3. Behavior that suggests a propensity for violence, such as belligerent speech, excessive arguing or swearing, or sabotage or threats of sabotage of County property.
4. Intentional damage or destruction of County property or of another's property.
5. Harassing or threatening physical, verbal, written, or electronic communications, including comments, phone calls, emails, letters, faxes, website materials, diagrams or drawings, gestures, or any other form of communication that causes a reasonable fear or intimidation response in others.
6. Stalking (defined as a pattern of conduct over a period of time, however short, which evidences a continuity of purpose and includes physical

presence, telephone calls, emails, or any other type of correspondence sent by any means).

7. Unauthorized or illegal possession of firearms, ammunition, explosives, knives, or weaponry of any type on County property is strictly prohibited. A lawfully possessed firearm may be stored within a personal vehicle that is locked out of sight within the trunk, glove box, or other enclosed compartment or area within such vehicle.

7.8.2 Reporting Incidents – Any employee who is subjected to, observes, hears of, or becomes aware of any of the above actions or behavior by an individual in the County workplace must immediately report such incident to a Supervisor, Manager, the Department Head, and the Agency Director.

All acts of violence, or threats thereof, should be reported no matter how minor or insignificant they may appear. If an employee does not feel he or she can discuss an act or threat of violence with his or her immediate Supervisor, or if an employee is not satisfied with the manner in which a complaint was handled, the employee should contact the Department Head or Agency Director directly. Failure to report any threats or acts of violence in violation of this policy appropriately is in itself a violation of this policy, and may subject any employees involved to disciplinary action, up to and including termination.

7.8.3 Investigations – All reports of acts or threats of violence will be promptly investigated. The County may consult with law enforcement authorities or other resources as it deems appropriate. To the extent possible, identities of the reporting employee, any witnesses, and any individuals alleged to be involved in actual or threatened violence will be protected against unnecessary disclosure. All persons involved in the investigation are expected to refrain from discussing the matter with any person outside the investigation process. All employees – whether complainant, witness, or accused – are required to be truthful, accurate, and cooperative during a County investigation. The Agency Director will decide whether the workplace violence policy has been violated and, based upon his or her findings, will take appropriate preventive, corrective, or disciplinary action, up to and including termination.

7.8.4 Consequences – Any employee found by the County to have engaged in violence or threats of violence will be subject to immediate and appropriate disciplinary action, ranging from a written reprimand up to and including termination.

7.8.5 Non-Retaliation Policy – Retaliation will not be

tolerated against an employee for reporting in good faith a suspected act or threat of violence, or for providing information in good faith regarding a report made by another employee. Any complaints about retaliation should be reported in the same manner as violations of this policy are to be reported. Any employee found by the County to have retaliated against another employee for these reasons will be subject to appropriate disciplinary action, ranging from a written reprimand up to and including termination.

Conversely, an intentional or malicious false accusation could have a serious effect on an individual who has been falsely accused, and any individual found to have knowingly made false complaints will be disciplined based on the extent of the false accusation, up to and including termination.

- 7.8.6 Searches and Inspection – All County equipment, property, and facilities (including, but not limited to, desks, workstations, file cabinets, lockers, computers and computer-stored information, email, voicemail, business records, vehicles, or any other property or equipment owned, leased, or provided by the County) are subject to inspection at any time and for any reason. No employee shall have any privacy interest or reasonable expectation of privacy whatsoever in any County equipment, property, or facilities. If a search uncovers evidence of employee wrongdoing, illegal activity, or employee violations of County rules or policies, such evidence may be used to support disciplinary action up to and including termination. In cases involving suspected illegal activity, the evidence may be provided to the proper law enforcement authorities. Further, if the County reasonably suspects that an employee has violated a policy that directly affects the safety or security of County employees, patrons, or facilities, the County will take appropriate actions (such as contacting law enforcement officials, placing employee on administrative leave while an investigation is conducted, or other actions as deemed appropriate).

7.9 USE OF COUNTY PROPERTY

The purpose of this section is to provide a broad overview of guidelines for the use of County property, including property related to information technology.

- 7.9.1 County Property. All computers, telephones, facsimile machines, copiers, communication systems, electronic equipment, and/or any other material, property, or equipment provided by the County and used in the course of employment is property that is exclusively owned, leased,

borrowed, and/or held by the County. Such property is, or for the purposes of this Policy shall be deemed and considered, exclusively the property of the County. County employees should have no expectation of privacy with respect to same.

- 7.9.2 Telephone Use. When making personal local telephone calls from the workplace, and/or using a County mobile phone or similar device, employees must use judgment and discretion to limit the number and/or length of any calls. Personal long-distance calls are not permitted on County telephones. Excessive or unauthorized telephone use may subject an employee to disciplinary action, up to and including termination.
- 7.9.3 Communication Systems. The County provides a variety of channels for communication to promote the efficient operation of County business. These communication systems include, and are not limited to, voicemail, email, facsimile, computer networks, internet connections, online services, computer files, telephone systems, mobile phones, and similar devices. All information transmitted by, received from, or stored in these systems is the sole property of the County, and an employee should have no expectation of privacy related thereto.
- 7.9.4 Email and Internet Access and Code of Conduct. Access to email and the Internet is provided by the County to its employees for the benefit of County employees and patrons, and as valuable sources of information to allow for the provision of better and more efficient services. It allows employees to connect to information resources around the state, the country, and the world. Every employee has a responsibility to maintain and enhance the County's public image and to use the internet in a productive manner.
- 7.9.5 Confidentiality, Privacy, and Monitoring. As set forth herein, all County computer systems, including email, internet connections, instant messaging, and similar protocols, are the property of the County. All documents, information, and data created in, stored in, and/or copied to County computer systems are the property of the County and may not be copied or in any form transmitted to any third party other than in the ordinary course of business on behalf of the County. Employees using the County's computer systems are cautioned that email and internet systems do not provide complete confidentiality and employees have no right to privacy when using same. The County has the right to access, monitor, and disclose the contents of any file or electronic message composed, sent, received, or viewed on County computer systems, for any business

purpose, including but not limited to investigating potential security breaches, policy violations, or misuse of computer systems or email. Employees should be aware and understand that the use of personal email accounts to engage in County business may result in those personal accounts being subject to the provisions of the Georgia Open Records Act and/or other statutes pertaining to access to government records.

7.9.6 Email Communications. All employees are responsible for the content of all text, audio, or images that they place or send via email or over the internet. Fraudulent, harassing, or obscene messages are prohibited. Information published on the internet should not violate or infringe upon the rights of others. No abusive, profane, or offensive language may be transmitted through the system. Notwithstanding the County's right to read and retrieve any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any email messages that are not sent to them. Employees should not attempt to gain access to another employee's messages without the employee's permission, except as expressly authorized elsewhere.

7.9.7 Prohibited Activities. County employees are strictly prohibited from using County email, internet, communication systems, computers, electronic equipment, or other County property to engage in the following activities (except where expressly authorized elsewhere):

1. Sending, retrieving, or storing offensive, obscene, or defamatory material;
2. Engaging in illegal, fraudulent, or malicious conduct;
3. Transmitting or receiving messages containing derogatory, harassing, or inflammatory remarks about an individual's or a group's race, color, religion, sex, national origin, age, disability, genetic information, uniformed service status, pregnancy or related condition, physical attributes, or sexual orientation;
4. Working for or on behalf of another employer, business, association, or organization, without obtaining prior supervisor approval;
5. Sending uninvited email of a personal nature;
6. Personal activities that incur additional costs to the County or interfere with an employee's performance;
7. Sending County proprietary or confidential information and/or materials to anyone not

entitled to know or receive same;

8. Monitoring or intercepting the files or electronic communications of other employees or of third parties;
9. Obtaining illegal or unauthorized access to another person's or entity's computer system;
10. Using another individual's account or identity without authorization;
11. Attempting to test, circumvent, or defeat the security or auditing systems of the County or any other person or organization or to otherwise "hack" into a County file or system that the employee is not authorized to access.
12. Distributing or storing chain letters, jokes, solicitations, or offers to buy or sell goods; or Downloading files or programs not authorized by the County.

7.9.8 Software. To prevent software compatibility issues, licensing infractions, and security or privacy concerns (such as computer viruses being transmitted through the system), there will be no unauthorized installations of any software. All software downloads must first be authorized by the Agency Director. Employees with any questions should contact their supervisor or the Department Head. The County reserves the right to remove any programs that have been installed or downloaded without authorization.

7.9.9 Security. All messages created, sent, or retrieved via email or over the internet are the property of the County. The County reserves the right to access and monitor all messages and files on the computer system as deemed necessary and appropriate. The confidentiality of any messages should not be assumed. Even when a message is erased, it is possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality. All communications may be disclosed by the County to law enforcement or other third parties without the prior consent of the sender or the receiver.

7.9.10 Use of County Property in General. All County property, including and not limited to, all electronic property (such as computers, telephones, facsimile machines, copiers, communication systems, mailing systems, and electronic equipment) and non-electronic property (such as vehicles, buildings, furnishings, fixtures, furniture, books, supplies, and materials), shall be used in the manner for which it is intended and treated by County employees with care and due regard. County employees should keep in mind that they are the trustees, caretakers, and beneficiaries of such property, which has primarily

been purchased, leased, or provided via public funding. No County employee shall abuse or misuse County property. Employees must return all County property that is in their possession or use upon separation of employment, or immediately upon request. Violation of this policy may result in disciplinary action, up to and including termination. Further, the County may also take all action lawful and deemed appropriate to recover or protect its property.

7.9.11 Passwords and Access. Access to computers, email, voicemail, and select applications may be password protected. Such passwords, access, and accounts, and any other types of authorization employed by the County, are confidentially assigned to individual employees and may not be shared with others. Each employee is responsible for any access to and use of his or her assigned computer, email, voicemail, and applications.

7.9.12 Employer Monitoring. County employees should not expect privacy with respect to their work-related activities. Video surveillance may be used by the County to monitor job performance, monitor interaction and communication with the public, assure conformance with safety procedures, and guard against employee misconduct. However, no video surveillance will occur in County restrooms.

7.9.13 Violations. Violations of any guidelines listed above may result in disciplinary action, up to and including termination. If deemed necessary or appropriate, the County may advise appropriate legal officials of any perceived illegal activities or violations via use of County communication systems.

7.10 SMOKE-FREE ENVIRONMENT

Cherokee County complies with the Georgia Smoke free Air Act of 2005. All County buildings and vehicles are designated as smoke-free and tobacco-free areas. Neither smoking nor tobacco use is permitted within 25 feet of any County building entrance or exit. This policy applies to the use of any tobacco product, including smokeless tobacco, and applies to both employees and visitors of the County.

Further, smoking (which means the burning of a lighted cigarette, cigar, pipe, or any other matter or substance) is strictly prohibited in all privately-owned vehicles while used in the course of County work whenever other County employees or persons are present in the vehicle, regardless of whether the vehicle's windows are open. Smoking and/or tobacco use in privately-owned vehicles is otherwise permissible, provided that it is done

within the vehicle and is not within 25 feet of any County building entrance or exit.

The County understands that tobacco is a legal product and further recognizes that, as an employer, the County may not require that employees or prospective employees refrain from tobacco use when not at work.

The success of this policy will depend on the courtesy and cooperation of both tobacco users and nonusers. All County employees are responsible for following and helping to enforce this policy, and should report any problems or violations to a supervisor. Violations of this policy will subject an employee to disciplinary action, ranging from an oral reprimand up to and including termination.

7.11 PROPER WORK ATTIRE AND STANDARDS FOR DRESS

7.11.1 Dress Standards – To maintain a public image consistent with a professional organization, the County adopts a conservative business casual dress code. (For purposes of this policy, the term “conservative” refers to modest clothing that is in keeping with traditional standards for business attire.) When away from work, an employee's choice of attire is a matter of personal preference. However, when the employee is working, attire must be within parameters that reflect the professional, neutral environment that the County strives to provide. If an employee must conduct personal business that involves non-professional apparel before or after work, the employee should plan to change clothes.

7.11.2 Guidelines for Attire – The goal is for each employee to present a neat, clean, conservative, well-groomed, and businesslike appearance while at work. Rather than focusing on individual items of clothing, the employee should consider the overall image that he or she presents. It is possible for one aspect of an outfit to be considered somewhat casual, but when paired with professional clothing the overall appearance may be professional. (For example, a pair of twill slacks paired with a faded T-shirt would not be acceptable, but the same pair of pants paired with a blazer would be acceptable.)

No dress code can address all contingencies, and this policy does not attempt to itemize all current and future clothing options. Employees are expected to use judgment in selecting work attire.

Following are guidelines to assist employees in determining whether attire is acceptable.

- Casual clothing should not be worn to work. Clothing that works well for the beach, yard

work, exercise sessions, sports events, or running errands is typically not appropriate for work.

- Clothing that is see-through is unacceptable.
- Clothing should cover the chest, back, and midriff (including when standing, sitting, stooping, while arms are extended over the head or while bending over), and should not reveal undergarments.
- Pants made of blue denim (or fabric that resembles blue denim) may be allowed, as approved by the Department Head and Agency Director. Other pants may be acceptable if the overall image the employee presents is professional.
- Solid T-shirts are allowed, but shirts printed with sayings, graphics or logos should not be worn (unless related to a County-approved activity).
- Name-Security badges should be worn at all times during work hours. Badges should be worn above the waistline and positioned so they are easily visible.

7.11.3 Shoes and Footwear – Flip-flops are not allowed. Clean athletic shoes are acceptable.

7.11.4 Personal Grooming, Accessories, and Use of Fragrances – Good personal hygiene is expected at all times. Clothing should be clean, neat, and well kept (no holes, tears, patches, fading, or frayed areas). Facial hair should be clean and neatly trimmed. Fragrances, if used, must be mild; patrons and other employees may be allergic or sensitive to perfumes, colognes, or other fragrant products.

7.11.5 Compliance. Dressing appropriately is a condition of employment with the County. Failure to adhere to the dress code will be addressed as a policy violation. Repeated or obvious violations of this policy will result in disciplinary action, up to and including termination. In extreme cases, the County reserves the right to require an employee to leave work to change into appropriate clothing. Any time spent away from work would be without pay.

Employees are expected to comply with the above standards, and should not put their Supervisors in the position of having to police attire. If there is any doubt as to whether an aspect of attire is appropriate, the employee should assume it is not. Employees with questions about what is appropriate for their positions should contact their Supervisor or the Department Head. The County reserves the right to prohibit certain articles of clothing. The Agency Director may approve dress

code exceptions in certain circumstances, and will consider such instances on a case-by-case basis.

As stated above, no dress code can address all contingencies. The County reserves the right to interpret what is acceptable in the matter of overall appearance, and to interpret and apply this policy to other aspects of appearance not specifically covered in this policy.

7.12 LEADERSHIP PROFESSIONAL OATH OF HONOR

7.12.0 As a part of the commitment to maintaining a professional work environment, all employees in leadership positions as determined by the County Manager shall sign the following Oath of Honor on the forms provided by the Human Resources Department.

“The Cherokee County Leadership Professional Oath of Honor assures our valued residents, visitors, and co-workers that when they place their trust in us, they can expect a high standard of professional excellence, integrity, tolerance and optimism – all within a framework that emphasizes respect for the people we work with and for. I promise:

- I will uphold and promote the Cherokee County Code of Ethics;
- I will serve the people I work with and for with integrity, competence, objectivity, independence and professionalism;
- I will ensure that considerations of personal benefit will never override my focus on the interests of the people I work with and for;
- My personal behavior will exemplify the values I publicly espouse in making this pledge. I will be equally vigilant in ensuring the professional behavior of my co-workers and subordinates within my department, agency or the entire organization, and will bring to the attention of my supervisor any violation of this shared professional oath of honor;
- I will treat all persons fairly and equally regardless of race, gender, nationality, religion, politics, sexual orientation or social status. I will be respectful of those whose wellbeing may be contingent on any decisions or advice;
- I will diligently apply objective judgment to all assignments;

- I will continually invest in professional development to keep abreast of evolving knowledge within my profession and in my areas of technical expertise; and
- I recognize that my status and privileges as a professional – a leader of county government stem from the respect and trust that I must earn each and every day; and I accept my responsibility to employ, protect and develop the above standards to enhance that respect and trust.”

SECTION 8: DISCIPLINE

8.0 DEFINITION

As an At-Will employer, the County reaffirms its authority to terminate employment with or without cause, with or without notice. However, there are times when the County recognizes that it is in its best interest to attempt to take rehabilitative actions to positively affect employee behavior and performance. In so doing, the County may utilize progressive discipline. Progressive discipline is a process in which disciplinary action is taken in degrees of increasing severity. The County may use a policy of progressive discipline when applicable. An employee who fails to perform assigned duties adequately or who violates County policies will be disciplined. Disciplinary actions taken may depend on the degree and circumstances of the violation, and will be determined on a case-by-case basis.

8.1 CAUSES FOR ACTION

Certain actions or forms of behavior are considered unacceptable in the workplace. In general, conduct that interferes with the operations of the County, brings discredit to the County, or is offensive to supervisors, co-workers, or the public is not tolerated. While it is not possible to list all of the actions considered unacceptable, the following are examples of conduct that is not permitted and will subject the individual involved to disciplinary action, up to and including immediate termination of employment:

1. Theft, abuse, misappropriation, or misuse of County property or vehicles; failure to report damage or destruction of County property to a supervisor; loaning County property or equipment without permission or proper authority; negligence or improper conduct leading to damage of property.
2. Theft, destruction, unauthorized use, or inappropriate removal or possession of property of

other employees, patrons, or others doing business with the County.

3. Unauthorized use of, or access to, County computer systems or communication systems (such as computers, databases, email, internet, telephones, cell phones, voicemail, postal or interoffice mail), and/or violation of County policies governing the use of County property (including telephone, Internet, and electronic property and equipment).
4. Falsification or destruction of official records or documents.
5. Willfully giving false statements to supervisors, officials, or the public.
6. Falsification or destruction of official records, County documents, employment applications, timekeeping records, personnel records, or expense reports.
7. Careless, negligent, or inappropriate handling of County funds or financial records; failure to follow laws or procedures governing the reporting or use of funds.
8. Violation of County policies regarding business ethics, conflict of interest, or acceptance of gifts or gratuities.
9. Use of official position for personal benefit, profit, or advantage.
10. Any use, threatening of use, or attempt at use of personal or political influence to secure employment benefits, including but not limited to promotion, transfer, change of pay rate, leave of absence, or character of work.
11. Violation of traffic laws while driving a County vehicle; failure to report to a supervisor any traffic violation or citation issued while on official County business.
12. Conviction of a felony or a crime involving moral turpitude.
13. Violation of a crime or County Ordinance that tends to bring discredit upon the Agency Director or the office of the County.
14. Acts during duty hours which are incompatible with public service;
15. Failure to do work at an acceptable level of competence as determined by the County.
16. Wasting time, inefficiency, sleeping while at work, and/or loitering during working hours.

17. Behavior reflecting conduct and misconduct identified in the County's policy against workplace violence.
18. Disorderly conduct or violence in the workplace, including fighting, threatening, abusing, or intimidating other individuals; using physical force against another individual except in self-defense; provoking a fight; causing a disturbance; engaging in horseplay or boisterous, disruptive activity; engaging in lewd, obscene, or otherwise inappropriate conduct.
19. Use of profane, obscene, or abusive language or discourteous treatment of the public or other employees; use of any form of physical abuse of the public or other employees, or making threats to the public or other employees.
20. Engaging in obscene or offensive conduct.
21. Insubordination or uncooperative behavior attitude, including, and not limited to, disrespect to a supervisor, co-worker, or the public.
22. Failure to follow the lawful orders or direct instructions of a Supervisor.
23. Carelessness or negligence with the monies or other property received by the County.
24. Failure to cooperate during an internal investigation of the County.
25. Excessive absenteeism or tardiness; unexcused absence, absence without notice, or failure to notify employer of absence or tardiness in a timely manner; absence when employee does not have sufficient accrued paid leave to accommodate the absence; leaving a scheduled work shift without authorization; absence due to incarceration. The County Manager may issue an executive order to provide guidance to departments and agencies regarding excessive absenteeism, tardiness, unexcused absence, etc.
26. Failure to report an occupational injury or accident during the shift on which it occurred.
27. Failure to disclose criminal records on employment applications, and/or to report criminal convictions and arrests as required by this Policy Manual.
28. Violation of County policies against discrimination and harassment.
29. Violation of County policies for workplace safety and workplace security.
30. Violation of County policies for a drug and alcohol free workplace.
31. Failure to adhere to County dress code and guidelines for acceptable attire and personal grooming.
32. Unauthorized solicitation or distribution or posting of materials at or in County work areas.
33. Unauthorized public statements to the media pertaining to the County Manager, a Commissioner or office of the Board of Commission, the employees of the County, or the work and/or operations of the County.
34. Unauthorized statements to any County Board or Committee member or body reflecting discredit upon the County, a Commissioner, the Board of Commission, County Manager, Agency or Department.
35. Conduct reflecting discredit upon the County, a Commissioner, Board of Commission, County Manager, Agency, or Department, or conduct that is unbecoming the position.
36. Negligence, inefficiency or inability to properly perform assigned duties.
37. Misconduct.
38. Violation of any County policies or provisions of this Manual.
39. Any other action or inaction not in the County's best interest.
40. Violation of any Administrative Policy and Procedure adopted by the County Manager.

NOTE: The above examples are not an all-inclusive list.

Off-Duty Conduct – In general, the County will only apply its disciplinary policies to any off-duty conduct that affects County's business interests. Off-duty conduct such as membership in organizations to promote civil rights, religious practices protected by law, smoking, or other lawful off-duty conduct is not a matter of concern to the County. While it is not possible to list all of the potential off-duty conduct that may affect County interests, below are examples of off-duty conduct that is not permitted and will subject the individual involved to disciplinary action, up to and including immediate termination of employment:

- Off-duty sexual harassment of County employees.
- Off-duty illegal conduct that occurs on County property.
- Off-duty illegal conduct that indicates the potential for violence.
- Off-duty illegal conduct that causes the employee to be unable to perform his or her essential job functions.

- Off-duty disruptive actions at a County-sponsored event.
- Off-duty conduct that interferes with the operations of the County, brings discredit to the County, or is offensive to supervisors, co-workers, or the public, including, but not limited to, arrests for alleged criminal conduct.

Note: The above examples are not an all-inclusive list.

8.2 TYPES OF ACTIONS

Disciplinary actions fall into two general classes: reprimands and adverse actions:

8.2.1 Reprimands - A reprimand is a formal means of advising the employee that a problem exists and must be corrected.

- Oral Reprimand (referred to as a counseling session) - A verbal explanation of a problem with an employee and what must be done to correct the problem. This discussion should be between the immediate supervisor, department manager, or Agency/Department Director and the employee in a private setting. A written record shall be maintained for all oral reprimands for inclusion within the departmental personnel file.
- Written Reprimand - A written statement of a problem with an employee and what must be done to correct the problem. The reprimand should also reflect the likely result of not correcting the problem. The employee should be given a copy of this reprimand in a private interview with the immediate supervisor, department manager, or Agency/Department Director. A written record shall be maintained and submitted to Human Resources for inclusion within the employee's personnel file.

8.2.2 Adverse Action - An action taken by the County Manager or Agency/Department Director, that results in a suspension without pay, salary reduction, demotion, or dismissal.

- Suspension Without Pay - An employee may be suspended without pay, not to exceed 30 days, for a violation of policies governing performance and conduct.
- Salary Reduction - An employee's salary may be reduced for disciplinary purposes. A salary reduction is not a demotion in pay grade.
- Demotion - An employee may be demoted for

disciplinary or other involuntary reasons if a) a lower position is open, and b) the employee is qualified to perform the work at the lower position. A disciplinary demotion must include a decrease in salary as outlined in Section 4.2.

- Dismissal - An employee may be dismissed for disciplinary or other involuntary reasons. A dismissal may also take place if the employee must be removed from the work place immediately and/or permanently.

8.2.3 Emergency Action - The County Manager and/or Agency/Department Director may take immediate action against an employee under emergency situations. Immediate action shall be to place the employee on Administrative Leave with or without pay until an investigation can be conducted. For the purpose of this policy, an emergency situation may include but is not limited to the following:

- an employee commits a crime of moral turpitude. For the purpose of this policy, moral turpitude is defined as conduct that is considered contrary to community standards of justice, honesty or good morals, and may include but is not limited to the following:

- Making false representation
- An intent to defraud
- The actual act of committing fraud
- Arson
- Blackmail
- Burglary
- Embezzlement
- Extortion
- Forgery
- Larceny (grand or petty)
- Malicious destruction of property
- Receiving stolen goods (with guilty knowledge)
- Theft (when it involves the intention of permanent taking)
- Adultery
- Assault
- Contributing to the delinquency of a minor
- Gross indecency
- Kidnapping
- Lewdness
- Manslaughter
- Murder
- Pandering
- Prostitution
- Rape (including "Statutory rape" by virtue of the victim's age);

- b. when an employee may harm himself, fellow workers or the general public;
- c. when an employee may damage public property; and/or
- d. when there is reasonable suspicion that the employee has used or misused drugs or alcohol in violation of policy for a drug and alcohol free workplace.

8.2.4 Notice of Pending Action: For disciplinary actions listed under Section 8.2.2 (a-d), the immediate supervisor shall advise the employee in writing of his/her intent to recommend disciplinary action be taken against the employee. The written notice shall include the specific policy violation, performance deficiency, or inappropriate behavior exhibited by the employee, and schedule a date and time for a pre-disciplinary meeting with the employee and Department Director.

8.2.5 In the pre-disciplinary meeting the employee will have the opportunity to respond to the pending disciplinary action and provide relevant witnesses.

8.2.6 After hearing the evidence presented by the supervisor and the response by the employee, the Department Director shall render a decision on the recommended action and provide both parties with a written record of the decision. If the decision is to uphold the recommendation to discipline the employee, a copy of the decision shall be provided to the Director of Human Resources for inclusion within the employee's personnel file.

8.2.7 The decision of the Department Director shall be final, unless the action taken results in a termination of employment. In the event that the action taken results in a termination of employment, the employee may utilize the grievance procedure as outlined in Section 8.3.5, Step 3.

8.3 GRIEVANCE

An employee may file a written grievance with his Agency or Department Director, Human Resources Director, or County Manager, in accordance with the process/policies defined as follows:

- 8.3.1 Grievance shall be defined as a claim by an employee declaring:
- a. Unsafe or unhealthy working conditions;
 - b. Unlawful discrimination; or
 - c. Application of County policies in violation of

this Policy Manual.

- d. Disciplinary demotion, a disciplinary reduction in pay, or termination.

8.3.2 The following areas are **NOT** grievable:

- a. Issues which are pending or which have been concluded by other administrative or judicial procedures;
- b. Management's rights to assign work and/or establish work processes;
- c. Disciplinary actions that do not result in a termination, demotion or salary reduction;
- d. Budget allocations and expectations and organizational structure, including the persons or number of persons assigned to particular jobs or units;
- e. The content or rating of a performance evaluation;
- f. The selection of an individual by the Agency/ Department Director, or County Manager to fill a position through appointment, promotion, or transfer, except when the employee can show adverse effect because of unlawful discrimination;
- g. Any matter which is not within the jurisdiction or control of the County;
- h. Internal security practices established by the County Manager and/ or Board of Commission; and
- i. Decisions, practices, resolutions or policies made or passed by the Board of Commission or County Manager.

8.3.3 Managers and supervisors are responsible for ensuring that the grievance is fully processed. No employee shall be retaliated against for using the County grievance procedures.

8.3.4 Any complaint shall follow the procedure outlined below and shall refer to the provision or provisions of County policy, shall identify the manner in which County policy is alleged to have been applied in violation of this Policy Manual, shall identify the practice, procedure, rules or regulation alleged to have been violated, and shall adequately set forth the facts pertaining to the alleged violation.

8.3.5 Any grievance submitted shall be dated and signed by the employee. Any decision shall be written to

the employee and shall be dated and signed by the County representative at that step.

Step 1. The employee shall present a grievance or complaint in writing to his/her department director within five (5) working days from the date that the grievable action or violation occurs. Discussions shall be informal for the purpose of settling the issue in the simplest and most direct manner. The department director shall reach a decision and communicate in writing to the employee within five (5) working days from the date that the grievance was presented. If there is no applicable Department Director, the employee shall proceed directly to Step 2 within five (5) working days from the date that the grievable action or violation occurs.

Step 2. If the employee is not satisfied with the decision in Step 1, the employee may appeal the decision, within three (3) working days of the Step 1 decision, in writing to the Agency Director.

- a. Included in the employee's appeal shall be:
 1. A written statement clearly explaining the issue at hand, including any known violation of county policy, procedures or laws,
 2. The steps already taken by the grievant to address the issue,
 3. A copy of the response of the department director, and
 4. The requested remedy of the employee.
- b. The Agency Director, shall review the facts of the grievance and, if appropriate, shall schedule a meeting with the employee and department director. The employee will be represented by him/herself during the grievance process. However, at the employee's discretion, he/she may upon advance notice to the Agency Director, bring another county employee(s) to testify on his/her behalf.
- c. After reviewing the facts of the grievance or after meeting with the affected employee(s), as appropriate, the Agency Director shall notify the employee of the decision on the grievance within 15 business days from the time it was submitted to the Agency Director.
- d. The decision of the Agency Director shall be final, unless the action taken results in a termination of employment, or the grievance contends a violation of State or Federal law.

Step 3. If the employee is not satisfied with the

decision in Step 2, and the action taken results in termination of employment or the grievance contends a violation of State or Federal law, the employee may appeal the decision in writing within five (5) working days of the Step 2 decision to the Director of Human Resources and County Manager.

- a. Included in the appeal shall be:
 1. The specific violation contended within the original grievance,
 2. A complete copy of all of the grievance materials generated through Step 2, and
 3. Specific information that establishes that a termination is not warranted, or supporting the employee's position that the aggrieved matter constitutes a violation of State or Federal law.
- b. The Director of Human Resources shall review the appeal on its merits and, if appropriate, meet with the employee within ten (10) working days after receipt of the appeal. The Director of Human Resources shall investigate the contentions and forward his review of facts to the County Manager. The County Manager will review the facts and communicate his decision to the grievant within twenty (20) working days from the date the grievance was received by the Director of Human Resources and County Manager. The decision of the County Manager shall be final, without further right to appeal.

- 8.3.6 The time limit at any step set forth in Section 8.3.1 through 8.3.5 may be extended by the County Manager or mutually agreed to by all parties involved. A grievance not advanced to the higher step within the time limit provided shall be deemed permanently withdrawn, and as having been settled on the basis of the decision most recently given. Failure on the part of the County's representative to answer within the time limit set forth in any step may entitle the employee to proceed to the next step.

SECTION 9: REPEAL/SEVERABILITY/ ACKNOWLEDGEMENT

9.0 REPEALER

All provisions of the ordinances of Cherokee County in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the Cherokee County, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

9.1 SEVERABILITY

It is the intention of the Board of Commission that this Ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause or provision or part or portion of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

9.2.0 ACKNOWLEDGEMENT OF RECEIPT OF PERSONNEL POLICY MANUAL

By signing below, I acknowledge that I have received a copy of the Cherokee County Personnel Policy Manual. I understand that it is my responsibility to read and comply with the policies contained in this Manual as well as any revisions made to it. I also understand that if I need additional information, or if there is anything I do not understand in this Manual, I should contact my immediate supervisor, or other appropriate County management personnel, or the County Manager.

I understand that Cherokee County is an "at will" employer and, as such, employment with Cherokee County is not for any definite period of time and may be terminated at the option of either me or the County, with or without cause, and with or without prior notice. I also understand that nothing contained in this Policy Manual may be construed as creating a promise of future benefits or a binding contract with the County for employment, benefits, or any other purpose.

In addition, I understand that this Manual reflects policies, practices, and procedures in effect on the date of publication, and that it supersedes any prior policy manual, handbook, work rules, benefits, and practices of Cherokee County. I further understand that the rules, policies, benefits, and practices referred to in this Manual are continually evaluated and may be modified, reduced, or discontinued at any time by Cherokee County, in its judgment and discretion, with or without notice.

SIGNED BY:

(Print employee name)

(Employee signature)

(Date signed)

POSITION: _____
(Employee's position)

NAME OF EMPLOYEE'S DIRECT SUPERVISOR:

Sign this Acknowledgment Receipt and return to the Employee's Direct Supervisor

Adopted by the Cherokee County Board of Commission this
17th day May, 2016.



L. B. Ahrens, Jr., Chairman

ATTEST:



Christy Black, County Clerk

