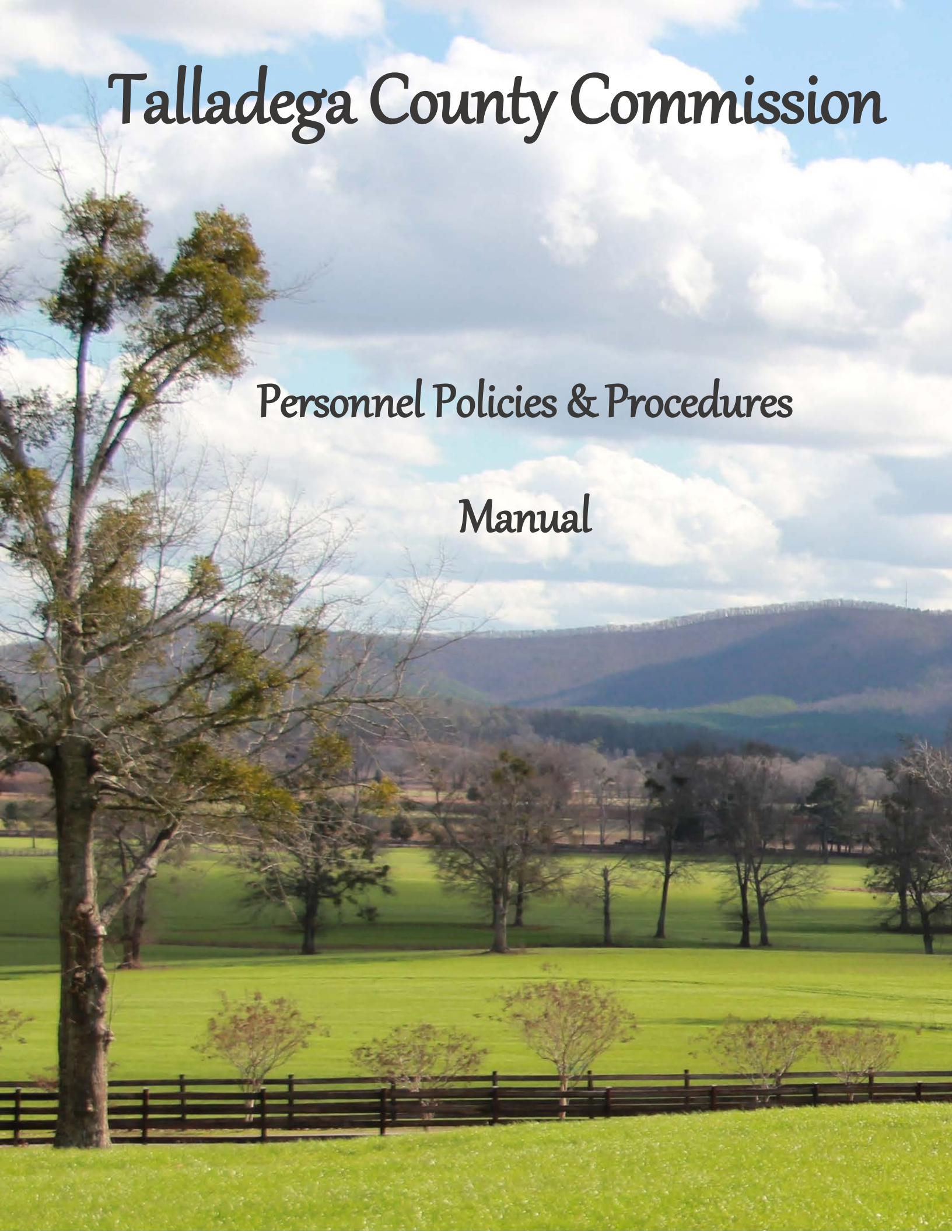


# Talladega County Commission

## Personnel Policies & Procedures

### Manual



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## TALLADEGA COUNTY COMMISSION PERSONNEL POLICY & PROCEDURES

### I. CHAPTER 1 - GENERAL PROVISIONS RELATED TO POLICIES AND PROCEDURES

- A. Purpose. To establish guidelines for personnel actions which facilitate recruitment, selection and retention of qualified employees; enhance effective and efficient employee performance in providing services for the citizens of Talladega County; and enable County employees to derive satisfaction in their work.
- B. Scope of Policies and Procedures. The provisions of these personnel policies and procedures shall apply to all individuals employed by the County except as exempted by these policies and procedures:
- i. Elected officials;
  - ii. Appointed members of boards and County Commissions;
  - iii. Volunteer personnel who receive no compensation from the County;
  - iv. The County attorney and similar individuals employed in their professional capacity;
  - v. Persons whose employment is subject to the approval of the United States Government or the State of Alabama;
  - vi. Other persons so designated by the County Commission who meet the intent of this section; and
  - vii. Contract employees.
- C. Sheriff's Department Employees. Generally, with respect to recruitment, promotion, demotion, transfer, discipline, and termination, employees of the Talladega County Sheriff are covered by the policies and procedures of the Talladega County Civil Service Board (created by Act 88-438). The compensation plan and benefits policies and procedures approved by the Talladega County Commission and included in this manual apply to employees of the Sheriff, as well as any applicable policies and procedures not included in the policies and procedures of the Talladega County Civil Service Board.
- D. Amendment or Supplementation. Upon recommendation of the human resource manager, this policy may be amended from time to time with approval of the County Commission.
- E. Administrative Guidelines. These policies and procedures are not all-inclusive. Departments may establish supplemental policies, procedures, and guidelines unique to their operations as long as they do not conflict with these policies, procedures, and guidelines.
- F. Responsibility for Personnel Administration. The Personnel Officer (currently, the County Administrator) is responsible for ensuring compliance with the provisions of the established policies and procedures. The Personnel Officer may delegate responsibility for administrative tasks required by these guidelines to other employees. Department heads and supervisors are responsible for proper support and administration of the approved policies and procedures and for keeping employees informed of the requirements of these guidelines. Employees are responsible for familiarizing themselves with all personnel policies and procedures, and subsequent revisions.
- G. Equal Employment Opportunity. Talladega County provides equal employment opportunity to all employees and applicants based on their job-related qualifications and performance potential without regard to age, sex, religion, race, color, national origin, political affiliation, marital status, or disability (except where age or disability constitute a bona fide occupational qualification). This policy applies to all terms, conditions and privileges of employment.
- H. Contract Disclaimer. Nothing contained herein shall be construed as creating any contract of employment between the County and any individual. The County reserves the right to refuse or terminate employment or prohibit future employment when it is in the best interest of the County and to decrease or freeze the compensation of all employees for economic reasons. Continuation of employment shall be contingent upon an employee's job performance, the need for the position and/or the availability of funds for the position.

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### II. CHAPTER 2 - GENERAL PROVISIONS RELATED TO EMPLOYEES

- A. Nepotism. Talladega County strives to avoid even the appearance of favoritism, discrimination, or conflict of interest in making decisions to hire, promote, or transfer staff. Due to actual or perceived problems, inherent in employing individuals with close family or other relationships, it is the County's policy that family members (as defined in this section) will not be employed in full-time or part-time positions where:
- i. there is supervisor-subordinate relationship;
  - ii. both employees being under the direction of the same immediate supervisor; or
  - iii. other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the County's interest and their own.

For the purpose of this policy, family member will be interpreted to include an individual's spouse, parent, step-parent, legal guardian, child, step-child, brother, sister, step-brother, step-sister, grandparent, grandchild, and the like relationships of the individual's spouse. In the event that such relationship is created between two existing employees after they are employed, one or both employees may be transferred to another available position. If such transfer is not possible, one of the employees will be required to resign. If one of the employees does not resign, the human resource manager will initiate action to dismiss one of them. Under no circumstances shall an elected official have relatives within the fourth degree of kinship by blood or marriage, working for Talladega County in any capacity. Individuals already employed upon adoption of this policy by the County Commission may be exempt from these restrictions.

- B. Secondary Employment. Employment with the County shall be considered by all employees as their primary jobs. Secondary employment requires written approval from the department head. In the event such employment interferes or conflicts with an employee's employment with the County, the employee may be asked to terminate the second job. If the employee refuses, the employee may be terminated.
- C. Attire. All employees are expected to dress appropriately for work. The department head is responsible for setting an appropriate dress standard for his/her department. In setting this standard, the department head will consider:
- i. The nature of the work;
  - ii. Safety considerations
  - iii. The nature of the employee's public contact;
  - iv. The prevailing practices of other workers in similar jobs; and
  - v. The performance of department employees, including consideration of the type of image the department wishes to project.
- D. Smoking Policy Statement. All Talladega County buildings are smoke-free. Employees may smoke only in designated smoking areas.
- E. Vehicle and Equipment Use. County vehicles and equipment shall not be used to do private work or for private purposes. Employees who have been assigned vehicles may drive them only to and from work or when called out after hours. Personal use of County vehicles or other equipment is considered a violation of policy and could result in disciplinary action.
- F. Technology Policy. The County's technology resources (computers, phones, wireless voice and data service) are intended for County business purposes only. Very limited personal use is allowable as long as it is legal, appropriate, and does not affect one's work. Employees are advised that electronic/digital communications, voice or data, including the contents of County owned computers, email accounts, and telephones are the property of the County and should not be considered private. The Internet, email, data, voice, or any other communication system of the County is not to be used in any way that may be illegal, disruptive, offensive to others, or harmful to morale. The County's technology resources -, including computers, telephones, hardware, software, etc., are the exclusive

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property of the County, as is the information they contain. The County has the right to access, review, copy, and/or delete any computer files, including e-mail sent or received. If employees make incidental use of the computer system for personal files or e-mail, employees should not expect personal files or e-mail to be protected from review by other employees. Accordingly, employees should not use computer systems to create or transmit any information they wish to keep private.

- G. Personal Use of Social Media. Content posted on social media by Talladega County employees, whether on or off-duty, is not protected by the First Amendment and could result in disciplinary action up to, and including, termination. Employees are free to express themselves as private citizens on social media sites as long as their content does not impair professional relationships in the workplace, impede the performance of their job duties, or negatively affect the public perception of Talladega County. Employees shall not utilize social media in a manner which could lead the reader to believe such postings represent the official position of Talladega County. Employees shall not post confidential, sensitive, or private information to which they have access during their duties with the County. Employees should refrain from utilizing personal use of social media during the workday.
- H. Driver Safety Policy (seat belts and cell phones). Talladega County recognizes that seat belts can prevent injuries and save lives. The County also recognizes that the use of cell phones for talking or texting while driving is a dangerous distraction. Because the lives and safety of our employees is important to us, we have adopted the following driver safety policy:

*Any employee operating a County-owned vehicle must comply with Alabama law requiring the use of seat belts while a vehicle is in operation. Any employee operating a County-owned vehicle may not use a cell phone to talk or text while driving. Any employee who violates this policy will be subject to disciplinary action, up to and including termination.*

- I. Modified Duty and Return to Work Policy. When an employee has been on leave due to injury or illness, the County strives to assist them in returning to work at the earliest possible date. This policy, however, is not intended to conflict with the provisions of the Americans with Disabilities Act (ADA), state workers' compensation laws, or the Family and Medical Leave Act (FMLA). Guidelines for returning to work on modified duty are:
- i. An employee who is on leave due to a work-related injury or illness may be released to work on modified or light duty, subject to conditions specified by the authorized workers' comp physician.
  - ii. The department head, manager, or elected official will make a reasonable effort to seek to provide the employee with a position that meets the requirements imposed by the authorized workers' comp physician for the duration of a reasonable recovery period. Such positions are temporary and do not constitute a contract of employment or property interest in the modified or light duty position.
  - iii. Any employee working in such a position is still subject to the same policies and procedures applicable to all employees, including the Drug and Alcohol Policy.
  - iv. Any employee who is offered a physician-approved, modified or light duty job will be required to accept the offer; otherwise, such a refusal will be considered job abandonment.
  - v. With consideration of an employee's physical abilities, knowledge, and skills, department head, manager, or elected official will make reasonable efforts to place the employee in a position with as similar terms and conditions of employment as possible as the employee's original position when the employee reaches Maximum Medical Improvement.

### III. CHAPTER 3 - POLITICAL AND RELIGIOUS ACTIVITY PROVISIONS

The following policies are adopted regarding political and religious activities:

## TALLADEGA COUNTY COMMISSION PERSONNEL POLICY & PROCEDURES

- A. Not to Affect Employment. No individual will be appointed, promoted, demoted, or dismissed from his/her position because of political or religious opinions or affiliations.
- B. Improper Use of Influence. No individual connected with the County will use, or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to affect employment, promotion, increase in pay, or other advantages in employment for any individual for the purpose of influencing an individual's vote, political action, or any other consideration.
- C. Participation Rights. No employee will be denied the right to participate in county, city, state, and federal political activities, except as limited by federal or state law. Employees who run for a County office must take a leave of absence from the date of qualifying for a County office until election results are certified.
- D. Political activity during work hours. No county employee shall campaign or otherwise engage in political activity in support of or against any candidate or any cause during the employee's working hours.

### IV. CHAPTER 4 - UNLAWFUL HARASSMENT

- A. Policy Statement. It is the policy of Talladega County to maintain a work environment free of all forms of harassment. The County prohibits any form of harassment based on sex, race, color, religion, national origin, age, disability, or veteran's status. Unlawful harassment as prohibited by this Policy, not only includes harassment of employees by employees, it also encompasses harassment of employees by non-employees with whom County employees come into contact during work, such as employees of contractors, customers, vendors, suppliers and temporary employment staff. Employees are prohibited from engaging in unlawful harassment of non-employees with whom they come into contact, such as employees of contractors, customers, vendors, suppliers and temporary employment staff.
- B. Prohibited Forms of Harassment. Generally, unlawful harassment is defined as verbal or physical conduct which denigrates or shows hostility or aversion to an individual because of his or her race, creed, color, religion, gender, national origin, age, disability or marital status, or that of his or her relatives, friends or associates, and which:
  - i. Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
  - ii. Has the purpose or effect of unreasonably interfering with an individual's work performance;
  - or
  - iii. Otherwise adversely affects an individual's employment opportunities
- C. Examples. For example, the following kinds of behavior or others with a similar harassing effect are absolutely prohibited:
  - i. Using epithets, slurs, negative stereotyping or threatening, intimidating or hostile acts (even if claimed to be "jokes" or "pranks") which relate to race, creed, color, religion, gender, national origin, age, disability or marital status.
  - ii. Written or graphic material which denigrates or shows hostility or aversion toward an individual or group because of race, creed, color, religion, gender, national origin, age, disability or marital status, and is displayed or circulated in the workplace.
- D. Persons Covered. Similarly, this Policy prohibits harassment of our employees by employees of:
  - i. suppliers, vendors, temporary employment staff, contractors and those entities utilizing, visiting or working in our facilities, and
  - ii. other entities with whom our employees come into contact when working outside of the County's facilities.

This Policy also prohibits harassment by our employees toward employees of:

- i. customers, suppliers, vendors, temporary employment staff, contractors and whose entities utilizing, visiting or working in our facilities, and



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- ii. other entities with whom our employees come into contact when working outside the County's facilities.

Any harassment of or by County employees in violation of the foregoing rules is absolutely prohibited and will not be tolerated.

- E. Sexual Harassment. Sexual harassment is a form of sexual discrimination that is specifically prohibited by this policy. Unwelcomed sexual advances, unwelcomed requests for sexual favors and other unwelcomed verbal or physical conduct of a sexual nature when:
- i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
  - ii. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
  - iii. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

The following kinds of behavior, or others with a similar harassing effect, are prohibited:

- i. Insulting or degrading sexual remarks, jokes, innuendoes, or other sexually-oriented conduct (including among other things, graphic or descriptive comments relating to an individual's body or physical appearance, sexually-oriented teasing or pranks, improper suggestions, objects or pictures, or unwanted physical contact); or
- ii. Threats, demands or suggestions that an employee's work status depends in any way upon tolerating or accepting sexual advances or sexually-oriented conduct.

Any harassment of or by County employees in violation of the foregoing rules is prohibited and will not be tolerated. Under no circumstances does any Department Head, Manager, Supervisor, Employee or any other person have any authority whatsoever to engage in discriminatory, harassing or retaliating conduct in violation of this Policy. If anyone claims to have such authority or you have any questions about whether conduct that you find objectionable is authorized by the County, please contact the Human Resources Manager.

- F. Workplace Violence. The County is concerned for the safety of employees and shall not tolerate harassment, intimidation, threats or assaults of employees both at and away from County property. Employees are encouraged to report all instances of threats, harassment, intimidation or actual assault directly to their immediate supervisor, department head or the human resource manager. The County shall take necessary actions to ensure the safety of employees reporting incidents pending investigation of reported incidences including temporary job reassignment, job modification or other actions as determined appropriate by the circumstances. The department head and human resource manager shall conduct an investigation of all reports/complaints and prepare a report. The County shall take disciplinary or other actions as determined appropriate by the outcome of the investigation and these policies and procedures.
- G. Social Media Harassment. Social media is changing the internal workplace, providing new ways for employees to socialize and interact with one another. The direct connection of social media allows co-workers to share their personal life with an instant connection and propels relationships forward quicker than a traditional office friendship. The boundaries of conduct can become easily blurred and potentially dangerous when this complicated overlapping of private and professional relationships intersect online. When the parameters get ambiguous, the probability of inappropriate behavior occurring creates the potential of social media harassment.
- i. Social media includes all means of communicating or posting information or content of any sort on the Internet, including personal postings or postings to another person's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat

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room, whether or not associated or affiliated with Talladega County, as well as any other forms of electronic communication. An employee's virtual comments, even those made on their own time, may constitute actionable harassment in the workplace.

- ii. The same principles and guidelines found in this policy apply to an employee's activities online. The employee is solely responsible for what is posted online, therefore, before creating online content, the employee should consider the risks and rewards that are involved. Conduct that could adversely affect personal job performance, the performance of fellow co-workers or otherwise adversely affect the employer, employees, citizens, vendors and others may result in disciplinary action up to and including termination.

Any harassment of or by County employees in violation of the foregoing rules is prohibited and will not be tolerated. Under no circumstances does any Department Head, Manager, Supervisor, Employee or any other person have any authority whatsoever to engage in discriminatory, harassing or retaliating conduct in violation of this Policy. If anyone claims to have such authority or you have any questions about whether conduct that you find objectionable is authorized by the County, please contact the Human Resources Manager or County Administrator.

- H. Retaliation. Retaliation against an individual for exercising his/her rights under this Policy is also strictly prohibited and is a separate violation of this Policy. This includes any retaliation for inquiring about rights under this Policy, or reporting or complaining about possible violations, or assisting in a complaint investigation, including providing truthful information about a possible violation. Such retaliation against the County's employees, or customers, suppliers, vendors, temporary agency employees, contractors or those utilizing our facilities or services is prohibited and will not be tolerated. Overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation or harassment against an individual or group for exercising rights under this Policy will be subject to appropriate and prompt disciplinary or remedial action.
- I. Reporting Procedure. All employees, the County's customers, suppliers, vendors, agency employees, contractors and those utilizing our facilities or services should promptly report any conduct that they are subject to, or that they witness, which may violate this Policy. If the County does not know about the conduct, it cannot act. Complaints or inquiries under this Policy may be made to an immediate Supervisor, Manager, Department Head, Human Resources Manager, or County Administrator who have overall responsibility for the enforcement of this Policy. It is our hope that by identifying different management levels, you can freely discuss your complaint or inquiry with one of them. Alternatively, you may initially discuss the matter with any Supervisor, who will then bring your complaint to the attention of the Human Resources Manager. You may also feel free to discuss the matter initially with any other employee; and if you wish, you may also involve that person as your advocate to help you in bringing your complaint forward. However, in all cases, the matter must be brought to the attention of the Human Resources Manager, because of the need for consistency, investigation and centralized decision-making in the implementation and enforcement of this Policy. Do not allow conduct that may violate this Policy to continue unreported. It is extremely important that this be reported so that the County can act to stop such conduct at the earliest possible time.
- J. Confidentiality. Complaints and inquiries under this Policy will be kept confidential to the greatest extent practicable, consistent with the County's need to conduct an adequate investigation so that it can take prompt and appropriate action and is subject to legal requirements.
- K. Investigation. Complaints will be investigated promptly. The nature and details of the investigation process will vary depending on the details of the complaint. The County's objective in every instance is to make a fair determination of what happened so it can then take corrective action, if warranted, as soon as possible. The investigation may include, among other things, interviews of witnesses and the person who is the subject of the complaint.
- L. Corrective Action. Any employee who is determined to have committed sexual harassment, harassment or retaliation in violation of this Policy will be subjected to appropriate disciplinary

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measures up to and including termination of employment. Similarly, appropriate action will be taken or suggested if the employee of a customer, vendor, supplier, agency, contractor or other entity with whom the County does business engages in conduct that violates this Policy. When warranted, the County may retrain employees concerning this Policy and what it means. Other forms of corrective action may also be called for depending on the circumstances. The types of conduct described in this Policy are strictly prohibited. Because of this, the County may treat instances of similarly offensive conduct as a violation of this Policy, regardless of the specific wording of this Policy or technical definitions in the law, and may deal with such conduct by any disciplinary measures or other forms of corrective action, including termination of employment of employees violating the Policy.

### V. CHAPTER 5 - DRUG AND ALCOHOL PROVISIONS

- A. Drug-Free Workplace Policy Statement. The welfare and success of the County depends upon the physical and psychological health of its employees. The abuse of drugs and/or alcohol poses a serious threat to both the County and its employees. It is the responsibility of both the County and its employees to maintain a safe, healthful and efficient drug and alcohol-free working environment. It is the policy of County, to foster a work environment free from the effects of both the illegal use of controlled substances and the use of alcoholic beverages. The use of drugs and alcohol impairs employee's judgment which may result in increased safety risks, hazards to the public, employee injuries, faulty decision making, and reduced productivity.
- B. General Guidelines.
- i. All employees are required to sign acknowledgement of policy, along with consent to drug/alcohol testing.
  - ii. The County requires all employees to report to work without any substance in their systems that may cause physical or mental impairment, whether illegally or legally obtained. All employees are required to be in a state of mind and physical condition free from the influence of drugs and alcohol, and fit to complete their assigned duties safely and competently during work hours.
  - iii. It is also the policy of County to prohibit the use, possession, transportation, dispensing, or manufacture of illegal drugs on its premises or while at work.
  - iv. Job applicants shall not be hired if they test positive for illegal drug or alcohol use.
  - v. An employee arrested for off-the-job sale, distribution, dispensation, manufacture, use or possession of illegal controlled substances shall be suspended, either with or without pay, pending an investigation by the County. The County's investigation may result in disciplinary action in the discretion of the County up to and including termination.
  - vi. Any employee / applicant who refuses to be tested, refuses to sign a consent form, or refuses to cooperate in the completion of documentation in accordance with the provisions of this procedure, shall be subject to termination by County.
  - vii. Violation of these rules, including testing positive, will subject employee to discipline, up to and including termination. In addition, the County will disclose any criminal act to the proper law enforcement officials. Refusal to cooperate with the County in any test or investigation will also result in discipline, up to and including termination.
- C. Prohibitions. In compliance with the federal and state Drug-free Workplace laws, Talladega 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 while on business representing the County:
- i. The use or consumption of illegal drugs, controlled substances, and/or alcohol;
  - ii. The possession of illegal drugs, controlled substances, and/or alcohol;
  - iii. The abuse of prescription medications or over-the-counter medications;

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- iv. Being impaired by and/or under the influence of illegal drugs, controlled substances, and/or alcohol; and/or
  - v. The manufacture, sale, purchase, transfer, dispensing of, and/or distribution of illegal drugs, controlled substances, prescriptions medications, and/or alcohol.
- D. Legally Obtained Drugs (prescription or over-the-counter). Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor) to avoid unsafe workplace practices. The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of our drug-free workplace policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action will be taken if job performance deterioration and/or other accidents occur.
- E. Definitions: The following definitions are applicable to the enforcement of the above policy:
- i. "County" means Talladega County.
  - ii. "Safety-sensitive Position" means those positions and employees with the County whose negligent performance can cause harm to the employee, co-workers or the public at large. Safety-sensitive positions with the County include the following:
    - a. Law Enforcement and Jail personnel.
    - b. Employees who drive County owned vehicles.
    - c. Emergency Management Agency Personnel if their job duties involve notification of natural disasters and other public safety warnings.
    - d. Persons who operate heavy or light construction equipment, including lawn care equipment.
    - e. Dispatchers, operators, and other persons who assist the public with reporting emergencies.
    - f. Employees who assist with traffic control and warning duties, including flagging.
    - g. Persons who are required to have a commercial driver's license (CDL) to perform the duties of their job position. CDL drivers are also subject to regulations and testing requirements mandated by the Federal Highway Administration (FHWA) and Department of Transportation (DOT).
  - iii. "Alcohol" means distilled or fermented beverage containing ethyl alcohol, including beer and wine.
  - iv. "Controlled Substance" means any substance defined or classified as controlled substance according to law. Title II of the Comprehensive Drug Abuse Prevention Act of 1970 (Controlled Substance Act), as it is amended from time to time, provides the basic standard. Controlled substances include, but are not limited to, all forms of marijuana, stimulants or hallucinogens, the sale, purchase, transfer, use or possession of which are prohibited or restricted by law.
  - v. "Illegal / Unauthorized Drug" means any drug: (a) which is legally obtainable but has not been legally obtained; or (b) illegal/unauthorized drugs, prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes.
  - vi. "Legal Drug" means prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they have been prescribed by an employee's treating physician.
  - vii. "Possession" means actual or constructive care, custody, control or immediate access.
  - viii. "Accident" means any on the job accident causing injury to any person or damage to equipment or property.

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- ix. *“Collection Site”* means a place designated by County where employees report to provide a urine specimen to test the presence of prohibited substances.
  - x. *“Under the Influence or Impaired”* means being unable to perform work in a safe and productive manner; being in a physical or mental condition which creates a risk to the safety and well-being of the individual, other employees, the public and/or having any laboratory evidence of the presence of a prohibited substance in the employee’s body.
  - xi. *“Collector”* means a properly qualified person who makes an initial examination and obtains the prescribed specimen from the employee in accordance with applicable federal and state laws.
  - xii. *“Medical Review Officer”* (MRO) means a licensed physician who is properly qualified and responsible for receiving laboratory results generated by the County’s drug testing program. The MRO shall have knowledge of substance abuse disorders and have appropriate medical training to interpret and evaluate an individual’s confirmed positive test result, together with his/her medical history and any other relevant biomedical information.
  - xiii. *“Drug Program Coordinator”* The Human Resources Manager is the person designated by the Talladega County Commission as the “drug program coordinator” to administer and ensure compliance with this Policy, including but not limited to, ensuring that proper testing procedures are followed, ensuring that the lab(s) used by the Talladega County Commission are properly certified and ensuring that the Medical Review Officer is properly credentialed.
  - xiv. *“Chain of Custody”* means procedures for the collection and handling of specimens in accordance with applicable state and federal laws, regulations, and guidelines for “drug-free workplace” programs.
  - xv. *“Random Selection Process”* means that employees whose jobs fall under the requirements of FHWA and DOT guidelines, or who are in certain public safety positions are subject to be randomly selected for drug testing without prior notice on a periodic basis.
  - xvi. *“Reasonable Suspicion”* means that upon observation, when a supervisor determines that an employee’s appearance, conduct, or behavior is indicative of use, impairment, possession, or anything else prohibited under this section, that employee is subject to drug/alcohol testing.
- F. Drug Testing. In order to alleviate concerns regarding the safety of our employees and the public, County requires drug/alcohol testing as follows:
- G. Pre-employment screening. Applicants for safety-sensitive positions will be required to take and pass a pre-employment drug and alcohol test after a conditional offer of employment has been made. Refusal to take a required test, a positive test result, or evidence of an altered or diluted specimen will result in the County’s withdrawal of the employment offer.
- H. Post-accident Testing. An employee who is involved in an accident will be subject to drug/alcohol testing under the following circumstances:
- i. When the employee’s actions either contributed to the accident or cannot be completely discounted as a contributing factor to the accident causes and injury to the employee or another that requires medical attention.
  - ii. When the employee’s actions either contributed to the accident or cannot be completely discounted as a contributing factor to the accident and the accident causes property damage of \$500 or more.

The supervisor will notify human resources immediately of the need for a post-accident drug/alcohol test and transport the employee to the County-approved collection site for testing within eight (8) hours after the accident. If an employee is injured, unconscious, or otherwise unable to consent to the drug test, all reasonable steps must be taken to obtain a urine sample. Nothing in this document should be construed to require the delay of necessary medical attention for injured people following an accident, or prohibiting a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain

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necessary emergency medical care. Any employee subject to post-accident testing must refrain from consuming alcohol or taking any controlled substance for eight hours following an accident, or until he/she submits to an alcohol test, whichever comes first. Employees who fail to report an accident or who refuse or neglect to submit to a test within the required time limit are subject to immediate termination.

- I. Reasonable Suspicion Testing. When a supervisor has determined there is reasonable suspicion of prohibited acts or behavior related to drugs or alcohol, he/she will confer with human resources immediately to determine if there is a need reasonable suspicion drug/alcohol test. The employee's suspicious conduct shall be documented, signed, and filed with human resources. If human resources concurs that reasonable suspicion exists, the employee will be transported by his/her supervisor to the County-approved collection site for testing. Employees who refuse to submit to a test are subject to immediate termination.
- J. Random Testing. Employees in positions that fall under the compliance requirements of the FHWA and DOT will be randomly tested on a periodic basis. The selection will result in an equal probability that any employee from a group of employees will be tested. The County has no discretion to waive the selection of an employee selected by this random method. Employees who refuse to submit to a test are subject to immediate termination.
- K. Testing Procedures, Generally. All drug/alcohol testing performed on employees as described in this section will follow these procedures:
- i. Testing will be performed at a County-approved, certified collection site.
  - ii. All CDL drivers and any other employees falling under the requirements of FHWA and DOT Drug-Free Workplace standards will be tested in accordance with Federal Highway Administration (FHWA) and DOT requirements.
  - iii. Random testing of employees in safety-sensitive positions may be performed periodically on unannounced days in compliance with any applicable state and federal laws.
  - iv. All testing procedures, including collections, will be performed by certified technicians and/or laboratories.
  - v. Upon arrival at the collection site, the employee must provide government-issued photo identification, preferably a current Alabama driver's license. The employee will be required to read and sign the controlled substance testing consent form provided by the County. The signature shall be witnessed by the collector.
  - vi. The Employee shall complete a drug testing custody and control form.
  - vii. An MRO, designated by County, shall review all positive tests results to verify positive tests results.
  - viii. The MRO shall immediately notify the Drug Program Coordinator of the results of any positive drug test, along with what drug or alcohol was indicated by the tests. The County may, but shall not be required to, re-analyze the employee's original sample to clarify the findings.
  - ix. Controlled substance testing must follow split sample procedures. Under this provision, an employee whose urine sample has tested positive for a controlled substance has the option of having the other portion of the split sample tested at another laboratory. The employee must notify the County within 72 hours after notification of a positive sample that he/she desires a retest under this provision.
  - x. If a split sample test produces a negative result or if the second portion is not available, the test is considered negative and no sanctions will be imposed.
- L. Confidentiality. All persons who receive information by County regarding drug tests shall maintain this information on a confidential basis.
- M. Convictions. Employees arrested or convicted for the off-the-job use or possession of illegal or controlled substances shall undergo testing to assist the County in determining fitness for duty. If the employee tests positive, the County shall discharge the employee.

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- N. Return to Duty Testing - Each employee holding an eligible position shall be required to undergo a return to duty alcohol and/or drug test before returning to duty when he/she has tested positive on any drug tests administered herein. Employees who return to work following rehabilitation will be required to undergo random testing for a period of twelve (12) months to assist the County in determining fitness for duty. This testing will be in addition to the random testing requirements performed by the County on employees of eligible positions.
- O. Reporting Procedures
- i. The County Drug Program Coordinator shall notify the employee of any positive results of any random, post- accident, reasonable cause or post rehabilitation controlled substance test conducted. The employee shall also be advised what drug or alcohol was indicated by the test in order to give the employee an opportunity to challenge the test results.
  - ii. County shall notify an applicant that is rejected on the basis of a positive result of a drug or alcohol test.
  - iii. County shall maintain all records relating to the administration and results of drug testing for its employees. Any test results shall be maintained in the employee's confidential file.
  - iv. County shall maintain in the employee's general personnel file only that an employee submitted to a drug test, the date of such test, the location of such test, and the identity of the collector, and whether the test was positive or negative. All other information related to the test shall be maintained in a separate file and kept confidential.
  - v. Any reports or documentation related to post-accident or reasonable suspicion testing shall be maintained.
  - vi. Any documents related to an employee's refusal to submit to a test or an employee's dispute of test results shall be maintained.
  - vii. All records and documentation relating to the taking or results of a drug and/or alcohol test(s) shall be maintained for no less than five (5) years and shall be stored in a physically secure location with reasonable measures taken to strictly control access to these records.
  - viii. No person may obtain the individual test results of any employee retained by County nor will the County release any individual test results without first obtaining written authorization from the tested employee.
  - ix. County shall disclose all testing procedures and test results of employees who maintain commercial driver's licenses to the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the County or any of its drivers.
  - x. County may disclose testing procedures and test results of employees who register a grievance, complaint, or other proceedings initiated by or on behalf of the employee against the County. Such actions include, but are not limited to, unemployment compensation hearings, worker compensation claims and actions, and other litigation brought by the individual.
  - xi. All records and documentation of drug and/or alcohol testing results will be maintained by the County's Drug Program Coordinator.
  - xii. Any employee may request the opportunity to discuss a positive drug test with the County or its designated MRO at the time the test results are revealed.
- P. Rehabilitation. Any employee who voluntarily identifies himself/herself to their supervisor, department head, or the County Human resource manager as needing drug and/or alcohol rehabilitation prior to being identified through other means, or before an incident of suspected violation of this policy, will not be disciplined if he/she meets all of the following criteria:
- i. Obtains counseling and successfully completes a drug and/or alcohol rehabilitation program.
  - ii. Agrees to follow up drug and alcohol testing for six months after the successful completion of a drug and alcohol rehabilitation program and return to work.
  - iii. Thereafter, refrains from using illegal drugs or otherwise being in violation of this Drug and Alcohol Policy.

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- iv. Until the rehabilitation program is completed, the employee shall be placed on sick leave, annual, leave or leave without pay until they have been certified by the County MRO that they are fit to return to duty.
  - v. In no event may a supervisor allow an employee who has tested positive return to work without a "Return to Work Authorization" from either their treating physician and/or the County MRO.
- Q. General Information. The County reserves the authority to amend, modify and/or change this Drug and Alcohol Policy at any time it is deemed necessary. To the extent that any portion or provision of this Policy and Procedure conflicts with any applicable federal or state laws or regulation, such federal or state laws or regulations will be controlling.

### VI. CHAPTER 6 - AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)

- A. General Statement. This Federal Act prohibits discrimination on the basis of disability, and it protects qualified applicants and employees with disabilities from discrimination based upon disability, in hiring, promotion, discharge, pay, job training, fringe benefit, and other aspects of employment. An individual with a disability as defined by the ADA is one who:
- i. Has physical or mental impairment that substantially limits one or more of the major life activities of the individual;
  - ii. Has record of such impairment;
  - iii. Is regarded as having such impairment.
- B. Policy Statement. It is the policy of Talladega County to:
- i. Insure that qualified individuals with disabilities are treated in a nondiscriminatory manner;
  - ii. Keep all medical related information confidential in accordance with a requirement of American with Disabilities Act. With regard to medical information in the ADA, Department Heads, supervisors, and other employees are expected to respect the sensitivity of medical information and to maintain confidentiality when they become privy to such information. Employees who disclose confidential information about another employee without necessary authorization may be subject to disciplinary action;
  - iii. Provide applicants and qualified employees with disabilities with reasonable accommodations; and
  - iv. Provide reasonable accommodations in support of the efforts of employees with life threatening illnesses to continue working.
- C. Reasonable Accommodations. In keeping with the spirit of the Americans with Disabilities Act and Title VII of the Civil Rights Act, Talladega County will seek to make reasonable accommodations for employees with qualified disabilities whenever possible. If an employee requires accommodations for a medical condition or disability, that employee is encouraged to contact the Human Resource Department, the Department Head or supervisor so that the County can evaluate if and how it may accommodate the specific need requested. Talladega County will make every effort to handle a request for disability accommodation sensitively and to protect the confidentiality of the information whenever possible. Nothing contained herein shall prevent Talladega County from denying employment in the event that reasonable accommodation cannot be made.

### VII. CHAPTER 7 - RECORDS AND REPORTS

- A. Personnel Files. The purpose of the employee personnel files is to establish and maintain a central source of information that is required to support employee personnel actions. Two personnel files shall be maintained in the Human Resources Department for each employee.



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- i. *General Personnel File.* Information contained in a “general” personnel file will be closely controlled as to its release. The general personnel file will be established and maintained by the human resource manager and will be the official source of information for responding to authorized requests for official information about present and former employees.
  - ii. *Private Personnel File.* A separate personnel file (“private” personnel file) shall be maintained for each employee that includes all documents and other information that is considered private and protected by law (ex. Information protected under HIPPA). Access may be granted to the private personnel file only to those with legal authority for access.
- B. **Content.** The material that is authorized to be included in the general personnel file is restricted to those items for which authenticity has been confirmed through established procedures. The general personnel file shall include, but not be limited to: official personnel forms statements from the employee, supervisors, and statements provided by references named by the employee. The general personnel file will exclude material that is not appropriate for use in making judgments in personnel actions. The general personnel file will exclude any documents or information that is considered private and protected.
- C. **Confidentiality.** The human resource manager will ensure that the general personnel file for all employees is maintained in a strictly confidential manner. Access to general personnel files will be in accordance with the following guidelines:
- i. An employee may have access to his/her own general personnel file upon written request to the human resource manager;
  - ii. A department head may have access to the general personnel files of those employees assigned to his/her department;
  - iii. The County's attorney will have access to the general and private personnel files of any employee where needed in the representation of the County; and
  - iv. Other individuals may have access to the general personnel file of an employee when needed for official approved reasons.
  - v. Record of Access. The human resource manager will maintain a record of all individuals who have accessed an employee's general personnel file.
  - vi. Inactive personnel files. An employee's general personnel file will be maintained in an inactive status for five (5) years after he/she leaves the County's employment.

### VIII. CHAPTER 8 - CATEGORIES OF SERVICE AND EMPLOYMENT STATUS

- A. **Classified Service.** The classified service includes those ongoing, non-managerial (includes supervisors, but not department heads) full-time positions, as authorized and funded by the County Commission. Full-time incumbents are normally scheduled to work at least forty (40) or more hours each work week and are entitled to overtime in accordance with FLSA.

*FLSA - Non-Exempt Employee - an employee whose job duties do not exempt the employee from the overtime provisions of the Fair Labor Standards Act (FLSA) and are entitled to be compensated at an overtime rate of 1 ½ times the hourly rate if the employee works more than 40 hours in a week. Note that a different overtime standard applies to law enforcement and correctional personnel (see Chapter 13, Section F – Overtime).*

- B. **Non-classified Service.** The non-classified service includes contract employees and other department heads designated to carry out management and personnel activities within their respective departments. Non-classified employees serve at the will of the County Commission.

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

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- C. Part-time and Temporary Service. Part-time employees may fill approved and funded positions for work not to exceed 29 hours per week. Under very limited circumstances, upon approval by the County Commission, Temporary Employees may be hired to work no more than 1,040 hours in a calendar year. The time worked of part-time and/or temporary employees who are hired to fill permanent, full-time positions with the County will not count as continuous years of service with respect to pension or other benefits, unless mandated by law. Part-time and temporary employees must go through the normal recruitment process before being appointed to a permanent position. Part-time and temporary employees are at-will and may be terminated at any time, for any reason, with no recourse. Part-time and temporary employees are not eligible to participate in the County's benefits and leave plans except as required by law.

*Benefits. Classified and non-classified, full-time employees will be eligible to participate in all County provided benefits, including group hospitalization insurance, retirement, paid leave.*

- D. Probationary Employees. Probation status and Probationary Period. Newly hired or transferred (lateral, promotion, or demotion) individuals will be placed on probationary status until the employee has successfully completed the established six (6) month probationary period. The probationary period is considered an integral part of the training and evaluation process for each new employee and will be utilized by the employee's department head to closely observe the employee's work, to obtain the most effective adjustment of the employee, and to separate any new employee who is considered unacceptable for continued employment. At the discretion of the department head, probation may be extended for an additional six-month period.
- i. *No right to continued employment.* A probationary employee, whether newly hired or transferred from another County position, may be terminated at any time for any reason without any recourse except as provided under the Equal Opportunity Act.
  - ii. *Evaluation.* Upon receiving a satisfactory evaluation by the department head, a probationary employee will be eligible for regular employment status. The department head shall send his/her written evaluation, along with a letter requesting regular employment status for the employee, to the Human resource manager. There shall be no change in the pay rate upon completion of probation.
- E. Regular employees. Regular status will be afforded every classified employee who successfully completes the County's established six (6) month probationary period or extension and is approved for regular status by his/her department head. An employee who acquires regular status may, subject to the provisions of these policies and procedures, remain in his/her position so long as there is a need for the position, the position is funded, the employee's performance is acceptable, and the employee's conduct meets established County standards.

### IX. CHAPTER 9 - STAFFING

- A. General Provisions. All vacant and newly approved positions will be filled in accordance with these guidelines. Staffing actions will be initiated by the department only for unfilled positions that have been authorized and funded for the current fiscal period by the County Commission. Staffing activities will be coordinated and overseen by the Human Resources Department for all classified positions.
- B. Classified service. When a vacancy occurs for a classified position, the department head shall send a letter to the Personnel Officer requesting to fill the vacancy. After verifying that the position is approved and funded, recruitment may commence. If the position requested has not been approved or funded by the County Commission, the request will be forwarded for their

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approval, along with recommended job description and pay grade, if such does not currently exist. No position may be filled unless approved and funded for the current fiscal period.

- C. Advertising. Positions within the classified service will be posted internally for three days prior to publicly posting unless there is no qualified internal candidate. Internal position recruitment announcements will be transmitted to all departments via email and on posted departmental bulletin boards. External position recruitment announcements will be advertised for a minimum of seven days through a media outlet appropriate to the position and posted on the County's public bulletin boards. Media outlets may include, but are not limited to: County Website, local government or professional association Website or publications, state unemployment office, educational institutions, or newspaper. Recruitment announcements shall include brief position description, position pay range, and deadline for receiving applications.
- D. Receiving applications. Current County employees may apply to posted vacancies by submitting a current resume or completed job application, along with a letter of interest addressed to the personnel office and the department head. External applicants may complete and submit applications through the Alabama State Employment Service or directly to the County via email or Website. Submitted applications must be on forms provided by Talladega County Human Resources. Applications may be kept on file for up to six months and may be considered for other vacancies.
- E. Screening and referral of applications. The Personnel Officer or designee shall review all applications for completeness, screen for basic requirements, and forward the top three qualified applicants to the requesting department head. After reviewing the forwarded applications, the department head may either select applicants for interview or request that additional applications be forwarded.
- F. Interviews. Once the department head has selected three qualified candidates, he/she will notify Human Resources to schedule interviews. The department head or his/her designee will conduct interviews. If an interview form is used, completed forms for all those interviewed will be forwarded to Human Resources, along with the department head's recommendation. The department head shall not inform any applicant of his/her decision until authorized to do so by the Personnel Officer. If none of the interviewees are chosen, the department head may request to be sent additional applicants or to re-advertise the position.
- G. Reference checks. Reference checks (former employers or personal sources) may be obtained by either the human resource manager or the department head only upon receiving a signed release from an applicant. Current employers of applicants may not be contacted unless specifically authorized in writing by the applicant.
- H. Rehiring former employees. Where business need dictates, former employees who were either laid off, or who voluntarily resigned may be considered for rehire.
  - i. *Eligible for Rehire*. Former employees who completed a probationary period, but were laid off (reduction in force) are eligible for rehire as long as they had a satisfactory work record. Former employees who resigned with proper notice and who had a satisfactory work record are eligible for rehire.
  - ii. *Ineligible for Rehire*. Former employees who were involuntarily terminated for unsatisfactory work record, attendance, or policy violations are ineligible for rehire. Former employees who voluntarily resigned without proper notice are ineligible for rehire.

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- I. Selection. Once the department head has made a selection, he/she will forward a letter of request to hire to the Personnel Officer, who will then provide an offer letter for the selected individual. The offer letter will be conditional, based upon successful completion of any required pre-employment screening (drug/alcohol, background, etc.).
- J. Beginning pay range for new hires. New employees shall be hired at step one for the applicable pay grade. Exceptions may be made in certain cases where the individual possesses education, experience, and/or required certifications for the position. All hires above step one must be approved by the County Commission.
- K. Beginning pay range for internal transfers or promotions. If a current employee transfers to a position at a higher pay grade than his/her current position, he/she will be paid at step one for the new pay grade. If the employee is already at a rate of pay within the range for the new position, he/she will receive a one-step increase. The pay rate of a current employee making a lateral transfer (new position is same pay grade as current position) will not change. If a current employee transfers into a position with a lower pay grade, his/her rate of pay will be set at the same step in the lower pay grade. Any request to approve a rate of pay higher than is described in this paragraph must be approved by the County Commission.
- L. Employment offers for new hires. All employment offers shall be made in writing and contingent upon passing background checks, drug screen, medical exam, motor vehicle records, credentials, or any other pre-employment requirements appropriate or required for the position. Offers shall include the hiring rate of pay, benefits information and eligibility, and a tentative start date, with a copy of the job description attached. The letter must be signed by Human Resources and the Department Head.
- M. Offer not accepted. In the event an offer is withdrawn or not accepted, the department head may choose to offer the position to the next best qualified applicant or re-advertise. If another applicant is selected, the same procedure as described above will apply.
- N. Part-time positions. Part-time positions may be filled provided they have been approved and funded by the County Commission in the current fiscal period. Part-time employees may work no more than twenty-nine (29) hours in a week.
- O. Temporary positions. Temporary positions may be utilized only when a department has an unexpected need for a short-term employee: 1) to serve while a permanent employee is on extended leave; 2) to serve when there is an immediate and short-term increase in work load with an imminent deadline for completion. Temporary positions are not typically budgeted and must be approved by the County Commission.
- P. Involuntary transfers. A classified employee may be involuntarily transferred to another position within the department as follows:
- Q. Position abolished or not funded. A department may transfer an employee to a position in the same or lower pay grade if the employee's position is being abolished and he/she would otherwise be laid off. Such a transfer may only occur if the employee is qualified for the position to which they are being transferred. If the pay grade is the same, there will be no change in the employee's pay. If the pay grade is lower, the employee will be paid at the same step on the pay range in the new position that he/she was in the old position.
- R. Unsatisfactory service. A department head may demote employee to a position in a lower pay grade if the employee's performance has not expectations for his/her current position, provided a position is available and funded. Unsatisfactory performance must be documented in writing

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via unsatisfactory performance appraisals or warnings. The department head will notify the Human Resources Manager, in writing, of the demotion, along with supporting documentation.

### X. CHAPTER 10 - EMPLOYEE PERFORMANCE APPRAISALS

- A. General Provisions. Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Mandatory formal performance evaluations are conducted at the end of an employee's probationary period. Additional performance reviews are encouraged to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.
- B. Reports. All evaluations will be discussed with the employees involved. The employee and the individual performing the evaluations will sign the appraisal form. A copy of the completed performance appraisal shall be maintained in the employee's personnel file (in the Human Resources office). Appraisal reports will be considered confidential employee information and will be safeguarded in accordance with the guidelines of these policies and procedures.

### XI. CHAPTER 11 - SEPARATIONS

- A. General Provisions. Separations of employees from positions in the classified service will be designated as one of the following types and shall be accomplished in the manner indicated in this section: Resignation, Lay-off, Disability, Death, Retirement, or Termination (involuntary). At the time of the separation and prior to final payment, all records, assets, uniforms and other items of County property in the employee's custody shall be returned to the County via the supervisor, department head, or Human Resources Department. Any amount due because of shortage in the above shall be withheld from the employee's final compensation. At separation, each individual will be informed of any rights and/or benefits for which he/she may be eligible, after separation.
- B. Resignation. An employee who desires to resign in good standing shall submit a written resignation or verbal notice to the Elected Official / Department Head at least 14 calendar days before leaving and must state the date of resignation and the reason for separation. Such resignation entitles the employee to payment of any accrued annual leave. Failure to comply with this procedure may be considered cause for denying future employment by the County.  
*Unauthorized Absence as Resignation.* Any unauthorized or unjustified absence from work for a period of three (3) consecutive working days may be considered as a voluntary resignation by the individual's department head. The employee may not be considered for rehire.
- C. Layoff. An employee may be separated by being laid off. A layoff may be approved as part of a general cost reduction program or when a particular position is no longer needed.
  - i. *Guidelines.* In a Layoff, the County Commission will, in coordination with the department heads or elected officials, establish criteria to be used in identifying those positions to be eliminated and the individuals to be laid off.
  - ii. *Consideration for Reassignment.* When a regular status classified service, employee is scheduled to be laid off, he/she may be considered for any vacant position of equal or lower grade for which he/she is qualified. If the vacancy is in another department, the employee's name will be referred by Human Resources to that department for consideration.
  - iii. *Notification of Effective Date.* Employees in the classified services will be notified in writing of their layoff at least seven (7) calendar days prior to the effective date of their layoff.

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- D. Retirement. Whenever an employee meets the eligibility requirements set forth in the County's retirement program, currently the Employee's Retirement System of Alabama, he/she may elect to retire and receive benefits earned under the provisions of the retirement program. Applications for retirement under the Employee's Retirement System of Alabama must be submitted at least thirty (30) days, but not more than ninety (90) days prior to the first of the month in which the employee desires to retire.
- E. Termination. An involuntary separation action taken by the County to terminate an employee's service. Regular Full-Time employees will be given the reasons for termination in writing, and advised of procedures to follow in appealing the termination. Probationary, part-time, and temporary employees may be terminated without prior notice or reason.
- i. *Immediate termination*. May be made for cause including, but not limited to, an employee's action or behavior that constitutes:
    - a. Insubordination (refusal or failure to follow supervisor's instructions);
    - b. Endangering the health or safety of him/herself or others;
    - c. Theft, vandalism, or willful destruction of County property;
    - d. Making fraudulent statements on employment applications or work product;
    - e. Any violation of the County Drug and Alcohol policy;
    - f. Conviction of a felony offense or of a crime involving moral turpitude;
    - g. Conviction of an offense that affects the employee's ability to perform his/her job duties or insurability, including, but not limited to, loss or suspension of licenses or credentials; or
    - h. Any other infraction (class 2, for example), or certain policy violations when termination is determined to be in the best interest of the County.
  - ii. *Progressive discipline termination*. Terminations that follow the progressive discipline process are permitted for reasons that include, but are not limited to, Class 1 Offenses, policy violations, or under certain circumstances, Class 2 Offenses. Any employee who fails to correct deficiencies after two (2) documented warnings may be subject to termination, unless automatic termination is justified.
- F. Separation by disability. An employee may be separated from the employ of the County when he/she is no longer able to perform the essential functions of the assigned position because of a physical or mental disability and a reasonable accommodation cannot be made. The County may require a medical examination to be performed at its expense by a physician of its choice in order to document a disability.
- i. *Reasonable accommodation*. Prior to separation, the County shall make a reasonable effort to accommodate the employee's major life function impairment in the assigned job. These efforts may include, but are not limited to, job restructuring, revised work schedules, and improved physical access to facilities. The employee may also be reassigned to a vacant budgeted position, if available, for which he or she is qualified and able to perform the essential functions. Separation for a disability shall only occur if all reasonable efforts to accommodate the employee have been unsuccessful. Employees will be given the reasons for separation in writing, and advised of procedures to follow in an appeal
  - ii. *Medical Evidence*. In all disability separations, the separation will be supported by medical evidence provided by a physician. The County Commission may require an opinion by a physician of its choice, if deemed necessary.

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

### XII. CHAPTER 12 - DISCIPLINARY PROCEDURES

- A. General Provisions for Disciplinary Action. Employees of the county are expected to conduct themselves in a professional, safe, and responsible manner while at work or whenever they are representing the County at functions outside the workplace. Employees may be disciplined for violations of the County's established Policies and Procedures and/or when it is in the best interest of the County. Normally, disciplinary action will be administered by an employee's supervisor or department head. However, if the department head fails to take disciplinary action for an obvious violation of county rules, the County Commission may take action, so long as such action is consistent with the intent of these policies and procedures. Disciplinary action will be fairly, promptly, and consistently applied to the maximum extent possible.
- B. Types of Discipline. All classified and regular, part-time employees of Talladega County are subject to disciplinary action as described herein for unacceptable conduct that falls under the intent of this section. This does not include Sheriff's employees who are covered under the Talladega County Civil Service System.
- i. Counseling. When an employee's performance is not meeting expectations, or is unacceptable, he/she may be counseled and instructed on what is required to improve performance and the length of time that will be allowed to demonstrate improvement. A written notation of the counseling session will be sent to the Human Resource Manager to be included in the employee's personnel file.
  - ii. Written Warning. A written warning will normally be used for unacceptable conduct by an employee that is deemed to require more than a verbal reprimand or an informal counseling session but does not warrant a more serious disciplinary action. Information related to the warning will be on a form provided by the Human Resource Manager.
  - iii. Suspension without Pay. An employee may be suspended without pay his/her conduct continues to be unacceptable after he/she has been given a written warning. A suspension without pay may not exceed five (5) days. A written statement of the reason(s) for the suspension will be on a form provided by the Human Resource Manager and kept in the personnel file. However, nothing should be interpreted herein to prevent the suspension of an employee at the first occurrence of unacceptable conduct, when circumstances warrant.
  - iv. Termination. An employee may be terminated when his/her conduct continues to be unacceptable after previous warnings and or disciplinary actions. However, nothing should be interpreted herein to prevent the dismissal of an employee at the first occurrence of unacceptable conduct, when deemed to be in the best interest of the County. Written documentation of this personnel action will be on a form provided by the Human Resource Manager.
- C. Classification of Offenses. Examples of employee actions that are considered unacceptable are grouped below and are considered to be violations of policy. These offenses and actions are neither all-inclusive nor automatic. A supervisor or department head is permitted and expected to treat individual situations according to the circumstances and facts involved. In addition to the offenses/actions described below, any other violations of a County policy or actions that are contrary to the best interests of the County and its Citizens may be considered offenses that warrant disciplinary action.
- i. Group One Offense. Offenses that may result in disciplinary action: typically, counseling, written reprimand, or suspension, depending on the circumstances. Multiple, or repeated, Group One

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offenses may result in dismissal. Examples include, but are not limited to, the following types of situations:

- a. *Notice of Absence* - failure to give proper notice of an absence;
  - b. *Absenteeism* - irregular attendance and/or absenteeism;
  - c. *Tardiness* - unauthorized tardiness; (not at assigned work station when scheduled);
  - d. *Work Interference* - interfering with the work of others to include offensive personal habits which interfere with efficient operations;
  - e. *Inefficiency* - excessive inefficiency to include waste, loafing, leaving the work area frequently or without permission, and defective workmanship;
  - f. *Safety Violations* - violation of safety policies or practices to include failure to report a work-related accident or injury, accident proneness, or failure to attend safety classes when directed;
  - g. *Abuse of Property* - improper use and/or care of county property or the property of another;
  - h. *Political Activities* - political activities during working time;
  - i. *Refusal of Required Overtime* - failure to respond to any requirement to work outside normal scheduled work day when directed by his/her supervisor;
  - j. *Court Judgments* - willful and/or repeated failure to honor court judgments;
  - k. *Promiscuity* - promiscuous behavior on county property, while on County time, or when representing the County on business;
  - l. *Solicitation* - non-authorized solicitation and/or distribution of any literature or merchandise to another employee during the other employee's working time (to include posting of cards, literature, notices, or other materials of any kind on bulletin boards in work areas or distributed in working areas of any employee at any time or selling products for personal gain); and;
  - m. *Other Conduct* - similar conduct that meets the intent of the definition of a group one offense.
- i. *Group Two Offenses*. Group two offenses of unacceptable conduct by an employee which are very serious and normally constitute grounds for termination upon the first occurrence of such conduct, unless mitigating circumstances, as determined by the department head, render lesser discipline more appropriate. Examples include, but are not limited to, the following types of situations:
- a. *Drugs and Alcohol* - possession and/or use of alcohol, un-prescribed drugs, or similar intoxicants while on county property or on the job (or violation of the drug and alcohol policy);
  - b. *Driving County Vehicle under the Influence* - operation of a county vehicle or motorized equipment while under the influence of intoxicants such as alcohol, un- prescribed drugs, and/or prescribed drugs which induce an unsafe mental and/or physical state;
  - c. *Firearm Possession* - unauthorized possession and/or use of firearms, other weapons, explosives, or other dangerous materials on/in county property;
  - d. *Falsification* - deliberate falsification of records and/or personal misrepresentation of statements given to a supervisor, an official, the public, or any duly authorized committee;
  - e. *Dishonesty* - dishonesty as related to an individual's job duties and/or profession, or use of one's official position for personal advantages;
  - f. *Fighting* - fighting, except when the employee is a victim of an unwarranted assault;
  - g. *Serious Leave Offenses* - excessive tardiness or absenteeism, unauthorized absence, or fraudulent or abusive use of a sick leave;



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- h. *Conviction* - conviction of a felony or other crime or misdemeanor involving moral turpitude, or conviction during employment of misdemeanors which affect the employee's effectiveness on the job;
- i. *Theft or Abuse of Property* - theft, destruction, careless or negligent use, or willful damage of county property or property of others;
- j. *Horseplay* - dangerous horseplay on the job;
- k. *Flagrant Safety Violations* - flagrant violation of safety practices that might endanger the life or health of the employee or others;
- l. *Serious Rule Violations* - serious violation of county regulations, department rules, or lawful orders or directions made or given by a supervisor;
- m. *Proponent of Violent Overthrow of Government* - membership or affiliation in any organization which advocates the overthrow of the government of the United States by force or violence;
- n. *Bribes or Rewards* - acceptance or offering of any consideration of value or gratuity given to improperly influence the employee or another in the course of County business;
- o. *Refusal of Medical Exam* - refusal to be examined by an authorized, fully licensed physician when so directed by the department head or the County Commission;
- p. *Unlawful Political activities* that are gross violations of federal and/or state laws and these policies and procedures;
- q. *Harassment* - any unlawful harassment against any individual as set out in these policies and procedures;
- r. *Sleeping* - sleeping on the job;
- s. *Abusive Conduct* - abusive personal conduct or language toward the public or co-workers, or abusive public criticism of a superior or other county official;
- t. *Willful Violation of Rules or Law* - willful violation of any duly adopted county policy or rule, or state/federal law in the performance of one's duties;
- u. *Conduct Unbecoming an Employee* - conduct unbecoming an employee, while on or off duty which tends to bring discredit upon the county and its employees, or which otherwise threatens order, safety, or health;
- v. *Insubordination* - acts of insubordination, including refusal to obey legitimate orders, or delay or failure to carry out assigned work, disrespect, insolence, and like behavior;
- w. *Unauthorized Use of Property* - unauthorized use, misappropriation, destruction, theft, or conversion of County or other public property;
- x. *Refusal to Cooperate* - refusal to fully and truthfully answer questions of a supervisor or other designated individual during any inquiry, interrogation, hearing, or court proceeding;
- y. *Unauthorized Release of Information* - unauthorized release of privileged or confidential information;
- z. *Conflicts of Interest* - conduct or actions determined to be a conflict of interest or ethics violation as defined by state law and/or county resolutions, rules, regulations, or procedures;
- aa. *Fraud in Personnel Matters* - fraudulent misrepresentation or omission in securing an appointment or promotion in the county service;
- bb. *Repeated Violations of Group One Offenses* - repeated violation of group one type offenses;
- cc. *Failure to Comply with Ethics Law* - Failure to comply with the Alabama Ethics Law to include filing of required annual statements of economic interests and any activity which is considered to be a violation of the ethics law; and

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dd. *Other Conduct* - similar conduct or violations of County policies not listed herein that meets the intent of the definition of a group two offense.

D. General Disciplinary Guidelines. It is the intent of the County to apply disciplinary actions in a fair and consistent manner. The facts and circumstances will be considered, together with the best interests of the County when determining the type of discipline in each instance. When an employee does not agree with the accusation(s) made in a written warning, he/she may provide to the Human Resource Manager, a written rebuttal to be included in his/her personnel file. When an employee does not agree with the reasons given for a suspension without pay or a termination, he/she may file a written request for an informal hearing.

- i. *Actions Recorded in Writing*. All disciplinary actions will be recorded in writing on a form provided by the Human Resource Manager. The department head and the employee will sign the record and the employee will be provided a copy. The employee's signature acknowledges receipt of a copy, but does not necessarily mean that he/she agrees with the action taken, nor will it affect the right to appeal that action. Refusal of an employee to sign the record of a disciplinary action will be so noted on the record and may constitute grounds for a separate disciplinary action. A copy will also be provided the human resource manager for inclusion in the employee's personnel file.
- ii. *Request for initial appeal*. A written request for appeal may be made to the department head in cases of disciplinary actions of suspension without pay exceeding three days or for dismissal. The employee will have three (3) business days in which to file a written response to this notice with the department head.
- iii. *Informal Hearing*. If requested by the employee, the hearing will be conducted informally by the department head at the time and place designated in the notice to the employee. Formal rules of evidence will not apply.
- iv. *Decision of department head*. After hearing the employee's case, the department may either uphold or modify the suspension without pay or dismissal and impose a lesser or greater disciplinary action, as appropriate, based on the facts and circumstances and in the best interest of the County.
- v. *Request for final appeal*. If, after pleading his/her case with the department head, the employee does not agree with his/her decision, the employee will have three (3) working days in which to file a request for a hearing before a committee comprised of the Human Resource Manager, the County's Safety Coordinator, and the Personnel Officer.
- vi. *Decision of the Committee*. After hearing the employee's case, the department may either uphold or modify the suspension without pay or dismissal and impose a lesser or greater disciplinary action, as appropriate, based on the facts and circumstances and in the best interest of the County. The Committee's decision will be final.

### XIII. CHAPTER 13 - ATTENDANCE AND LEAVE

- A. Hours of Business and Work Schedules. County offices will be open for business as directed by the County Commission. Based upon the operating needs of each department, the heads of each department will establish the work schedules for their employees.
- B. Work Week and Work Period. The regularly scheduled time for full-time classified non-exempt employees to work in a "work week" will be forty (40) hours that begins on Sunday and ends on Saturday. For non-law-enforcement personnel, work is typically scheduled Monday through Friday, however, a department head may alter the work week as needed to meet departmental requirements. If a different work week is established, it will be in writing, with a copy provided each employee who will be affected. The normal "work period" for Sheriff's employees (law enforcement and correctional personnel) is the fourteen-day period beginning on a Sunday and ending on a Saturday (coincides with the pay period for all employees).

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- C. Part-Time Employee Work Week. The work week for a part-time employee will be determined by the department head. The time worked by part-time employee during the fiscal year may not exceed approved amount funded by the County Commission. Except in the case of an emergency, part-time employee may not be scheduled to work more than twenty-nine (29) hours in a work week.
- D. Responsibility for Attendance at Work. All employees are responsible for being present at work or on approved absence during their scheduled work time. If an employee is unable to report for work or expects to arrive late, he/she must notify the department head or his/her designee before the normally scheduled starting time. If an employee must leave the work during the normally scheduled work time, he/she will notify his/her department head or designee for permission to leave.
- E. Time Records. Each employee shall accurately record his/her time worked, along with time off (sick, vacation, or other paid or unpaid leave) for each work week. The employee shall certify that his/her time sheet is correct and the supervisor or department head will verify and approve before sending to payroll.
- F. Official Holidays. Classified regular and other full-time employees are eligible for holiday pay for authorized holidays. Part-time employees shall receive four (4) hours pay for each official holiday and temporary employees will not receive holiday pay. Official holidays recognized by the County Commission are as follows:
- i. New Year's Day
  - ii. Martin Luther King Jr.'s Birthday (3rd Monday in January)
  - iii. George Washington's Birthday (3rd Monday in February)
  - iv. Good Friday
  - v. Memorial Day
  - vi. Jefferson Davis' Birthday (First Monday in June)
  - vii. Independence Day (4th of July)
  - viii. Labor Day
  - ix. Veteran's Day
  - x. Thanksgiving Day
  - xi. Day after Thanksgiving
  - xii. Christmas Eve
  - xiii. Christmas Day
- G. Holiday Pay. An eligible employee will receive holiday pay equivalent to eight hours for all county approved holidays. If the employee is required to work on a holiday, the employee will be paid for the actual hours he/she worked on the holiday. The pay for the hours worked will be in addition to the holiday pay. Such pay will be at the regular rate of pay.
- i. *No entitlement to Overtime.* Holiday pay is not time actually worked and shall not be included when calculating or determining overtime pay.
  - ii. *Preceding and Succeeding Workdays.* In order to receive holiday pay, an eligible employee must be present at work or on approved non-disciplinary leave with pay on the scheduled work days immediately preceding and following the paid holiday. If the employee is on unpaid leave for either of these days, holiday pay will not be paid.
  - iii. *Holiday Pay In lieu of Sick or Vacation Leave.* If an eligible employee is on approved sick or vacation leave when a paid holiday occurs, such time will be paid as holiday and not as sick or vacation leave.
- H. Types of Leave. The county provides the following types of leave for its eligible employees: vacation leave, sick leave, administrative leave, military leave, family and medical leave (FMLA), bereavement leave, and leave without pay.
- i. *Vacation leave.* Eligible employees will earn vacation leave with pay upon completion of each year's continual service and in accordance with these guidelines. Newly appointed full-time employees shall accrue vacation leave but shall not be credited with any leave until the successful completion of one full year of service. If the employee does not successfully complete one full year

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of service and is separated, he or she is not entitled to and will not be paid for any vacation leave at separation. Vacation leave will accrue according to the following schedule:

<b>Completed Years of Service</b>	<b>Vacation Hours earned per year</b>	
1 - 7	80	(10 days)
8 - 14	120	(15 days)
15	128	(16 days)
16	136	(17 days)
17	144	(18 days)
18 - 19	152	(19 days)
20 +	160	(20 days)

- a. *Use of Vacation Leave.* Vacation leave is considered a benefit and employees are encouraged and expected to take the earned leave each year. The County has a number of jobs, however, where the employees are subject to frequent call-outs after normal working hours. Therefore, eligible employees may accumulate and carry over a maximum of one-hundred and twenty (120) hours of vacation at each fiscal year end. Any unused vacation leave in excess of one-hundred and twenty (120) hours at fiscal year-end will be forfeited. The county shall not compensate employees for any forfeited leave time, nor shall the County compensate employees for time carried over in the event they separate. Use of vacation must receive prior approval from the supervisor or department head. The department head has the discretion to determine whether to approve or deny a request based upon the department's work load. Failure to comply with this requirement may result in an absence being treated as unauthorized leave. A department head may require all employees in his/her department to take their leave at the same time if he/she feels it is in the best interest of the department to do so.
  - b. *Departmental policies.* Department heads are encouraged to develop their own leave request policies and/or schedules so as not to interrupt service to the public. (ex. Finance Department may allow no vacations to be taken during the budgeting process).
  - c. *Scheduled Holiday During Vacation Leave.* When a scheduled paid holiday occurs during an employee's vacation leave, the day will be credited as a paid holiday and not as a vacation leave day.
  - d. *No Advances.* Vacation leave will not be advanced to any employee.
  - e. *Pay Upon Separation.* Upon separation from county service, an eligible regular status employee will be paid for any accrued vacation leave earned during the current year only, providing the employee has completed, at least, one full year of service. Leave that has been carried over from a prior year or years will not be paid upon separation.
- ii. *Sick leave* is a benefit provided to eligible employees that is provided to ensure that eligible employees who are unable to work due to illness or injury do not feel compelled to do so for financial reasons.

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- a. *Accrual of Sick Leave.* Eligible employees will earn sick leave at the rate of eight (8) hours per month for a total of ninety-six (96) hours of sick leave per year. Probationary employees shall accrue sick leave but will not be authorized to use it until they have successfully completed their probationary period. Eligible employees may accumulate seven hundred twenty (720) hours of sick leave. Upon retirement, employees shall be compensated at a rate of fifty percent (50%) up to a maximum of four hundred and eighty (480) for unused, accrued sick leave hours upon retirement (maximum 240 hours sick leave payout). Employees who were hired prior to October 1, 1990 shall be compensated for unused, accrued grandfathered sick leave at a rate of one hundred percent (100%) of up to a maximum of seven hundred and twenty (720) hours upon retirement from Talladega County.
- b. *Employees on leave without pay or extended leave.* Eligible employees will not earn any sick leave credit for any pay period in which they are in a non-pay status for more than twelve (12) working days or extended paid leave of more than thirty (30) days.
- c. *Use of Sick Leave.* Sick leave with pay will be granted to an eligible employee for any of the following types of reasons:
1. when an employee is unable to work due to personal illness, injury incurred off-duty, or when the employee's presence may endanger the health of fellow workers; or
  2. keeping a doctor, dentist, chiropractor or optometrist appointment; or
  3. any impairment related to pregnancy and/or actual confinement. A female employee who requests time away from work for pregnancy, maternity and childbirth will be treated equally to other employees with other forms of disability or sickness who request leave; or
  4. serious illness of a member of the employee's immediate family (for purposes of this section, immediate family includes the employee's spouse, children and parents or persons with unusually close ties.
- a. *General Requirements for Use.* Use of sick time must be approved, in advance, by the employee's supervisor or department. Employees shall notify his/her supervisor or department head as far in advance as possible of his/her reporting time. Failure to do so may be cause for denial of sick leave for the absence. Denial of sick leave will result in the employee being charged with vacation leave, or placed in some non-pay status, at the discretion of his/her supervisor.
- b. *Requirements for Extended Use.* For a period of absence of three (3) or more consecutive working days, or anytime at the request of the department head, the employee may be required to submit a medical report signed by a licensed physician stating that he/she has been incapacitated for work for the period of absence and when it is anticipated that the employee will again be physically able to perform work duties. The department head may require an employee to undergo an examination and obtain a second opinion by a county designated physician. Such examination, when required, will be paid by the county and will be conducted by a physician or physicians as designated by the County Commission. An employee, returning to work after a sickness or injury, may also be required to provide a "fitness for duty" statement from his/her doctor.
- c. *Fraudulent Use Prohibited.* Any unjustified or fraudulent use of sick leave may result in loss of pay, charged as vacation leave, and/or punished by disciplinary action, up to and including, termination.
- d. *Use during a Holiday.* When an authorized paid holiday occurs during the period an employee is on sick leave, the employee will receive regular holiday pay and that day will not be charged against sick leave.

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- e. *Worker s' Compensation Leave.* Employees injured on the job are covered under the provisions of Workers' Compensation Laws of the State of Alabama.
- I. Catastrophic Leave Policy. The Talladega County Commission recognizes illnesses or injuries of a catastrophic nature can occur to employees or their immediate families causing extreme hardships on the employee and their families, Therefore, upon approval of the County Commission, co-workers may be allowed to donate leave to the affected employee.
- i. *Definition.* Catastrophic illness/injury is one that has totally incapacitated the employee from work for an extended period of time, and for which the employee has no available sick or vacation. Chronic illnesses or injuries which result in intermittent absences from work may be considered catastrophic (for example: cancer, AIDS, major surgery), Generally speaking, such chronic illnesses or injuries must be considered both long term in nature and require long term recuperation periods. The medical verification required should indicate a total incapacitation from work.
  - ii. *Scope.* The Catastrophic Leave Donation Program shall apply to eligible county employees for their own medical condition or that of the employee's immediate family including spouse, children or parents, if this results in the employee being required to take time off for an extended period of time in order to care for such immediate family member. In either case, the employee must have exhausted both all of their accrued annual and sick leave.
  - iii. *Donation.* Donation of leave consists of accrued sick leave donated by county employees when approved by the County Commission. Donation of accrued sick leave by employee shall be in increments of one (1) hour not to exceed forty (40) hours for any one personal donation, must specifically name the employee to whom the accrued sick leave is donated and may not be recovered in the event the eligible employee does not use the entire amount of accrued sick leave donated.
  - iv. *Procedure.* To request participation in the catastrophic leave donation program, the employee or authorized designee shall:
    1. Make a request in writing to their department head for review.
    2. The department head shall refer the request to the County Administrator or authorized designee. The request shall include a licensed physician's statement indicating the illness/injury is catastrophic, extent of the disability and anticipated/projected length of the absence.
    3. The Personnel Officer shall determine eligibility and authorize the Human Resources Manager to begin the campaign to solicit voluntary donations of catastrophic sick leave.
    4. The Human Resources Manager shall maintain an accounting of donations and balances. The names of employees making donations shall be confidential.
    5. Donated catastrophic leave shall not be deemed donated until actually transferred by the human resources manager.
    6. At the next possible meeting of the Talladega County Commission, the Personnel Officer shall request the approval of the County Commission to grant catastrophic leave for the eligible employee.
    7. Approved catastrophic leave expires three (3) months from the effective date.
- J. Administrative Leave. Classified employees will be granted administrative leave with pay in accordance with the following guidelines provided the absence is on a normally scheduled workday. The number of hours of leave granted for each day shall not exceed the number of hours the employee would normally have been scheduled to work for that day. Administrative leave will not be charged against the vacation or sick leave of an employee who earns such leaves. The following types of administrative leave are provided by the county:
- i. *Civil/Legal.* Leave will be granted to eligible employees for jury duty, court attendance as a witness in a case not involving personal litigation, or voting. The length of time granted for voting will be the reasonable time necessary to vote and normally will be granted at

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the start or end of a workday. When an employee is granted leave for jury duty or court attendance, he/she will return to work immediately upon release by the court.

- ii. *On-duty Court Appearances.* Attendance in court by employees who are acting in an official capacity will not be considered as administrative leave but as regular work time. The provisions of any law or county policy that requires any fees provided an employee who is attending court in an official capacity to be turned in to the county will be observed.
- iii. *Bereavement Leave.* The County provides bereavement leave to eligible employees upon the death of an eligible family member. The employee may be granted up to three (3) days paid bereavement leave based on the qualifying relationship to the employee. Paid bereavement leave may be granted for three (3) days for the following relations:
  1. Spouse
  2. Parent
  3. Son or daughter
  4. Brother or sister
  5. Grandparent
  6. Grandchild
  7. Step-relatives of the above categories
  8. Cohabiting partners
  9. Any person whether related or not to the employee, with whom the employee has maintained a guardianship.

Other Qualifying Relationships: Paid bereavement leave may be granted for one (1) day only for the following relations:

- a. In-laws of the above categories
- b. Spouse's grandparents
- c. Aunt or uncle (sibling of your parent)
- d. A child of your sibling

*Other requirements.* Satisfactory proof of death and relationship may be required by the County. Payment will be based on the maximum of eight (8) hours per day at the employee's regular rate and such allowance will not be counted as time worked for the purpose of computing overtime. Attendance Required: Bereavement leave will be authorized only if the employee attends the funeral. Bereavement leave benefits may not be accumulated, nor will employees be paid in lieu of any unused bereavement leave. Employees on leaves of absences are not eligible for bereavement leave. If the death of an employee's eligible family member occurs while an employee is on vacation, vacation may be changed to include, or be replaced by, bereavement leave at the request of the employee.

- iv. *Inclement Weather.* When considered necessary for the safety of its employees, the County Commission has authorized the County Administrator to close of offices and/or set a late arrival or early departure time. Such time will be reported on an attendance report as administrative leave (inclement weather). Employees whose jobs require them to work during inclement weather shall be paid for actual hours worked. The County will attempt to have closings broadcast over radio or television, but it is the responsibility of employees to contact their supervisors or department heads if they are uncertain of a closure. In the absence of an "official" closure by the County Commission, employees are expected to make a good faith effort to report to work. If they cannot do so, they should contact their department head and may be allowed to take vacation leave or leave without pay. Administrative leave due to an inclement weather closure applies only to regular, full-time employees who are scheduled to work and not scheduled for paid or unpaid leave.

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- v. *Military leave.* Military leave will be authorized in accordance with Section 31-2-13 of the Alabama Code, 1975, as summarized below.
- a. *Entitlement.* Classified employees who are active members of the Alabama National Guard, naval militia, or the Alabama State Guard organized in lieu of the national guard or of any other reserve component of the Armed Forces of the United States, will be entitled to military leave of absence from their respective duties on all days that they are engaged in field or coast defense or other training, or on other service ordered under the provisions of the National Defense Act, or of the federal laws governing the United States Reserves, without loss of pay, time, performance rating, vacation or sick leave, or any other county provided benefit.
  - b. *Limitation.* No persons granted such leave of absence will be paid for more than one hundred sixty-eight (168) hours per calendar year.
  - c. *Extended Limitation.* Eligible employees will be entitled, in addition to the above, to be paid for no more than one hundred sixty-eight (168) hours at any one time while called to duty by the governor in the active service of the state or nation.
  - d. *Procedure.* An eligible employee who wishes to be granted military leave will submit a copy of the military orders or other documentation necessary to support the request and a leave request to the human resource manager. Such request will be submitted as soon as the employee becomes aware of the projected dates of service.
- b. *Leave without pay.* The county provides leave without pay to eligible employees in certain situations as described below. An employee who is granted a leave without pay will be placed in a non- pay status.
- c. *Family and Medical Leave Act.* Those employees who meet the eligibility requirements as specified in the Family and Medical Leave Act of 1993 (FMLA) may be granted leave for a period not to exceed twelve (12) weeks during the twelve-month period, rolling forward and beginning on the first day of leave taken. Such leave is not automatic and will become effective only after the County determines that the employee is eligible, qualified and the request approved. Leave may be granted for the following reasons:
- i. a serious health condition of a spouse, child, or parent; or
  - ii. a serious health condition of the employee; or
  - iii. birth of a child or placement of an adopted or foster child.
- vi. *Leave request.* Each request will be in writing at least thirty (30) days in advance when the leave is foreseeable, or as soon as practical. The request will be supported by a written statement from the employee's or family member's physician (or other recognized authority) as needed to support the leave request. The county's approval of the leave request will be in writing. Under FMLA, the employee will be eligible to return to the same or equivalent position with equivalent benefits and pay at the expiration of the leave. An employee who fails or is unable to return to work at the expiration of an authorized leave of absences will be deemed to have resigned as of the end of the leave.
- vii. *County-initiated leave.* Based upon information from the employee or from his/her representative (spouse, adult child, parent or doctor, in the event the employee is incapacitated), the County may designate leave as FMLA-qualifying. Once the County has decided the leave is FMLA qualified, the employee will be sent the proper FMLA notice.
- viii. *Coordination with Other Provided Leaves.* While on FMLA leave, the employee shall be paid, which payment shall be charged against an employee's accrued leaves in the following order: 1) sick leave; and 2) vacation leave (after sick leave is exhausted). After an employee's accrued leaves with pay are exhausted, or if the employee does not have leave with pay accrued, the employee will be placed in a leave without pay status for the remainder of the leave. While the employee is in a sick or vacation leave status (during FMLA leave), he/she will



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receive regular pay and benefits associated with such leave. If the employee is in FMLA leave and is placed in a leave without pay status, he/she will not receive any pay.

- ix. *Benefits While Using FMLA.* As an exception to paragraph “d”, above, the county will continue to pay the portion of any benefit premiums (such as medical, etc.) for an employee using FMLA that it normally pays on behalf of an employee. The employee is required to continue to pay their share of the monthly premium. Sick and vacation leave will not accrue during any unpaid leave taken that exceeds twelve (12) working days per month.
- x. *General Leave without Pay.* Classified employees may be granted leave of absence without pay for a period not to exceed ninety (90) calendar days. Approval or denial of general leave request is at the discretion of the department head. The following guidelines apply to approval of any general leave of absence without pay:
  - i. the leave will be for a justifiable reason;
  - ii. the leave will not cause an undue hardship on the county;
  - iii. the employee understands that he/she may be required to return to work before the leave expires; and
  - iv. employee understands that failure to report for duty promptly when requested or at the end of the leave will be considered a resignation and the employee will be separated.
- l. *Political Leave without Pay.* A county employee desiring to campaign for a Talladega County political office shall be granted a leave of absence without pay beginning on the date they qualify to run for office until the date on which the election results are certified or the employee is no longer a candidate or there are no other candidates on the ballot. An employee may, however, elect to use accumulated vacation leave during his or her political leave of absence. If the employee is elected, the employee will resign from his/her classified position with the county and assume elected office, or if the employee is defeated for political office, the employee, may within five (5) working days, be reinstated to his/her former position, or one of comparable rank and pay. No employee shall be rewarded or penalized in any way for authorized political leave.
- m. *Expiration of Leave without Pay.* When the leave of absence expires, the employee will be reinstated to the position he/she held at the time the leave was granted or to a similar position, if the previous position is no longer available. However, the employee is not guaranteed a position if there is no position available in the employee’s department.
- vii. *Benefits While in Leave without Pay Status.* No county paid benefits (vacation leave and sick leave accrual, holiday or other paid leave, or insurance premiums, etc.) will be provided an employee for any month in which the employee been placed in a leave without pay status for a period that exceeds twelve (12) working days. An employee who is on leave without pay for more than twelve (12) working days in a month will be required to reimburse the county for any benefit costs paid on behalf of the employee for that month. Any unused sick leave days an employee was entitled to at the time he/she was placed in a general leave without pay status will be made available upon return to work. If the employee does not return to work, these days will be forfeited. An employee in a leave without pay status will not accrue credit toward pay increases. This paragraph does not apply to those employees using FMLA.

viii. *Approval.* All leaves of absence without pay must be approved by the County Commission.

- K. Time Sheets/Attendance Records. Time sheets/attendance records will be maintained by Human Resources for all employees of Talladega County. The employee reserves the right to examine and verify his or her personal time record prior to supervisor approval. Employees who willfully falsify a time record will be subject to immediate termination. A workday may not be shortened by “working through” or reducing the lunch period on a voluntary basis, nor may an employee voluntarily begin work before or after his or her regularly scheduled hours for the purpose of accumulating overtime. Every adjustment to the work schedule requires approval from the employee’s immediate supervisor.

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- a. *Hourly* (FLSA non-exempt) employees will be responsible for completing a time sheet/attendance record with the beginning and ending work times, including lunch. This is necessary for payroll calculation of the employee's earnings.
- b. All *salaried* (FLSA exempt) employees are expected to accomplish their duties regardless of the time or days required to do so. Salaried exempt employees will be responsible for recording all time records if he or she is absent from work, indicating the type of leave (paid or unpaid) for the applicable days.

### XIV. CHAPTER 14 – ADMINISTRATION OF CLASSIFICATION AND COMPENSATION PLAN

- A. General Provisions. Policy Statement. The Talladega County Classification and Compensation Plan will be maintained to ensure that positions similar in classification, duties performed, and responsibilities assumed are compensated fairly and equitably without regard to political affiliation, race, color, gender, religion, age, national or ethnic origin, disability, marital status, veteran status, or any other occupationally irrelevant criteria.
- B. Responsibility. The human resource manager will monitor the county's compensation system and recommend, in coordination with the appointing authorities, needed changes. All changes to job classifications and the compensation plan must be approved by the County Commission.
- C. Positions covered. All regular classified and non-contract positions shall be covered under this classification and compensation plan.
- D. Job Descriptions. Human Resources will maintain current job descriptions for all positions within the County. Human Resources will consult with the appropriate department representative in obtaining essential job duty information and other requirements specific to each job in developing or revising job descriptions. Each job description shall be designated as FLSA exempt or non-exempt and assigned to an appropriate grade within the approved pay plan. All job descriptions and pay grade assignments shall be approved by the County Commission.
- E. Classification and Pay Plan. A classification plan and pay plan will be established and periodically reviewed as conditions dictate. Jobs of comparable responsibility, scope, complexity, and required education, knowledge, skill and ability will be assigned to the same classification (pay grade). Pay ranges for each classification will reflect current local market rates for each position, taking into consideration local economic conditions, recruiting environment, and the County's available financial resources.
- F. Overtime. All jobs in the county service will be designated to be either non-exempt or exempt under the overtime provisions of the FLSA. Such determinations will be made by the human resource manager, based upon the FLSA criteria. FLSA exemption status shall be noted on each County job description and provided to each employee upon hire or reclassification of the position. The County utilizes the "7(k)" limited exemption provision of the FLSA for law enforcement and corrections employees of the Sheriff Department
  - i. Non-exempt employees. All employees who are designated as non-exempt from the overtime provisions of the FLSA ("hourly employees") will earn overtime at a rate of one and one-half (1 1/2) times their regular hourly rate for qualified overtime. All overtime requires prior approval of the department head. Qualified overtime shall be calculated based upon time actually worked as follows:
    - a. For non-law enforcement personnel over forty (40) hours in the seven (7)-day "work week."
    - b. For law enforcement personnel (sworn and corrections officers) – over eighty-six (86) hours in the fourteen (14) day "work period."
    - c. Sick, vacation, holidays, etc. will not be used in the calculation of overtime. In lieu of overtime, the county will offer compensatory time employees of the Sheriff's Department in accordance with the FLSA and Alabama law. Sheriff's deputies may choose compensatory time in lieu of overtime pay in accordance with the provisions of State Act 96-664. An employee shall use any accumulated

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compensatory time within two pay periods. If an employee is not able to take leave within the specified time, the employee shall be paid for the compensatory time at the overtime rate of pay for the hours worked. Compensatory time will be computed at one and one-half (1 1/2) times the overtime hours worked.

- ii. **Exempt Employees.** Exempt employees are excluded from the overtime provisions of the FLSA. Exempt employees perform work that is directly related to establishing policy, carrying out policy, and/or supervising employees. Such employees are typically salaried and are paid to accomplish a supervisory and/or managerial function. Exemption of employees from the overtime provisions of the FLSA must be determined in accordance with the provisions of the FLSA and these policies and procedures.
  - a. *No entitlement to overtime.* Exempt employees will not earn overtime pay entitlements, including compensatory time, regardless of the number of hours they work during a work week. Routine absences for sickness, vacation leave, etc., will be charged as leave in accordance with the leave guidelines of these policies and procedures so long as such action is in accordance with the provisions of the FLSA.
  - b. *Work Schedule.* Exempt employees are not scheduled to work a specific number of hours in a particular work week. They are, however, expected to work during the normal work week as established by the County Commission or appropriate elected official.
- G. **Employee Anniversary Date.** Each employee's anniversary date will be established from the first date of employment and will be used to determine eligibility for various benefits such as leave, retirement, pay increases, etc. The anniversary date will occur after completion of twelve (12) months of continuous service. If an individual is separated and subsequently re-employed as a classified service employee, the new employment date will be established as the anniversary date. If an employee is placed in a leave without pay status for more than thirty (30) calendar days, his/her anniversary date will be adjusted to reflect the break in service.
- H. **Hiring Rate for Part-time Employees.** The rate of pay of a part-time employee will be set at Step 4 for the pay range of a comparable full-time the position.
- I. **Pay Level after Leave of Absence without Pay.** An employee who returns to work after a leave of absence without pay will have his/her pay established at the same rate of pay he/she was paid prior to the leave of absence.
- J. **Pay Increases.** Pay increases will be awarded to classified and non-contract employees as described in this section only if funds are available and the increase is approved by the County Commission. Types of pay increases are:
  - i. *Cost of Living Increase:* Upon recommendation of the County Administrator, a cost of living increase may be granted to all classified and non-classified employees, and elected officials if funds are available and if approved by the County Commission. In the event of a cost of living increase, the salary ranges shall not change. Rather, the eligible employees' pay should be adjusted up the range to reflect the cost-of-living increase.
  - ii. *Longevity Increases:* Longevity increases may be awarded to eligible classified employees and non-classified employees upon attainment of twelve (12) months of continuous service only if funds are available and the increase is approved by the County Commission. Employees who have received a pay increase within the six (6) months prior to the longevity increase are ineligible.
  - iii. *Promotional Increase.* Employees who are promoted to a higher-level position will be increased to step one of the new position. However, if the employee's current rate of pay is already within the range of the new position, the increase will be one-step. Any promotional increase that exceeds the amount for a one-step increase must be approved by the County Commission.

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- K. Establishment of pay upon reassignment. When an employee is transferred, promoted, or demoted to another job, his/her pay will be established in accordance with the following guidelines.
- i. *Transfers*. When an employee is transferred to another job, his/her pay level will remain the same as before his/her reassignment unless the employee transfers to a position at a lower classification (pay grade). In that case, the employee will be placed at the same step within the pay grade for the new position.
  - ii. *Return to Old or Comparable Job*. Before Completing Probationary Period. If an employee is returned to his/her old job, or a comparable job, prior to completing the required probationary period, his/her pay will be returned to the pay level it was prior to the employee's promotion.
  - iii. *Demotions*. When an employee is demoted to a new job, his/her pay level will be established at the same step in the pay grade for his/her new job that it was in the pay grade for his/her prior job. Such pay level will be established below his/her pay level prior to the demotion.
- L. Special Pay Provisions. Under certain situations, employees may be entitled to special pay for activities and/or duties performed as a part of their assigned work. Such special pay will be provided in accordance with the following guidelines:
- i. *Temporary Work Assignments*. If an employee is temporarily assigned to another position that is of equal or lower pay, the employee's rate of pay will not change. If the employee is temporarily assigned to a position in a higher pay grade, the employee's rate of pay will not change unless the assignment exceeds twenty (20) working days (about four weeks). After twenty (20) working days, the employee's temporary rate of pay will increase to Step 1 of the temporary assignment's pay grade, or three percent (3%), whichever is greater. At the completion of the temporary assignment, the employee's rate of pay shall revert to his/her regular rate of pay. If any County-wide, general pay increases are implemented during the temporary assignment, the pay increase will be given based on the employee's regular rate of pay.
  - ii. *Coordination of Employee's Pay with Workers' Compensation*. When an employee is absent due to a job-related injury or illness, his/her workers' compensation payments will be coordinated and supplemented with any accumulated sick or vacation leave an employee may have accrued to ensure the employee receives an amount equal to his/her regular pay. If the employee exhausts his/her accumulated sick or and/or vacation leave, then the employee shall receive only the workers' compensation benefits.
- M. Pay Period. The County Commission has established pay periods for all employees. The pay period for all employees, except elected officials, begins and runs for fourteen consecutive days. All pay earned during the pay period will be paid the employee on the next Friday after the end of the pay period.
- N. Payroll Deductions. The County Commission may, upon request of the, withhold specified amounts of money from the employee's pay. Withholding will only be made for County Commission-approved types of transactions.
- O. Employee Benefits. In addition to paid leaves authorized in Chapter 11, other benefits are provided to eligible employees as part of their overall compensation. Such benefits based upon eligibility criteria established for each benefit. Specific details about a particular benefit may be obtained from the human resource manager.
- i. *Workers' Compensation*. The county provides workers' compensation insurance coverage in accordance with Alabama law for any qualifying injury or illness that might be sustained on the job. All job-related injuries or illnesses shall be reported immediately by an employee through his/her department head to the human resource manager. Failure to do so may result in loss, or delay, of receipt of any authorized benefits and may result in suspension for up to ten (10) consecutive work days. Subsequent violations of this policy may result in termination. If deemed necessary, the human resource manager may require the employee to see a county approved doctor at the county's expense.
  - ii. *Group Medical Insurance*. The county provides eligible employees health insurance coverage under its group insurance program in accordance with the coverage document.

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- iii. *Dependent Coverage.* Health coverage may also be provided to eligible dependents of covered employees based upon current state or federal law and the coverage document.
  - iv. *Supplemental Insurance Coverage.* The County permits employees to voluntarily participate in optional, supplemental insurance coverages with approved providers at the employee's expense. Premiums are payroll-deducted and paid to the provider only with written authorization of the employee. It is the employee's responsibility to closely monitor his/her pay stub to ensure deductions are correct.
  - v. *Responsibilities for Costs.* The county will pay the monthly premium for each employee's health insurance coverage. The costs associated with an employee's dependent coverage will be paid by the employee as approved by the County Commission and in accordance with the coverage document.
  - vi. *Effective Date.* Insurance coverage for an eligible employee and his/her dependents will become effective in accordance with the current coverage document. If an individual takes a leave of absence or is separated from the county, the continuation of coverage will be in accordance with the coverage document and federal law.
  - vii. *Non-pay Status.* An employee will be required to reimburse the county for any premiums normally paid by the county for any month in which he/she is in a non-pay status for more than twelve (12) working days, unless otherwise provided by federal law.
  - viii. *Unemployment Insurance.* The county provides unemployment insurance benefits to its employees in accordance with the state laws and regulations.
  - ix. *State Retirement System.* Eligible employees will have withheld from their salary each pay period, that amount required for participation in the State Retirement System of Alabama. The county also contributes toward the employee's retirement so that he/she may be assured of an adequate retirement income. Participation in the state retirement system is mandatory.
- P. Payroll Safe Harbor Policy. It is the policy and practice of the Talladega County Commission to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that the employee is paid properly for all time worked and that no improper deductions are made, the employee must record correctly all work time and review his or her paychecks promptly to identify and to report all errors.

The Talladega County Commission makes every effort to ensure all employees are paid correctly. When mistakes do happen, and are called to our attention, we will promptly make any corrections necessary. Each employee should review his or her pay stub when received to make sure it is correct. If a mistake has occurred or if there are any questions, please use the reporting procedure outlined below.

If an employee is classified as non-exempt (Hourly), he or she must maintain a record of the total hours worked each day. These hours must be accurately recorded in the time keeping system provided by the County. Each employee must verify that the reported hours worked are complete and must accurately reflect all regular and overtime hours worked, any absences, late arrivals, early departures and meal breaks. When an employee receives each paycheck, the employee must also verify immediately that he or she was paid correctly for all regular and overtime hours worked each workweek. Any discrepancies will be corrected on the next regular payroll run. No special payroll will be run.

Unless authorized by the employee's supervisor, the employee shall not work any hours that are not authorized, unless authorized to do so by his or her immediate supervisor and that time is recorded on his or her time record. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work the employee may perform but fails to report on his or her time record. Any employee who fails to report or inaccurately reports any hours worked will be subject to potential disciplinary action, up to and including, termination.

It is a violation of the County's policy for any employee to falsify a time record, or to alter another employee's time record. It is also a serious violation of County policy for any employee or manager to instruct another employee to incorrectly or falsely report hours worked or to alter another employee's time record to

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under- or over-report hours worked. If any supervisor or employee instructs another employee to (1) incorrectly or falsely under- or over-report an employee's hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, the employee should report it immediately to Human Resources or County Administrator.

If an employee is classified as exempt (salaried), the employee will receive a salary that is intended to compensate him or her for all hours he or she may work for the County. This salary will be established at the time of hire or when he or she becomes classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount and will not be subject to deductions for variations in the quantity or quality of the work the employee performs.

Under federal and state law, an employee's salary is subject to certain deductions. For example, absent contrary state law requirements, an employee's salary can be reduced for the following reasons:

- i. Full day absences for sickness, disability or personal reasons when:
  - a. Permission for paid leave has not been sought or has been sought and denied;
  - b. Accrued leave has been exhausted; or
  - c. Employee is granted leave without pay, in accordance with the policies adopted by the Talladega County Commission.
- ii. Full day disciplinary suspensions for infractions of the Talladega County Commission's written policies and procedures;
- iii. Family and Medical Leave Absences (either full or partial day absences);
- iv. The first or last week of employment in the event the employee works less than a full week; or
- v. Suspension without pay based on violation of a safety rule or a workplace rule of conduct.

An employee's salary may also be reduced for certain types of deductions such as his or her portion of health, dental or life insurance premiums; voluntary supplemental benefits; state, federal or local taxes and social security; or voluntary contributions to a retirement plan.

If an employee has questions about deductions from his or her pay, please immediately contact the Personnel Department. If an employee believes that his or her pay does not accurately reflect the employee's hours worked, the employee should immediately report the matter to his or her supervisor. If the supervisor is unavailable or if the employee believes it would be inappropriate to contact that person (or if the employee has not received a prompt and fully acceptable reply), the employee should immediately contact Human Resources. If an employee has not received a satisfactory response within five (5) business days after reporting the incident contact the County Administrator.

Every report will be fully investigated and corrective action will be taken where appropriate, up to and including discipline for any employee(s) who violates this policy. In addition, the County will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the County's investigation of such reports. Retaliation is unacceptable and any form of retaliation in violation of this policy will result in disciplinary action, up to and including, termination.