# OHIO COUNTY - KENTUCKY

# ADMINISTRATIVE CODE

## Ordinance # 2014-14

**Ohio County Fiscal Court**

**June 24, 2014**

OC

Commonwealth of Kentucky

Ohio County Fiscal Court

ORDINANCE #2014-14

AN ORDINANCE 2014-14 ADOPTING AN ADMINISTRATIVE CODE: REPEALING ORDINANCE #2013-4 AN ADMINISTRATIVE CODE ADOPTED JUNE 25, 2013.

BE IT ORDAINED BY THE FISCAL COURT OF OHIO COUNTY, KENTUCKY:

1). AN ADMINISTRATIVE CODE PREVIOUSLY ADOPTED ON JUNE 25, 2013 AS ORDINANCE #2013-4 CONSISTING OF 98 PAGES IS HEREBY REPEALED.

2). THE ADMINISTRATIVE CODE SHALL BE RECORDED BY THE COUNTY CLERK IN TOTAL TEXT IN THE ORDER BOOK OF THE FISCAL COURT OF OHIO COUNTY, KENTUCKY.

3). ORDINANCE #2014-14, AN ADMINISTRATIVE CODE CONSISTING OF (98) PAGES WHICH IS ATTACHED HERETO AND INCORPORATED BY REFERENCE IS HEREBY ADOPTED AT ITS FIRST READING ON THIS DATE AND SHALL BE DULY PUBLISHED FOR ITS SECOND READING.

INTRODUCED, PUBLICLY READ AND PUBLISHED AS REQUIRED BY HAVING FIRST BEEN READ ON JUNE 10, 2014 PASSED AND ADOPTED AFTER LEGAL PUBLICATION ON JUNE 24, 2014.

OHIO COUNTY FISCAL COURT

BY: _____

DAVID JOHNSTON
OHIO COUNTY JUDGE EXECUTIVE

ATTEST:

_____

FISCAL COURT CLERK

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# OHIO COUNTY FISCAL COURT

## PREFACE

The policies contained herein are designed and intended to serve only as a guide to the relationship between Ohio County, Kentucky and its' employees. These policies do not express any commitment or contract of employment for any specific period of time. Only contracts set forth in writing in a separate document, signed by the employee and the elected official will be binding on the employee and Ohio County term. Absent such a written, separate contract, your employment with Ohio County, Kentucky, is "AT WILL" and either you or Ohio County Fiscal Court is free to terminate the employment relationship at any time.

AMENDMENT: The Administrative Code may be amended by request or presentation by the County Judge Executive upon approval of the Fiscal Court at any time.

No provisions of this Administrative Code shall impinge upon, or be in conflict with, any statutory or constitutional right, duty, or power of a duly elected officer or his employees.

The policies contained herein may be amended or deleted from time to time. Employees are deemed to have knowledge of all policies, whether new or amended.

DAVID JOHNSTON, Ohio County Judge Executive

MICHAEL McKENNEY, Magistrate

JASON BULLOCK, Magistrate

BRANDON THOMAS, Magistrate

LARRY KEOWN, Magistrate

KENNY AUTRY, Magistrate

Beverly Geary Fiscal Court Clerk

ADMINISTRATIVE CODE

FOR

OHIO COUNTY, KENTUCKY

The Ohio County Fiscal Court County Administrative Code: including policies and procedures adopted by Fiscal Court communicating employment "at will" guideline, regulations, employee rights, and responsibilities. Ohio County Fiscal Court is an equal opportunity employer.

The Ohio County Jail shall submit Policy and Procedure Guidelines not inconsistent herewith for approval by the Ohio Fiscal Court:

# CHAPTER 1

## COUNTY JUDGE EXECUTIVE:

The County Judge Executive shall be the Chief Executive in the County and shall have all the powers and perform all the duties of an executive and administrative nature, consistent with the Kentucky Constitution, Kentucky Revised Statutes, and the Fiscal Court

Responsibilities of the Judge Executive are defined by KRS 67.710 are as follows:

A. Provide for the execution of all ordinances and resolutions of the Fiscal Court, execute all contracts entered into with the Fiscal Court, and provided for the execution of all laws by the State subject to enforcement by him/her or by officers who are under his/her direct supervision.

B. Furnish the Fiscal Court with information concerning the operations of the County Departments, Boards, or Commissions, necessary for the Fiscal Court to exercise its powers or as requested by the Fiscal Court.

C. Require all officials, elected or appointed, whose offices utilize County funds, and all boards, special districts and their agencies located within the County to make a detailed annual financial report to the Fiscal Court concerning the business and condition of their office.

D. Prepare and submit to the Fiscal Court an annual budget and administer the provisions of the budget when adopted by the Fiscal Court.

E. Keep the Fiscal Court fully advised as to the financial condition and needs of the County and make such other reports from time-to-time or as the Fiscal Court may deem necessary.

F. Exercise with the approval of the Fiscal Court the authority to appoint, supervise, suspend, and remove County personnel (unless otherwise provided by State Law).

G. With the approval of the Fiscal Court, make appointments to or remove members from such boards, commissions, and designated administrative positions as the Fiscal Court, charter, law or ordinance may create.

H. The County Judge Executive may create, abolish or combine any county department or agency or transfer a function from one department or agency to another provided that he shall first submit plans for such reorganization to the Fiscal Court.

I. The County Judge Executive shall assure the representation of the County on all boards, commissions, special districts, and multi-county programs in which County participation is required.

# CHAPTER 2

## FISCAL MANAGEMENT:

## Section 1

The fiscal function consists of preparation, adoption, and administration of the County budget.

A. Prepare an estimate of funds needed and receipts anticipated for each fiscal year.

B. Conduct an investigation into the activities of the County and adopt such budget units as may be required and practical.

C. Conduct public hearings on budget proposals.

D. Adopt budget proposal for submission to the State Local Finance Officer and to the Fiscal Court.

E. Publish the proposed budget.

F. The County Treasurer is, jointly with the County Judge Executive, the custodian and the disbursing officer of county funds, and is required to keep a record of appropriations, expenditures, and the balance of each budget fund.
   1. County funds shall be paid out only on order of the Fiscal Court, except for pre-approved standing orders.
   2. No expenditures may be in excess of revenues or for purpose other than appropriated.
   3. The Treasurer must keep records and make reports as prescribed by KRS 68.210, 8.020, 68.300, 68.360, and 68.480. He/she must also keep the following records as required by the Uniform System of Accounts for Kentucky Counties:
      a. Cash Receipts Ledger: A ledger must be maintained for all receipts. Columns are provided for date, payer, amount, and fund. A sub cash register shall be maintained showing date, payer, revenue code, and amount.
      b. Warrants Distribution Ledger: The Treasurer shall maintain a record of all warrants paid in chronological order. Columns are provided for date, payee, warrant number, appropriation expenditure account number and amount.
      c. Appropriation Ledger: The Treasurer shall keep a record of each budget appropriation, all expenditures from that appropriation and each budget fund. An account must be provided for each appropriation made in the budget. The original appropriation shall be entered and all amendments and transfers authorized by order of the Fiscal Court. All expenditures shall be charged to an appropriate account.
      d. General Ledger: The Treasurer shall maintain a record of each fund's balance, disbursements, receipts, and investments.
      e. General Fund, Road Fund, Local Government Economic Assistance Fund, Occupational Tax, and Jail Fund: Special account for each fund's balance, disbursements, receipts, and investments.
      f. The Treasurer must keep an investment record for each fund investments. The record will show date, amount, type, interest rate, and time of the investment.

g. The Treasurer shall prepare reports for the Fiscal Court each month.
h. The Treasurer shall prepare a financial statement for the State Local Finance Officer, Parts 1 and 2, quarterly.
i. The Treasurer shall prepare and have published an itemized annual financial statement.
j. The Treasurer shall countersign checks if the following conditions exist: claim approved by the Fiscal Court; there is adequate cash in the bank to cover the check; and there is an available free balance in the appropriation account to cover the check.
k. The Treasurer is bonded to receive and disburse County funds and could be liable on his/her bond if he/she does not maintain the correct records and follow the procedures as required by law.
l. The Treasurer is also responsible for maintaining the financial records of the jail and filing the jailer's required financial reports. He/she will disburse payments from the jail account after Fiscal Court approval. The jail financial records consist of the following: appropriations ledger, cash receipts ledger, warrants ledger, quarterly report to the State Local Finance Officer, and jail bank accounts.
m. The Treasurer shall prepare any other reports that may be required by law, State Local Finance Officer, County Judge Executive, or Fiscal Court.

## Section 2

## Procedures for Administration of the Budget by the County Judge Executive:

A. At the beginning of the fiscal year, the total amount of the appropriation represents the Free Balance or unused appropriations amount for each account.
B. As expenditures are made during the year, the amount of the expenditure is subtracted from the free balance to keep an accurate record of the exact amount of the unused appropriation at any time.
C. The County Judge Executive is required to keep certain records and make certain reports. The County Judge Executive may delegate this duty.
D. The County Judge Executive or designee shall prepare and sign all check for claims approved by the Fiscal Court. The County Judge Executive or designee shall direct the Treasurer to make payments authorized by the Fiscal Court and maintain a record of such warrants.
E. At the close of each fiscal year, the Judge Executive will be responsible for the preparation of records necessitated by the annual county audit and audit of the County Judge Executive's Office. The annual audit may be conducted by the State Auditor of Public Accounts or a Certified Public Accountant, to audit the books, accounts, and papers of the County and the County Judge Executive.
F. The County Judge Executive in his discretion may allocate day to day expenses, i.e., telephone, mail, utilities, etc. incurred by county departments and non fee elected offices for payment from the general fund revenues as has been done in the past and not from the departments' and offices' budgets.

## Section 3

## Claims Against the County:

A. The County Judge Executive or Treasurer shall receive and account for all claims against the County. The County Judge Executive or Treasurer will prepare a master claims list to present to the Fiscal Court.
B. Anyone with a claim for payment from the County shall file in writing. Each claim shall be recorded by date of receipt and presented to the Fiscal Court for approval.
C. Pre-Approved standing orders may be disbursed without prior Fiscal Court approval.

# CHAPTER 3

## AFFIRMATIVE ACTION POLICY:

A. The Affirmative Action Policy of Ohio County is to provide equal employment opportunity; to prohibit discrimination in employment, and to bring about fair representation and utilization of females and minorities on all levels of employment.

B. In keeping with our policy of equal employment opportunity, we will continue to exercise every equitable means to insure that applicants for employment, as well as present employees, are treated equally without regard to race, color, creed, religion, national origin, sex, age, disability, political affiliation, or belief.

C. The policy shall apply to employment, promotion, demotion, or transfer, all phases of the recruitment practices, layoff or termination, rates of pay or other terms of compensation; and selection for training in all positions.

D. Each supervisor has the responsibility of encouraging cooperation in the achievement of the objective of this policy, as witnessed by his or her signature of this document.

E. Each elected official shall have the responsibility of adopting a policy and procedure plan for their office to ensure all federal and state guidelines and practices are followed and to submit evidence of this compliance to the Fiscal Court.

F. Our equal employment opportunity program will be reviewed frequently to determine the progress being made.

# CHAPTER 4

## GRIEVANCE PROCEDURE FOR COMPLAINTS RELATING TO SUSPECTED OR ALLEGED DISCRIMINATION, ON THE BASIS OF DISABILITY STATUS IN OHIO COUNTY, KENTUCKY SHALL USE CONFLICT RESOLUTION PROCEDURES AS FOLLOWS:

A. Any person who believes that he or she has been subjected to discrimination as prohibited by the Federal Revenue Sharing Program Regulations and Section 504 of the Rehabilitation Act of 1973, may personally, or by a representative, file a complaint with the Office of the County Judge Executive, Ohio County Fiscal Court. A person who has not personally been subjected to discrimination may also file a complaint.

B. When any person believes an act or decision has adversely affected him or her by Ohio County Fiscal Court, and that such act or decision was based on disability status, that person shall have the right to process a complaint or grievance in accordance with the following procedure:

1. An aggrieved person must submit a written statement to the County Judge Executive setting forth the nature of the discrimination alleged and facts upon which the allegation is based.

2. The County Judge Executive shall contact the complainant no later than fifteen (15) days after receiving the written statement to establish an informal meeting with the objective of resolving the matter informally. However, in no case shall the informal meeting be conducted sooner than five (5) days nor more than forty-five (45) days after receiving the written statement.

a. There shall be prepared written documentation of discussions at the informal meeting, which shall be preserved in the records of Ohio County Fiscal Court.

3. Within fifteen (15) days of the informal meeting, if no decision has been made by the County Judge Executive or the decision of the County Judge Executive does not satisfy the complainant, he or she may request a hearing with the Ohio County Fiscal Court by submitting a written request to the County Judge Executive.

4. Thus discussing the grievance, the complainant may designate any person of his or her choice to appear with him/her and participate in the discussion. The Ohio County Fiscal Court shall require the County Judge Executive to participate in this discussion of the grievance, when it is brought before the Ohio County Fiscal Court. The Ohio County Fiscal Court shall issue a written decision on the matter within fifteen (15) days, and the decision shall be the final procedure for the complaint at the local level.

a. There shall be prepared written documentation of the discussion at the hearing, which shall be preserved in the records of Ohio County.

5. Ohio County Fiscal Court advises the public, employees, and job applicants that it does not discriminate on the basis of disability statue in admission or access to, or treatment of, employment in its programs and activities.

6. Ohio County Fiscal Court had designated the following person as the contact to coordinate the efforts to comply with this requirement. Inquiries should be directed to Ohio County Judge Executive's Office, 130 E Washington St, Suite 215, Hartford, Kentucky, 42347 or (270) 298-4400, between 8:00 a.m. and 4:00 p.m., Monday through Friday.

## CHAPTER 5

## AMERICANS WITH DISABILITIES ACT OF 1990:

Ohio County complies with the American with Disabilities Act of 1990 and subsequent revisions, which prohibits discrimination on the basis of disability and protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment.

The County will provide reasonable accommodation to qualified individuals with a disability who, with or without an accommodation, can perform the essentials of the job, unless an accommodation will impose an undue hardship for the County.

A. Any person (employee or citizen) who believes that he or she has been subjected to prohibited discrimination may personally or by representative, file a complaint with the officer of the County Judge Executive or the Constitutional Officer who serves as the agency's executive authority. A person who has not personally been subjected to discrimination may also file a complaint.

B. When a person (citizen, applicant, or employee) believes he or she has been adversely affected by an act or decision by the County and that such act or decision was based on disabled status, that person shall have the right to process a complaint or grievance in accordance with the following procedure:

1. Step One: An aggrieved person must submit a written statement to the County's ADA Coordinator (c/o County Judge Executive) setting forth the nature of the discrimination alleged and facts upon the allegation is based.

2. Step Two: The ADA Coordinator shall contact the complainant no later than fifteen (15) working days after receiving the written statement to establish and informal meeting with the objective of resolving the matter informally. However, in no case shall the informal meeting be conducted sooner than five working days nor more than thirty (30) calendar days after receiving the written statement. There shall be prepared a written documentary of the discussions at the informal meeting, which shall be preserved in the records of the Ohio County ADA Coordinator.

3. Step Three: Within thirty (30) working days of the informal meeting, the ADA Coordinator shall issue a written decision on the matter to the complainant, County Judge Executive, County Attorney and the County's liability insurance carrier.

4. Step Four: If the complainant is not satisfied with the written decision he/she may request reconsideration by the County Judge Executive or the agency's Executive Authority by filing a written request within thirty (30) working days of receiving the ADA Coordinator's decision. The Judge Executive or the Constitutional Officer shall investigate, which may include holding a meeting with the complainant and shall within thirty (30) working days of receiving the Level Two request issue a final, written decision

to the complainant, County Judge Executive, County Attorney, ADA Coordinator, and the County's liability insurance carrier.

C. Written documentation of the discussions held at the meeting(s) shall be prepared and shall be preserved in the records in the officer of the County Judge Executive.

## CHAPTER 6

## HARASSMENT POLICY

The Ohio County Fiscal Court is committed to maintaining a work environment that is free of discrimination and harassment. In keeping with this commitment, the County will not tolerate harassing conduct that affects tangible job benefits, that interferes with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment by anyone, including any superior, co-worker, vendor, client, or citizen.

Harassment – Definition

Harassment on the basis of race, color, religion, gender, national origin, age, or disability constitutes discrimination in the terms, conditions, and privileges of employment. Harassment is verbal, physical, or visual conduct that denigrate or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age or disability, or that of his/her friends, or associates, and that:

a. Has the purpose or effect of creating and intimidating, hostile or offensive work environment.
b. Has the purpose or effect of unreasonably interfering with an individual's performance.
c. Otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to, the following:

a. Epithets, slurs, negative stereotyping or threatening, intimidation, or hostile acts, that relate to race, color, religion, gender, national origin, age or disability.

b. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age or disability that is placed on walls, bulletin boards, or elsewhere on the employer's premises, or circulated in the workplace.

Sexual Harassment – Definition

Sexual harassment deserves special mention, inappropriate sexual advances, requests for sexual favors, and other physical, verbal or visual conduct based on sex constitutes sexual harassment when:

a. Submission of such conduct is either explicitly or implicitly made a term or condition of an individual's employment.

b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or

c. Such conduct has the purpose or effect of reasonably interfering with an individual's work performance, or creating an intimidating, hostile or offensive working environment.

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

Harassment and Sexual Harassment – Complaint Procedure

All employees are responsible for helping to assure the county avoids harassment, and have the responsibility for reporting any occurrence of harassment, or sexual harassment. Employees encountering harassment should tell the offending person that their actions are inappropriate and offensive. The employee shall document all incidents of harassment in order to provide the fullest basis for investigation. If the employee feels that they have experience or witnessed harassment, that person shall have the right to process a complaint in accordance with the following procedure:

Level One:

1. a. The aggrieved employee shall present the grievance to his/her supervisor within 24 hours of its occurrence.

   b. The grievance (and all subsequent appeals) shall be in writing and shall set forth the reasons and grounds for the grievance along with a statement of the relief sought. The supervisor shall attempt to resolve the matter and shall respond to the employee in writing within five (5) working days.

   c. If the grievance is with the supervisor, the aggrieved employee will begin the grievance procedure at Level Two.

   d. If the grievance is with the Constitutional Officer, the aggrieving employee will continue the grievance procedure at Level Three.

Level Two:

1. a. If the grievance remains unresolved, it may then be presented by the aggrieved employee to the Executive Authority within five (5) working days after receiving the supervisor's written response.

   b. The Executive Authority shall consider all information concerning the grievance and shall make a decision regarding the matter and respond to the employee within ten (10) working days. The decision of the Executive Authority shall be final.

Level Three:

1. a. If the grievance remains unresolved, it may then be presented by the aggrieved employee to the Grievance Board no later than ten (10) working days after receiving the supervisor's written response.

   b. The Grievance Board shall be compromised of (1) an attorney familiar with employment law, (2) a Director of Human Resources from a local business and (3) an appointment of the Fiscal Court.

   c. The Grievance Board shall convene no later than ten (10) working days to hear the aggrieved employee.

d. The Constitutional Officer shall reach a consensus and issue findings of fact, conclusions, and recommendation no later than ten (10) working days to the appropriate Constitutional Officer.

e. The Constitutional Officer shall consider the findings of fact, conclusions and recommendations and make a written final decision which shall be provided to the Fiscal Court, grievant and any other appropriate interested parties.

The county's policy is to investigate all such complaints. To the fullest extent practicable, the county will keep complaints and terms of their resolution confidential. If an investigation confirms that harassment has occurred, the County will take corrective action and disciplinary action in accordance with the nature and extent of the offense. The County prohibits retaliation against any employee bringing a claim of sexual harassment.

Harassment and Sexual Harassment – False Accusations Procedure

While the county does not want to stifle an employee's right to bring good faith complaints of harassment or sexual harassment in any way, the County also recognizes that false accusation of harassment can have a serious effect on innocent men and women. Accusations which, after investigation, are determined to be intentionally false or otherwise malicious in intent may result in appropriate disciplinary action against the accuser.

Harassment and Sexual Harassment – Employee Inquiry Procedure

The County encourages any employee to raise questions he or she may have regarding the harassment or sexual harassment policy with his or her immediate supervisor, department head, or the County Judge Executive.

# CHAPTER 7

## PERSONNEL EMPLOYMENT:

## Section 1 Applications and Hiring:

Applications and testing are administered through the Career Center unless otherwise noted on the job application.

A. Vacant positions may be filled by promotion or transfer of current employees whenever practical. Fiscal Court will be notified, by department head/supervisor of all vacancies at the next regular meeting. The department head seeking to fill a position will prepare a memo for all County departments. The public shall be notified of any vacancy not filled by promotion or transfer or for which no application is on file with the County Judge/Executive. When vacancies cannot be filled from within, or it is determined that the best interest of the county lies with employment from outside the county service, announcements of the vacancy shall be made public in a newspaper of general circulation in the county. All announcements shall contain the following statement: 'An Equal Opportunity Employer.' Applications shall be kept on file for 6 months. The County Judge/Executive, with the approval of the Fiscal Court, may fill a vacant position from these applications within this 6 month period.

B. Each applicant shall fill out and sign a standard written job application form and each application shall be kept on file for six (6) months.

Any person seeking employment with The Ohio County Fiscal Court or seeking to work thru any court subsidized program must have a high school diploma or GED equivalent and pass the following: MVR, Drug Test, Physical and Background Check and shall also be required to be tested in accordance with each department's testing packet. Any person working thru a State or Federal subsidized program that does not have a GED must at the least be actively enrolled in a GED program. Each packet shall contain at the least the TABE A test administered through the Adult Education Office located in the Community Center. All test results shall then be submitted with the application and will be taken into consideration when the job is awarded. It is each department's responsibility to compile the testing packet. The Ohio County Sheriff, Clerk, and Jailer may utilize their own testing procedures. All of the above mentioned shall be completed before applicant begins work. All information gathered is subject to review by The Ohio County Judge Executive.

C. Each qualified applicant shall be interviewed by the person who is to be the immediate supervisor of such employee.

D. The department head shall make the selection, subject to the approval of the Fiscal Court, and notify the applicant of the selection.

E. The Judge Executive shall maintain an Affirmative Action Plan. The Judge Executive is responsible for the implementation of the Affirmative Action Policy of the County.

F. Should any full-time employee desire to voluntarily terminate his employment with the County, he/she shall be required to give written notice to his/her department head at least two weeks prior to the effective date of termination. If two-week notice is not given, forfeiture of any vacation is assumed. Sick days are lost upon termination of employment and there shall not be payment to any employee upon separation of employment.

G. All employees shall serve on a probationary status during the first six-month period; their job performance shall be evaluated by the department head and County Judge-Executive during said period of probation.

H. All employees funded through State or Federal Programs shall be recruited and selected in accordance with the appropriate program guidelines.

I. A former employee may be given consideration for a vacant position providing application has been submitted for said vacant position.

## Section 2 Nepotism:

The County does not expressly prohibit the employment of relatives within the government; so long as one does not directly or indirectly supervise the work of the other. Relatives may be defined as husband/wife, mother/daughter, mother/son, father/daughter, father/son, brother/sister, brother/brother, or sister/sister. Stepfamily relation is also included in the ones named. The prohibition of supervision of relatives is not applicable to a relative in the employ of an elected official.

## CHAPTER 8

## PERSONNEL POLICY:

The Fiscal Court and the administration of Ohio County recognizes that a personnel system, which results and retains competent, dependable county personnel is indispensable to effective and efficient county government.

The rules set forth herein are intended to implement and provide procedures for:

1. Administration of the personnel classification plan, as required by statute.

2. Recruiting persons for county service.

3. Compensating employees equitable for their services to the County, as required by statute.

4. The personnel system established by these policies and procedures shall be administered by the Judge Executive and Fiscal Court, when required.

5. In addition to other duties as set forth in these policies and procedures, the Judge Executive shall:

   a. Exercise leadership in developing a system of effective personnel administration within the government.

   b. Administer the provisions of these policies and procedures.

   c. Maintain records of all employees subject to these policies and procedures in which shall be set forth to each employee, the class, title, pay rates and other relevant data.

6. The following county employees are expressly exempted from coverage:

   a. All elected officials.

   b. All members of boards and commissions of the County.

   c. Consultants, advisors and counsel rendering temporary professional service.

   d. Independent contractors.

   e. Non county employees of the County Coroner, County Attorney, and Property Valuation Administrator.

   f. Employees made available to county by other agencies.

   g. The Ohio County Clerk or the Ohio County Sheriff may choose to be exempt from this administrative code. They shall provide a written statement so stating and provide a copy of their own policy and procedures manual for the Fiscal Court files. (Reference XIX: Departmental Policies & Procedures)

7. All county employment positions not expressly exempted from coverage by these policies shall be subject to the provisions herein.

## Section 1 Preparation of Payroll:

It is the responsibility of the Ohio County Judge-Executive to designate the job of processing the payroll for the Ohio County Fiscal Court. The person the Ohio County Judge-Executive has designated for this job is to be responsible for the payroll process in its entirety. Duties are but not limited to:

Review of time sheets hours submitted.
Calculation and record keeping of sick time, vacation time, overtime.
Enter correct time and calculate actual paycheck.
Follow all rules pertaining to the Ohio County Administration Code.
Collection and payment of Health, Life, and all other insurances.
Collection and payment of all other deductions.
Payment of all payroll taxes.
Timely submission of all required Payroll Reporting.

The Ohio County Fiscal Court has authorized that payroll checks may be electronically signed using the appropriate software. Software must have a password lock present. The signatures will be the Ohio County Judge-Executive and the Ohio County Treasurer. By allowing these signatures to be electronically signed, it in no way implies that the Ohio County Treasurer has authorized any payment, which may be subject to disapproval by the Ohio County Judge-Executive or the Ohio County Fiscal Court. Nothing herein shall be deemed to authorize the County Treasurer to make any expenditure for which the approval of the Judge-Executive and Fiscal Court is required.

Policy statement provided by the State Auditor's Office. 2007-13

Signature Stamps and electronic Signatures. Can an official use a signature stamp or an electronic signature?

Yes. There is no legal prohibition of an official using a signature stamp, and in fact, the law allows electronic signatures (KRS 369.107) (4), "If a law requires a signature, an electronic signature satisfies the law,") the official should authorize, in writing, the use of a signature stamp or electronic signature, and expressly designate in this writing those persons authorized to use the stamp for official purposes in affixing the official's signature, and a log of authorized usage). (See minutes July 21, 2009).

### Payroll System:

Payroll is designated as every Friday. Paychecks may be obtained in the Payroll by Department Supervisors on Friday. If the Friday falls on a holiday, Thursday may be designated for paychecks to be obtained by employees. Monthly employees are paid on the 4th pay week of each month. All new employees must work one (1) week before receiving pay. Pay periods are for the previous weeks work. Exception: Elected officials whose salary is set by state. Employees may choose to have their paychecks direct deposited automatically in their checking or savings account (ACH Direct Deposit). This convenience may save you time, postage, gasoline – and the anxiety of waiting in line. See Finance Officer for this saving option.

## Time Sheets:

Each employee shall document hours worked each day and each week. KRS 337.320. Timesheets shall accurately document actual time worked. The completed time sheets are to be signed by the employee. The time sheets are to be verified and signed by the Supervisor and submitted to the Payroll Officer by noon on Mondays preceding the payroll. In the event, Monday falls on a holiday, Tuesday by noon would be the deadline for submitting time sheets. Due to holidays, or other events that cause undue hardship to timely payroll, the Payroll/Finance Officer may request a change in time sheet deadlines by notifying in advance each Department Supervisor. Failure by employee to submit time sheets by deadline will result in paycheck not being issued until the following pay period.

Refusal to turn in a time sheet will result in no paycheck being issued. Turning in a timesheet is the responsibility of the employee. If employee is absent then employee may request that his/her supervisor submit timesheet in his/her absent.

Falsifying a time sheet is subject to disciplinary action up to or including termination.

Elected county officials are exempted from filling out a time sheet.

The Payroll Officer will not be held responsible or accountable for any errors on time sheets. The Payroll Officer will not be held liable for any Supervisor/Elected County Official that refuses to turn in hours worked, per KRS 337.320, by employees in their department. Supervisors/Elected County Officials for each department are responsible in making sure employee's hours qualify them for their hired position, and any benefit requirements in which they may be participating.

## Calculation of Timesheets, Total time and Guidelines:

**Time:**

Ohio County Fiscal Court shall calculate time sheets using the following method. When documenting working time - minutes are converted to the quarter hour. Use chart below:

| | |
|---|---|
| 0-7 minutes | On the hour |
| 8-22 minutes | On the quarter hour (.25) |
| 23-37 minutes | On the half hour (.50) |
| 38-52 minutes | On the three-quarter hour (.75) |
| 53-60 minutes | On the hour |

Examples:

| | |
|---|---|
| 8:07 a.m. | is converted to 8:00 am |
| 8:18 a.m. | is converted to 8:15 am |
| 8:32 a.m. | is converted to 8:30 am |
| 8:43 a.m. | is converted to 8:45 am |
| 8:56 a.m. | is converted to 9:00 am |

**Totaling Time:**

When claiming sick, vacation or comp time, total time (including regular hours worked) cannot exceed forty hours per any given week.

**Timesheet Guidelines:**

1. Daily - log in beginning work shift and ending work shift and note total hours worked that day.
2. If taking lunch break list time logged out and time logged back in.
3. Write REASON if you worked over your normal hourly shift, this is to be done each day worked over your shift.
4. Supervisor – note in writing the REASON a Part time employee works more than 22 hours per week.
5. Note CALL BACK TIME out beside that time worked, if approved by supervisor.
6. If you miss more than 3 sick days in one week, a Doctor's statement is required in order to be paid sick time on the 4th or more days. (Full time employee only).
7. Do not list time worked in Military time.
8. If attending a meeting/seminar MUST ATTACH copy of meeting documentation.
9. Employee must sign time sheet.
10. Supervisor must sign time sheet.

Failure to follow guidelines could result in time sheet being returned to employee for correction. If time sheet is not re-submitted by timesheet deadline this may result in pay check not being processed for that week. Paycheck would then be processed the following week.

## Section 2 Payroll Deduction:

Payroll Deduction: (Optional Insurance) Employees missing a week's pay will be responsible for any missed payroll deductions. Employee shall notify the Payroll Office immediately in order to make arrangements for payment of the missed deduction. If payment is not made in a timely manner for the payroll deductions then deduction amount will be deducted from the next check issued to employee. If employee does not work for several weeks and deductions are not paid by either way mentioned above then insurance will be canceled for non-payment.

## Section 3 Rest Periods:

Ohio County shall not require any employee to work without a rest period of at least ten (10) minutes during each four hours worked. This shall be in addition to the regularly scheduled lunch period. No reduction in compensation shall be made for hourly or salaried employees. Time given for rest periods cannot be substituted for your lunch period.

## Section 3 Lunch Periods:

Ohio County shall grant their employees a reasonable period for lunch and such time shall be as close to the middle of employee's scheduled work shift as possible. In no case shall an employee be required to take a lunch period sooner than three hours after his/her work shift commences, nor more than five hours from the time his/her work shift commences. Lunch periods shall be documented on employee's time sheet.

## Section 4 Wages:

Dismissal or Voluntary Leave: Any employee who leaves or is discharged from his/her employment shall be paid in full all wages or salary earned by him not later than the next normal pay period following the date of dismissal or voluntary leaving or fourteen days following such date of dismissal or voluntary leaving, whichever last occurs.

## Section 5 Statement of Deductions:

Ohio County shall state specifically the amount for which deductions are made, and, at the time of salary or wage to each employee, shall furnish the employee a statement showing payment of the amount of each deduction and the purpose for which the deduction is made.

## Section 6 Unlawful for Employer to withhold Wages:

Ohio County shall not withhold from any employee's wages any part of the agreed wage rate, unless:

a. The employer is required to do by local, state, or federal law.

b. When a deduction is expressed authorized in writing by the employee to cover insurance premiums, hospital, or medical dues.

## Section 7 Non –Deduction of Wages:

Ohio County shall not deduct the following from the wages of employees:

a. Fines;

b. Cash shortages in a common money location, cash box or register used by two (2) or more persons:

c. Breakage;

d. Losses due to acceptance by an employee of checks, which are subsequently dishonored, if such employee is given discretion to accept or reject any check.

e. Losses due to defective or faulty workmanship, lost or stolen property, default of customer credit or nonpayment of goods or services received by the customer if such losses are not attributable to employee's willful or intentional disregard of employer's interest.

## Section 8 Child Labor:

Ohio County shall not employ, or permit any minor person under the age of the age of eighteen years to be employed in violation of Chapter 339 of the Kentucky Revised Statutes.

## Section 9 Minimum Wage:

Ohio County shall pay to each of its employee's wages at a rate of not less than the current minimum wage.

## Section 10 Overtime / Comp Time:

Ohio County shall not employ any of its hourly or salaried non-exempt employees for a work week longer than forty hours, unless such employee receives compensation for his/her employment in excess of forty hours in a work week, at a rate of not less than one and one-half times the hourly rate at which he is employed. This section does not apply to any individual employed in a bona fide executive, administrative, supervisory, or professional capacity. For an employee to be paid "compensation time" both the employee and the county must comply with KRS: 337.285.

Maximum amount of compensatory time that can be accumulated is 240 hours. Once 240 hours is reached, employee will be paid for a block of 40 hours and the balance reduced accordingly.

Overtime for employees must be pre-approved by their supervisor. Supervisors/Department Head overtime must be pre-approved by the Judge Executive. Each Supervisor/Department Head is responsible for the cost of overtime to remain within their budget.

Time-off with pay (i.e. vacation, sick or holiday pay) shall not be considered as hours worked for overtime pay purposes.

## Section 11 Raises:

Raises are budgeted with Fiscal Court approval. Raises are not guaranteed to employees. Each year during the budget planning process, Supervisor/Department Heads shall compile a list of employees who they recommend for raises. Raises are based on employee performance. If raise is not recommended, supervisor must show in writing reasonable reason as to why raise was not recommended. Prior documentation of coaching or disciplinary action must accompany written reason. In addition, supervisor must show a corrective action plan to be taken by employee in order to correct the situation. This information should then be presented to Judge Executive and Fiscal Court. It is then the responsibility of The Fiscal Court to approve or deny raise.

The Sheriff, Clerk, and Jailer are responsible for oversight of raises in their department and require no input from the Judge Executive.

## Section 12 Call Back Time:

Employees called to work or asked to stay outside of their normal working hours due to emergency situations, which has been pre-authorized by their supervisor and/or Judge Executive shall receive overtime rate for hours worked outside of their normal working hours. Normal working hours are set by their supervisor and/or Judge Executive and may be subject to change seasonally. It is the responsibility of the employee and supervisor to note separate any call back time worked. It is also the responsibility of the supervisor to keep call back time cost within his/her department budget.

The Ohio County Sheriff, Ohio County Clerk and Ohio County Jailer may or may not elect to participate in call back time.

Call Back Time is intended to be used for true emergency situations only. It is not intended to be used for employee tardiness, to replace other employees who may be off sick, vacation scheduling or other such situations. (This policy supersedes previous motion made on and recorded in the minutes of 12/29/2009.)

## Section 13 Records:

Ohio County shall make and preserve records containing the following information. Such records shall be kept on file for at least three year after entry.

1. Name and address of each employee.

2. Hours worked each day and each week by each employee.

3. Regular hourly rate of pay.

4. Overtime-hourly rate of pay for hours in excess of forty hours in a workweek.

5. Additions to cash wages at cost or deductions (meals, board, lodging, etc.) from stipulated waged in the amount deducted, or at cost of the item for which deductions are made.

6. Total wages paid for each workweek and date of payment.

## Section 14 Employee Categories:

1. **Full-time hourly employees**: Employees paid by the hour shall work a forty-hour workweek with department head to determine times of work. All hours worked over forty per week shall be paid time and one-half per KRS 337.285.

2. **Salary non-exempt employee**: Shall work a forty-hour workweek with department head to determine times of work. All hours worked over forty per week shall be paid time and one-half.

3. **Part-time 100 employee**: Is considered part-time with no benefits, excluding retirement match (CERS) (Per Fiscal Court minutes February 5, 2008.) **Employee must** average 100 hours per month to be reviewed on both a fiscal year and a calendar year. If part-time 100 employee does not average 100 hours per month employee will lose annual retirement credit (per KY Retirement Regulations).

4. **Part-time employee**: A part-time employee is a person who is not bonded and *shall not* exceed working 22 hours per week. Except for the following: Bailiffs who provide court security during an extended trial or deputies who provide prisoner security for a person who has been arrested but not yet incarcerated. If this occurs, it is understood that the hours must be adjusted so they will not average over 99 hours per month. Part-time employees are not eligible for benefits.

Definition: Kentucky Employees Retirement Systems (KERS), County Employees Retirement Systems (CERS), and State Police Retirement (SPRS) will be referred to as Retirement System.

No person shall be eligible for part-time employment with Ohio County Fiscal Court (OCFC) if he/she is employed by another entity that contributes to the Retirement System. If employee is working part-time with the OCFC and secures employment with any other entity that contributes to the Retirement System, employee will become ineligible for part-time employment with OCFC and employment will be terminated.

Per Retirement System requirements, no part-time employee shall work in excess of 99 hours per month, to be reviewed on both a fiscal year and a calendar year, without retirement being paid on that employee. The State Retirement System requires that all hours worked in more than one position or entity within the same retirement system shall be consolidated to determine eligibility. (See Section XI)

5. **Contract employee**: Employee under this classification may be paid **hourly or** monthly with no benefits. Keeping and submitting a time sheet may or may not be required. Employee's job duties and whether qualifying for county's worker compensation benefits would determine this class. (Fiscal Court minutes March 6, 2007.)

**6. Temporary employee:** Is a non-bonded employee who is hired to work for a specified time only and for a period not more than twelve months. (KY Retirement regulation) (See Section XI). Temporary employees may work up to 40 hours per week during this 12 month period.

**7. Seasonal employee:** Is non-bonded employee who is hired to work for a specified time only and for a period not more than nine month (KY Retirement regulation). (See Section XI). Seasonal employees may work up to 40 hours per week during this 9 month period.

**8. Salary Exempt:** Salary exempt employees shall receive, each pay period, a pre-determined amount of compensation approved by the Ohio County Fiscal Court. Vacation days are accrued and used according to section XI (I – Vacation). Salary Exempt employees are not eligible for overtime pay. Ohio County Fiscal Court will follow all Federal Regulations pertaining to salary exempt employees.

## Section 15 Role of the Supervisor/Department Head

This section is to define Supervisor Role with personnel policies.

The Supervisor is to be an advocate for the Ohio County Fiscal Court and their employees. In doing so the supervisor has certain responsibilities that are more outlined in their individual job description. It is the responsibility of the supervisor to provide a safe work environment and to follow personnel policies and procedures outlined in the Administrative Code. Supervisors are expected to attend all trainings that are made available by the Fiscal Court. Supervisors are encouraged to seek any outside training they feel might be beneficial to their role as supervisor.

When hiring for an open position, it is the supervisors responsibility to advertise, interview, and check references on potential employees. Supervisors will work with the Career Center to take applications and Human Resource to verify all paperwork, drug and pre-employment testing and any other requirements have been met. The supervisor will then provide a list of qualified applicants along with their recommendation for employment to Ohio County Fiscal Court.

As an  supervisors are to coach and mentor their employees.  They should provide a written job duty to each of their employees upon employment.  When an employee performance exceeds required job duties, they should be given praising feedback.  When employee performance does not satisfactory meet required job duty, the Supervisor should then follow the coaching and disciplinary process. This includes documented verbal and written communication with employee (see below steps). The Supervisor should keep a documented file on each employee.  However, if an employee is in the coaching and disciplinary process a copy of documentation should also be sent to Human Resource to go in the employee file. Upon written discipline warning, the Judge Executive must be made aware of the situation.  If termination is deemed necessary, the Supervisor and Human Resource Manager will notify the Judge Executive.  The Judge Executive shall then follow the provisions of KRS 67.71 will then provide the employee with a Letter of Intent to Terminate containing:  (a) the reason(s) for termination, if any; (b) the details of previous disciplinary actions (s) taken against employee, if any; and (c) the recommended effective date.

It is the responsibility of the supervisor to maintain employee performance folders for their employee's. This folder should be used as a constructive tool by documenting performance indicators on an ongoing basis.  Any documentation which the supervisor feels may result in disciplinary actions should be copied to The Ohio County Judge Executive Human Resource Manager and entered into the employee's personnel folder.

Where an offence is continually repeated, or misconduct is serious enough for discharge on the first offense, the Department Supervisor may recommend to the Human Resource Manager and Judge Executive dismissal of an employee.

COACHING AND DISCIPLINE STEPS:

1. Coach: Write measurable performance expectations.
   Give constructive and descriptive feedback.
   Give praising feedback / recognize.

2. Coach: Give feedback to WARN of consequences.
   Supervisor should document this meeting.

3. Discipline: Issue **written** 'warning of performance issue'.
   Employee should sign warning.  A copy of the written warning must be turned in to H/R Payroll and to The Ohio County Judge Executive.

4. Discipline: Issue 'final warning of performance issue' stating termination will follow.
   A copy of the written final warning must be turned in to H/R Payroll and to The Ohio County Judge Executive.

5. Terminate: With approval of Judge Executive.

   The 'challenging' employee is a person who is consistently performing BELOW the written performance expectations of quality, quantity, time, costs and procedures -or- fails to meet

the expected record of attendance and punctuality -or- whose behavior is detrimental to accomplishing the team's goals.

NOTE: It is the responsibility of the supervisor to hold the employee accountable and responsible for doing what their job requires of them TODAY…and moving forward.

When an employee REFUSES to make improvements in performance/behavior, the employee needs to be warned that THEY are putting THEIR job in jeopardy.
See attachment Three

## Section 16 Job Descriptions:

1. Characteristics of Class Title:

**ROAD DEPARTMENT SUPERVISOR**.

This position entails the responsibility for and supervision of all construction, maintenance and repair of all county roads, related public works and personnel necessary for the operation of County road department.

a. Supervise maintenance of all County roads and bridges

b. See that County roads and bridges are improved and maintained as provided by law.

c. Responsible for seeing that requests made by Fiscal Court are carried out in an effective and efficient manner. Supervise the construction and maintenance of County roads and bridges and other work like nature undertaken by Fiscal Court.

d. Responds to the concerns expressed by the public and relays these concerns to the Fiscal Court and recommends solutions. Make reports from time to time as the Fiscal Court directs.

e. Examine the various formations and deposits of gravel and stone in the County to ascertain the materials most available and best suited for the improvement of roads therein, and, when requested by the Bureau of Highways, submit samples of such materials and deposits and make a written report concerning the materials.

f. Establish or cause to be established necessary grades and recommend means of drainage repair and improvement.

g. Inspect or cause to be inspected, each County road or bridge during its construction or improvement, and certify to the Fiscal Court the progress of the work, and whether or not the work is being done according to the contract, plans and specifications prepared therefore. If he/she finds that work is not being done in accordance with the contract, plans and specifications, he/she may stop any further work thereafter until the Fiscal Court has inspected and passed upon it.

h. Remove or direct the removal of trees or other obstacles from the right of way of any publicly dedicated road when the trees or other obstacles become a hazard to traffic.

i. Responsible for the supervision of County Road Department employees, maintenance and repair personnel. If disciplinary problems arise with Road Department employees, the Road Supervisor is responsible to advise the County Judge Executive and assist him if necessary in taking disciplinary action.

j. Keep track of all material used, rock, culverts, fuel, etc.

k. Any other duties the County Judge Executive and/or Fiscal Court shall deem necessary.

2. Other job descriptions are on file in The Ohio County Judge/Executive Office.

## Section 17 Attendance and Absenteeism:

It is required that every employee maintain regular attendance. If an employee is going to be absent from work, that employee shall notify their department head by means of personal telephone call before the start of work that day. Message texting or by e-mail is not an acceptable form of notification. Excessive absences will result in a written reprimand and if continued may be considered grounds for suspension or possible termination. If the department head is not notified before the beginning of the shift, the employee will not be eligible for sick pay. Emergencies will be considered on a case-to-case basis. If the employee with the Ohio County Fiscal Court is absent more than three (3) days in a roll or is absent more than three (3) days within a work week, then said employee must present a written doctor's excuse before the fourth ($4^{th}$) or more day(s) can be paid as sick time. This will be enforced for all employees. If the employee is going to be absent from work and is not due to illness (no sick days claimed), then the day(s) off must be approved by the Supervisor and/or County Judge Executive.

## Section 18 Temporary Transfers:

Supervisors may require temporary transfers of their departmental employees to other Fiscal Court departments to satisfy operating requirements. When temporary transfers are made beyond a period of ten (10) consecutive work days, pay rates shall be modified only if the employee's transferred position pay rate is above the employee's regular position pay rate. If rates are changed under this section, a Payroll Change Notice must be submitted to the County Treasurer's Office reflecting such change. The pay adjustment will be retroactive from the date that the transfer occurred. Temporary transfers must be agreed on by Supervisor of each department effected.

## Section 19 Release for Return to Work:

After an employee has been absent from work due to an injury a full release from the employee's doctor is required prior to return of employment. Should an employee not be able to present a full medical release, return to employment shall be subject to the approval of the Ohio County Fiscal Court. After an employee has been absent from work for more than six months approval from the Judge Executive is required prior to return to employment.

## Section 20 On the Job Behavior:

Every organization must have standards for on the job behavior. Violations of the County's commonsense rules of personal conduct, which may result in disciplinary action or termination, include but are not limited to the following:

1. Hazardous or disorderly conduct, such as fighting on premises or excessive horseplay.

2. Carrying, using or dispensing alcoholic beverages or drugs while on County premises or on County time; reporting to work under the influence of alcohol or drugs (as outlined in drug free work place policy).

3. Three (3) unexcused absences in any one calendar year are excessive and are considered grounds for dismissal. An unexcused absence will be one that has not been approved by supervisor or one where supervisor has not been advised before the workday begins.

4. Patterns of absenteeism adjacent with weekends and other scheduled days off or when rotating to less desirable assignments, may also be a basis for disciplinary action even if the standard set for excessive absenteeism or tardiness has not been reached.

5. Destruction of County property or the property of the public; removing County material or equipment without permission; misuse of a County vehicle or equipment; stealing another employee's property.

6. Carrying firearms, unless part of job duty.

7. Failure to do work assigned satisfactorily.

8. Insubordination, which is being unwilling to submit to authority.

9. Punching a time card for another employee.

10. Falsifying a time sheet.

11. Failure to have or maintain a valid Kentucky Driver's License for Road Department personnel.

12. Ohio County wishes to protect the work environment of its employees and the general public; therefore, Ohio County does not permit smoking by employees in county buildings other than designated smoking areas. These areas are to be determined by the Judge-Executive. Smoking is not permitted in public hallways, inside offices that are open to the public, the courtroom, or any other areas designated by the Judge-Executive.

## Section 21 Termination and Conflict Resolution Procedures:

For all County employees and non-elected officers under the supervision of the County Judge Executive, County Sheriff, County Clerk, and County Jailer are as follows:

1. Employee Separation and Termination: Employees are employed at the pleasure of the Ohio County Fiscal Court and Elected County Officials with no guarantee or assurance of length of employment and may be terminated at any time for just cause. Termination is defined as involuntary separation from employment of an employee for disciplinary reasons, unsatisfactory performance, or any other reason determined to be in the best interest of the office of the Ohio County Fiscal Court or Elected County Officials. A recommendation for termination shall be made by the appropriate management personnel in writing and approved by the Ohio County Judge Executive. An employee terminated for disciplinary reasons shall be terminated effective immediately with no advance notice or additional pay other than pay due for actual hours worked up to the date and time of the termination.

2. Employee Appeal: Employee suspension without pay or termination of an employee's employment status shall give the employee the right to immediate appeal to the Fiscal Court in executive session. Upon written request by the employee, the appeal may be heard in public or closed session at the employee's discretion. In no event shall said appeal to the Fiscal Court be requested more than thirty (30) days after the date of suspension or termination. The Fiscal Court shall hear the appeal in executive session at the next regular court meeting after receiving a written request for appeal from an aggrieved employee.

3. REPRIMANDS are required in writing: It is the responsibility of the Supervisor/ Department Head, Judge Executive, Sheriff, County Clerk, or Jailer to document any reprimand when policy or procedures of the Ohio County Fiscal Court are not followed. It is recommended that reprimands shall be issued using the Significant Incident Report form. The Supervisor/Department Head, Judge Executive, Sheriff, County Clerk, or Jailer shall provide written notification of that reprimand to the employee and notification shall be documented and placed in the employee's confidential personnel file located in the office of the County Judge Executive.

Employee Coaching – Displinary Notice –See Attachment Three (3)

## Section 22 Suspension With pay while Under Investigation:

The Ohio County Judge Executive, Ohio County Sheriff, Ohio County Jailer and Ohio County Clerk (hereinafter called appointing authority) shall be responsible for the employees that work in their respective department and that they supervise.

If an employee has been suspended while an active investigation is ongoing employee may receive pay at his/her normal rate of pay not to exceed 40 hours per week.

A. The following conditions must be met:

1) That such suspension will be levied only under circumstances where there is a justifiable need for it;
2) That it will be imposed for a period not to exceed a reasonable time necessary to determine whether the employee should be returned to active service or that the employee's pay may be lawfully terminated;

3) The policy is uniformly applied;
4) An employee so suspended shall remain available to immediate recall to active service;
5) There is proper administrative approval and documentation of action taken.

B. In the event it is necessary to suspend an employee with pay, the following procedures shall be observed:

1) The Appointing Authority shall, if possible, immediately provide verbal notification to the employee followed by written notification within three (3) working days informing him/her of the suspension and the nature of the allegations being investigated.

2) Consistent with existing personnel procedures, the appointing authority shall immediately begin an investigation into the allegations against the employee. This investigation shall be carried out expeditiously, and in no instance shall it be delayed beyond what is considered reasonable and necessary to conduct a complete investigation.

3) Upon reaching a determination as to the culpability of the employee, the appointing authority shall take action, as follows:

a) In the event the allegations against the employee are valid, the appointing authority shall invoke disciplinary action deemed appropriate. These actions shall not include payment of wages in the event the suspension is extended beyond the investigative period; or
b) In the event the allegations against the employee are proven to be false, the employee shall immediately be reinstated to his/her position.

4) During the time an employee is on suspension with pay he/she is considered to be performing services for the county. Therefore, the employee must remain available to return to work within 24 hours of receiving written or verbal confirmation of his/her reinstatement from the appointing authority. In the event the employee is notified of this reinstatement verbally, the county shall provide written verification within one (1) working day.

5) Nothing in this policy or procedure should be construed as limiting the authority of the local government to suspend an employee without pay in those instances where such action is deemed appropriate.

## Section 23 Suspension Without Pay:

The Ohio County Judge Executive, The Ohio County Sheriff, The Ohio County Jailer and The Ohio County Clerk (hereinafter called appointing authority) shall be responsible for the employees that work in their respective department and that they supervise.

If an employee has been suspended without pay no other time (vacation, sick or comp) may be used to substitute suspended time. If employee is suspended longer than 2 weeks then benefits may be affected

## Section 24 Lay Off Policy / Re-Call of Termed Employee Within Department Policy:

A. Lay off with no definite recall.

When for any reason it becomes necessary to reduce the workforce of the county, employee(s) may be laid off after the county has given consideration to any one or all four of the following factors:

1. Length of service in a classification
2. Length of service with the county
3. Needs of the county
4. Skills and demonstrated ability of the personnel

Employee(s) to be laid off shall be given reasonable notice by the Judge Executive prior to being laid off.

The employer may recall the employee(s) on an as-needed basis.

Employee(s) must see Finance Officer prior to returning to the county workforce for any activation of employee benefits.

Pre-employment drug testing must be conducted for those individuals who have been TAKEN OUT of the random pool for any period of time and those individuals who have taken extended leaves of absence six (6) months or longer per Ohio County Fiscal Court Drug Free Workplace Policy.

The following applies to Laid Off employee(s):

1. Sick time stops accruing while laid off. Accrued sick hours will be reinstated when employee returns to the workforce if employee status still qualifies him/her for the benefits. If status no longer qualifies employee, the accrued sick time will be lost. There shall be no payment of sick time made to an employee upon separation of employment per Sick Leave Section of the Ohio County Administrative Code.

2. Vacation time stops accruing while laid off. Employee shall be paid their accrued vacation time at time of layoff. Benefits would begin when employee returns to the workforce, if employee status still qualifies him/her for the benefit. The employee would retain original hire. The callback date would be used for determining future vacation time. Any partial vacation time earned prior to layoff would be counted along with time worked after called back in order to reach a new 6 months accumulated service.

3. Insurance benefits stop at the effective date of layoff. Reinstatement of insurance benefits would be determined by insurance company's policy and if employee status still qualifies him/her for the benefit.

a. Laid off employee may elect to continue insurance benefit of health, dental, vision through COBRA.

4. KY Retirement (CERS) stops at the effective date of layoff. Retirement would begin upon employees return to active workforce if employee status still qualifies him/her for the benefit.

5. No on-job training or certifications will be paid by Employer while employee is laid off. The employee may present on-the-job certification cost they paid for during layoff (such as cost of CDL licensing) to the Judge Executive for reimbursement approval when the employee is called back and returns to the workforce.

B. Lay off (not to exceed 2 weeks) with definite recall notice issued.

If a county employee has been issued a 2 week layoff with definite recall notice then all benefits shall continue, uninterrupted. This lay off is not to exceed the 2 week period under any circumstance. Arrangements shall be made by the employee for any payroll deductions that will be missed during this 2 week layoff.

It is the responsibility of the department head to document the 2 week layoff with definite recall notice and have this document signed by the appropriate elected official. A copy of this record must be submitted to the payroll department upon notification to the employee.

C. A previously termed employee may be re-called to employment by the department's supervisor if employee has worked with the Ohio County Fiscal Court within the past 12 months. Employee recalled must have worked in that specific department that he / she is being recalled to. Upon recall, employee must go to the payroll department to update personnel information before beginning work.

## Section 25 Safety:

The health and safety of all County employees is of major importance. The County is striving to make everyone's job safe in all respects. Ohio County Fiscal Court has an implemented Safety Policy that is to be adhered to by all county employees. All employees must report all hazardous conditions in their work area and injuries immediately to their immediate supervisor.

## Section 26 Dress code:

Employees shall dress appropriately for their department. Dress code may be set by supervisor and/or Judge Executive. Safety and protection are always a concern. Casual business attire in the office environment is to be observed. The Ohio County Fiscal Court should be represented in a professional and respectful manner.

## Section 27 County Property:

Employee must turn in all county furnished property such as uniforms, cell phone, keys, equipment to the Department Supervisor at time of termination, lay off, or any extended period of time employee will be off work other than vacation. A County Property Check List Form shall be signed by the employee and Supervisor and placed in the employee's Personnel File. See Form Section of Admin Code.

## Section 28 Education Assistance Program:

Ohio County recognized that the skills and knowledge of its employees are critical to the success of the organization. The educational assistance program encourages personal development through formal education so that employees can maintain and improve job-related skills or enhance their ability to compete for reasonably attainable jobs within the county

While educational assistance is expected to enhance employee performance and professional abilities, the County cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.

Ohio County Fiscal Court will provide educational assistance to any county employee who is active on the county payroll. Courses shall not be taken while on county time.

Ohio County Fiscal Court will reimburse up to $750 per calendar year for tuition cost upon successful completion of the course(s). Cost of materials, travel and other expenses related to taking a class shall not be reimbursed. Prior to taking a course, an employee shall complete and submit the necessary paperwork to their Supervisor for approval. The supervisor, after assuring availability of budgeted funds, shall obtain the Judge/Executive's authorization and then submit to Human Resource Department. Upon successful completion of the course, the employee shall complete and submit the necessary paperwork and verification of grade and payment to the Human Resource Department to request reimbursement.

## Section 29 Employee and Staff Internet Policy:

The Ohio County Fiscal Court finds it necessary to adopt a policy regarding employee and staff use of the internet, which is available on many county employees' computers.

To that end the Fiscal Court hereby adopts the "Enterprise Policy" of employee use of the internet adopted for employees of the Commonwealth of Kentucky. Attached hereto is the commonwealth's policy, which adopted by the Fiscal Court and is attached to this administrative code of Ohio County as if it was set forth herein verbatim. The two words of "state employee" in the attached policy shall be synonymous with the words "county employee".

**Enterprise Policy**

Subject: Internet and Electronic Mail Acceptable Use Policy

Policy Statement: The purpose of this enterprise policy is to define and outline acceptable use of Internet and Electronic mail (E-mail) resources in state government. These rules and guidelines are in place to protect both the user and the Commonwealth. This policy requires all agencies and employees and other users to comply with the acceptable use provisions.

Policy Maintenance: The Department of Personnel, the Commonwealth Office of

Technology (COT) Office of Infrastructure Services, and the COT Office of Enterprise Policy and Project Management share responsibility for maintenance and interpretation of this policy. Agencies may

choose to add to this policy, in order to enforce more restrictive policies as appropriate and necessary. Therefore, employees are to refer to their agency's internal acceptable use policy, which may have additional information or clarification of this enterprise policy.

Applicability: This policy is to be adhered to by all Executive Branch agencies and users, including employees, contractors, consultants, temporaries, volunteers and other workers within state government. This policy applies to all resources and information technology equipment owned or leased by the Commonwealth regardless of the time of day, location, or method of access.

Responsibility for Compliance: Each agency is responsible for assuring that employees and users under their authority have been made aware of the provisions of this policy, that compliance by the employee is expected, and that intentional, inappropriate use of Internet and E-mail resources may result in disciplinary action pursuant to KRS 18A up to and including dismissal. To demonstrate awareness and knowledge of this policy, signed acknowledgement forms are required. It is also each Executive Cabinet's responsibility to enforce and manage this policy. Failure to comply may result in additional shared service charges to the agency for COT's efforts to remedy inappropriate usage.

Policy: As provisioned, Internet and E-mail resources, services, and accounts are the property of the Commonwealth of Kentucky. These resources are to be used for state business purposes in serving the interests of state government, citizens, and customers in the course of normal business operations. This Acceptable Use Policy represents a set of rules and guidelines to be followed when using the Kentucky Information Highway (KIH) or any other network that is used as a result of its KIH connection, including Internet and E-mail.

In compliance with the laws of the Commonwealth and this policy, employees of the Commonwealth of Kentucky are encouraged to use the Internet and E-mail to their fullest potential to:

• Further the State's mission

• To provide service of the highest quality to its citizens

• To discover new ways to use resources to enhance service, and

• To promote staff development

State employees should use the Internet and E-mail, when appropriate, to accomplish job responsibilities more effectively and to enrich their performance skills.

The acceptable use of Internet and E-mail represents the proper management of a state business resource. The ability to connect with a specific Internet site does not in itself imply that an employee is permitted to visit that site. Monitoring tools are in place to monitor employees' use of E-mail and the Internet. Employees shall have no expectation of privacy associated with E-mail transmissions and the information they publish, store or access on the Internet using the Commonwealth's resources.

Incidental personal uses of Internet and E-mail resources are permissible, but not encouraged. Excessive personal use shall lead to loss of the resource privileges and may result in disciplinary action pursuant to KRS 18.A up to and including dismissal. Employees are responsible for exercising good judgment regarding incidental personal use. Any incidental personal use of Internet or E-mail resources must adhere to the following limitations:

• It must not cause any additional expense to the Commonwealth or the employee's agency

• It must be infrequent and brief

• It must not have any negative impact on the employee's overall productivity

• It must not interfere with the normal operation of the employee's agency or work unit

• It must not compromise the employee's agency or the Commonwealth in any way

• It must be ethical and responsible

Employee/User Responsibilities:

.. Read, acknowledge, and sign an agency acceptable use policy statement before using these resources.

.. Use access to the Internet and E-mail in a responsible and informed way, conforming to network etiquette, customs, courtesies, and any or all applicable laws or regulation.

.. As with other forms of publications, copyright restrictions/regulations must be observed.

.. Employees shall be aware that their conduct or information they publish could reflect on the reputation of the Commonwealth. Therefore, professionalism in all communications is of the utmost importance.

.. Employees that choose to use E-mail to transmit sensitive or confidential information should encrypt such communications using the Enterprise Standards (X.509 certificates) and approved product for secure electronic messaging services.

.. Employees shall represent themselves, their agency, or any other state agency accurately and honestly through electronic information or service content.

Supervisor Responsibilities:

.. Supervisors are required to identify Internet and E-mail training needs and resources, to encourage use of the Internet and E-mail to improve job performance, to support staff attendance at training sessions, and to permit use of official time for maintaining skills, as appropriate.

.. Supervisors are expected to work with employees to determine the appropriateness of using the Internet and E-mail for professional activities and career development, while ensuring that employees do not violate the general provisions of this policy, which prohibit using the Internet and E-mail for personal gain.

.. Managers and supervisors who suspect that an employee is using E-mail inappropriately must follow COT's standard written procedure for gaining access to the employee's E-mail account.

Agency Responsibilities:

.. E-mail and Internet access should be used for “appropriate business use" only. Incidental personal use is permissible, but not encouraged. This policy recognizes the specific definition of appropriate business

use may differ among agencies based on their mission and functions. Therefore, each agency should define appropriate business use and make certain employees and users are fully informed.

.. Create an Internet and E-mail Acceptable Use Policy statement and require a signed acknowledgement by all employees and users before accessing these resources.

.. Agencies that permit the use of E-mail to transmit sensitive or confidential information should be aware of the potential risks of sending unsecured transmissions. E-mail of this nature should, at a minimum, contain a confidentiality statement. E-mail content and file attachments considered highly sensitive or confidential must be encrypted using the Enterprise Standards (X.509 certificates) and approved product for secure electronic messaging services. To protect confidential data, some federal laws require the use of encrypted transmission to ensure regulatory compliance.

.. Agencies are responsible for the content of their published information and for the actions of their employees, including the proper retention and disposal of E-mail records. Enterprise Standard 4060: Recordkeeping – Electronic Mail should be observed.

.. Any commercial use of Internet connections by agencies must be approved by COT to make certain it does not violate the terms of COT's agreement with the Commonwealth's Internet provider. No reselling of access is allowed.

.. Agencies shall not accept commercial advertising or vendor-hosted website advertising for which the agency receives compensation. As a general practice, state agencies should avoid endorsing or promoting a specific product or company from agency websites, however the placement of acknowledgements, accessibility and certification logos are acceptable.

Prohibited and Unacceptable Uses: Use of Internet and E-mail resources are a privilege that may be revoked at any time for unacceptable use or inappropriate conduct. Any abuse of acceptable use policies may result in notification of agency management, revocation of access and disciplinary action up to and including dismissal. The following activities are, in general, strictly prohibited. With the proper exception approved, employees may be exempt from these prohibitions during the course of job responsibilities and legitimate state government business.

.. Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, including but not limited to, the downloading, installation or distribution of pirated software, digital music and video files.

.. Engaging in illegal activities or using the Internet or E-mail for any illegal purposes, including initiating or receiving communications that violate any state, federal or local laws and regulations, including KRS 434.840-434.860 (Unlawful Access to a Computer) and KRS 512.020 (Criminal Damage to Property Law). This includes malicious use, spreading of viruses, and hacking. Hacking means gaining or attempting to gain the unauthorized access to any computers, computer networks, databases, data, or electronically stored information.

.. Using the Internet and E-mail for personal business activities in a commercial manner such as buying or selling of commodities or services with a profit motive.

.. Using resources to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws, whether through language, frequency, or size of messages. This includes statements, language, images, E-mail signatures, or other materials that are reasonably likely to

be perceived as offensive or disparaging of others based on race, national origin, sex, sexual orientation, age, and disability, religious or political beliefs.

.. Using abusive or objectionable language in either public or private messages.

.. Knowingly accessing pornographic sites on the Internet and disseminating, soliciting or storing sexually oriented messages or images.

.. Misrepresenting, obscuring, suppressing, or replacing a user's identity on the Internet or E-mail. This includes the use of false or misleading subject headers and presentation of information in the distribution of E-mail.

.. Employees are not permitted to use the E-mail account of another employee without receiving written authorization or delegated permission to do so.

.. Employees are not permitted to forge E-mail headers to make it appear as though an E-mail came from someone else.

.. Sending or forwarding chain letters or other pyramid schemes of any type.

.. Sending or forwarding unsolicited commercial E-mail (spam) including jokes.

.. Soliciting money for religious or political causes, advocating religious or political opinions and endorsing political candidates.

.. Making fraudulent offers of products, items, or services originating from any Commonwealth account.

.. Using official resources to distribute personal information that constitutes an unwarranted invasion of personal privacy as defined in the Kentucky Open Records Act, KRS 61.870.

.. Online investing, stock trading and auction services such as eBay unless the activity is for Commonwealth business.

.. Developing or maintaining a personal web page on or from a Commonwealth device.

.. Use of peer-to-peer (referred to as P2P) networks such as Napster, Kazaa, Gnutella, Grokster, Limewire and similar services.

.. Any other non-business related activities that will cause congestion, disruption of networks or systems including, but not limited to, Internet games, online gaming, unnecessary List serve subscriptions and E-mail attachments. Chat rooms and messaging services such as Internet Relay Chat (IRC), I Seek You (ICQ), AOL Instant Messenger, MSN Messenger and similar Internet-based collaborative services.

References:

Enterprise Standard 2600: Electronic Mail and Messaging –
http://www.gotsource.ky.gov/dscgi/ds.py/Get/File-9360/2600_-_Electronic_Mail_-_Messaging.doc
Enterprise Standard 4600: Recordkeeping – Electronic Mail –
http://gotsource.ky.gov/dscgi/ds.py/Get/File-20485/Standard_4060_Electronic_Mail.doc
KRS 434.840-434.860, Unlawful Access to a Computer
http://www.lrc.state.ky.us/KRS/434-00/840.PDF
State Government Employee Handbook
http://personnel.ky.gov/info/emphb/default.htm

## CHAPTER 9

## FRINGE BENEFITS:

Salaries for regular full time employees and part time employees are to be set on an hourly basis. Contract employees may be paid hourly or monthly with no benefits. All employees are to be paid weekly or monthly. The monthly paychecks will be issued every 4th week of each month. The Administrative Office is required by law to make specific deductions from every paycheck. The mandatory deductions are Federal and State taxes, Social Security taxes, Occupational taxes, and County retirement, as required by state law. Deductions from paychecks may be made for other voluntary payments (i.e. credit union, group insurance plan). If there are questions or problems related to an employee's paycheck, they should be directed to an immediate supervisor, and then, if necessary, to the Finance Officer.

All County employees in regular, full time positions and The Judge Executive, Sheriff, County Clerk, Jailer, Coroner and County Attorney (excluding the law librarian) are eligible for all the fringe benefits described herein. The fringe benefits of part-time or temporary employees are limited primarily to Social Security, Worker's Compensation Insurance and Unemployment Insurance benefits.

A day equals eight hours, and 40 hours per week, for determining fringe benefits throughout this code. Exception: 10-hour day and 40 hour work week.

A full time employee is defined as a person who works 40 hours per week.

A salary full time employee is defined as working 40 hours per week.

A salary non-exempt employee who works over 40 hours per week shall receive overtime pay at time and one-half per KRS 337.285.

If a salary employee works less than 40 hours a week, and their salary is based on 40 hours a week, the salary employee must supplement with sick, vacation, or compensatory time to reach the 40 hours per week requirement.

A part-time employee is a person who is not bonded and *shall not* exceed working 22 hours per week. Except for the following: Bailiffs who provide court security during an extended trial or deputies who provide prisoner security for a person who has been arrested but not yet incarcerated. If this occurs, it is understood that the hours must be adjusted so they will not average over 99 hours per month. Part-time employees are not eligible for benefits.

> Definition: Kentucky Employees Retirement Systems (KERS), County Employees Retirement Systems (CERS), and State Police Retirement (SPRS) will be referred to as Retirement System.
>
> No person shall be eligible for part-time employment with Ohio County Fiscal Court (OCFC) if he/she is employed by another entity that contributes to the Retirement System. If employee is working part-time with the OCFC and secures employment with any other entity that contributes to the Retirement System, employee will become ineligible for part-time employment with OCFC and employment will be terminated.
>
> Per Retirement System requirements, no part-time employee shall work in excess of 99 hours per month, to be reviewed on both a fiscal year and a calendar year, without retirement being

paid on that employee. The State Retirement System requires that all hours worked in more than one position or entity within the same retirement system shall be consolidated to determine eligibility. (See Section X (N))

A temporary employee is a non-bonded employee who is hired to work for a specified time only and for a period not more than (12) twelve months. (KY Retirement regulation). Temporary employees may work up to 40 hours per week during this 12 month period.

A seasonal employee is a non-bonded employee who is hired to work for a specified time only and for a period not more than (9) nine months IN A FISCAL YEAR. (KY Retirement System Regulation). Seasonal employees may work up to 40 hours per week during this 9 month period.

Part-time, temporary, and seasonal employees shall not receive fringe benefits except benefits designated by statute or regulations.

Part-time 100 employees shall not receive fringe benefits except Kentucky Retirement. Employee must average 100 hours per month to be reviewed on both a fiscal year and a calendar year. If part-time 100 employee does not average 100 hours per month employee will lose annual retirement credit (per KY Retirement Regulations).

## Section 1 Health Insurance:

1. Employees and Elected Officials of Ohio County are entitled to participate in the County group plan for all health insurance(s). Any full time, regular employee or elected official of the County may apply for coverage. County contribution is subject to change with each annual budget. Insurance for a full time employee or elected official begins on the first day of a calendar month following one full month of employment or subject to terms and conditions of the county's elected group health insurance policy in effect at the occasion of the employee's hire date.

2. If the participating employee leaves the employ of the County, he/she may elect to keep health, vision, dental insurance under COBRA coverage. Notification and forms would be sent to the employee by Cobra. Continuation of group coverage would be for a specified period of time in accordance with COBRA regulations.

3. All insurance policy questions shall be addressed to the current Agent of Record that has been appointed by the Ohio County Fiscal Court. It is not the duty of the Finance/Payroll Officer to interpret insurance policy(s).

## Section 2 Retirement:

1. All full time regular employees are required to participate in the County Employee's Retirement System.

2. Five years of contributing service qualifies an employee for retirement benefits. If you leave County employment before you qualify for retirement employee will need to contact KY Retirement System concerning their retirement account.

3. Part time employees who average working one hundred hours or more per month over a consecutive 12-month period are required to participate in the retirement system.

4. Ohio County does not have a mandatory retirement age of its employee. The county does participate in the County Employees Retirement System (CERS) Information regarding this program is provided in the Benefits section of these policies, with information available from the county's Finance Officer.

5. All questions concerning your KY Retirement Plan shall be deferred to the KY Retirement System at (502) 928-4646). The contact information is available from the Human Resource / Payroll Officer.

6. Any employee who has reached retirement age (as set by the Federal Government for full retirement on social security) or has the qualified number of years for full retirement with the State of Kentucky is allowed 1 (8) hour day to go to Frankfort to investigate retirement options. Day off must be pre-approved by employees supervisor as not to disrupt working schedules.

## Section 3 Tax Deferred Compensation Plan:

1. In addition to the retirement benefits described herein, officers and employees of the County may elect to defer a percentage of their gross salary, and place said deduction in a retirement account and avoid payment of taxes on said income until it is later drawn from the account years later.

2. Any regular full time employee or officer desiring to participate in this plan offered through the Kentucky Public Employees Deferred Compensation may notify the County Finance/Payroll Officer at any time.

## Section 4 Social Security:

1. All County government employees are required to participate in the Federal Social Security program.

2. Deductions from an employee's adjusted gross compensation and matching contributions by the County will be as determined by Federal Law.

3. The County, as the employer, matches an employee's deductions with a contribution of the same amount to the Federal Social Security Fund. The retirement, disability, and death benefits of the national program are major elements of the total fringe benefit package.

## Section 5 Occupational Tax

All County government employees are required to participate in Occupational Tax.

## Section 6 Workmen's Compensation:

1. All County employees are covered by Worker's Compensation in accordance with the Kentucky's Worker's Compensation Law. Payments made under this law are for loss of time and medical expenses resulting from personal injuries, which arise out of and in the course of employment.

2. Medical expenses are normally paid in full, in accordance with the fee schedule adopted by the Department of Workers' Claims. Payments of lost time of work are paid in accordance with the Kentucky Worker's Compensation Law.

3. Should an employee sustain a work related injury, the Fiscal Court will continue to pay to the employee his regular rate of pay for a period of two (2) weeks for any time lost due to the injury,

provided that the employee submit a statement from a qualified health care professional verifying the necessity of work loss for medical treatment or the inability to work.

After the expiration of the two (2) week period from the date of any work related injury, the county's worker's compensation insurance carrier will be responsible for payment of any worker's compensation benefits to which the employee may be entitled in accordance with the Kentucky Worker's Compensation Act, KRS Chapter 342.

Should an employee receive from the County's worker's compensation carrier temporary total disability income benefits due to a work related injury for the two (2) week period immediately after the injury and for which the County has paid to the employee his regular rate of pay, the County shall be reimbursed by the employee the amount of income benefits paid to the employee by the worker's compensation carrier for the two (2) week period.

4. Vacation time will continue to accrue by an employee who is off work drawing Workers Compensation income benefits due to work injury ( December 29, 2009 minutes)

5. An employee insured under Ohio County Fiscal Court group health insurance who is off work drawing workers compensation income benefits due to OCFC work related injury AND whose FMLA (family medical leave) time has expired or who may not yet qualify for FMLA, the county will continue to pay employee's health insurance coverage that county was paying prior to injury or until employee is terminated.

6. Although an employee may receive their vacation pay while off work while drawing Workers Compensation Income Benefits due to work injury, accrued sick time and holiday time CANNOT be paid. (Workers Compensation regulation).

7. Employees drawing workers compensation benefits will be considered as active employees until terminated by the Fiscal Court. If an employee, under workers compensation, has been off work for twelve (12) months, employee shall then be terminated from employment with Ohio County Fiscal Court.

## Section 7 Holidays:

1. The following days are adopted by the Ohio County Fiscal Court as holidays:

New Year's Day – Jan 1
Martin Luther King Day – 3rd Monday in Jan
Presidents' Day – 3rd Monday in February
Good Friday – Full day Friday before Easter
Memorial Day – Last Monday in May
Independence Day – July 4
Labor Day – 1st Monday in September
Veterans Day – November 11
Thanksgiving – Fourth Thursday in November
Thanksgiving – Friday after Fourth Thursday
Christmas Eve – December 24
Christmas Day – December 25
New Year's Eve – December 31

2. When a holiday falls on Saturday or Sunday, Fiscal Court may designate the day(s) to be observed as a holiday (usually in accordance with State given dates).

3. Regular Full Time employee is entitled to one day away from work with pay for each holiday. In the event an employee must be scheduled to work a holiday, they shall be compensated for actual hours worked at regular rate of pay in addition to holiday pay.

4. Departments that are working a 5 day/8 hour workweek will receive 8 hours pay for each adopted holiday. Departments that are scheduled to work a 4 day / 10 hour workweek will receive 10 hours pay for each adopted holiday. Departments that are working shifts that have hours that vary (example: 3 days at 12 hours and 1 day at 4 hours) whose actual time work equals 40 hours shall receive no more than 8 hours holiday pay. At no time shall a holiday be worth more than 8 hours if it puts the employees total time claimed over 40 hours.

5. In order to receive holiday pay, an employee must work their last scheduled day prior to and their first scheduled day after said holiday, unless previously approved by supervisor.

6. Part time employees shall receive one and one-half their regular rate of pay for working holidays.

7. Seasonal and Temporary employees DO NOT receive Holiday Pay. If the employee works over 40 hours during a week that has a holiday or works over 40 hours in any given week then hours over 40 will be paid at time and one-half (OT Rate).

8. Other days may be designated as a day off with pay at the Judge Executives' discretion during an emergency, rather it be a State of Emergency or severe weather. Employees who substitutes regular working hours per week with (pre-approved) volunteer hours during an emergency situation to help make county government function and upon approval of the Judge-Executive may receive their regular hourly wages up to 40 hours per week. Any volunteer hours over 40 hours per week will not be considered as working time nor paid as working time.

9. Supervisor/Department Head or Elected Official may schedule a full time regular employee or employee may request to switch their holiday off with another day within the same work week. The schedule or request must be prior to the holiday and should not cause scheduling conflict. Employee understands that by working the actual holiday they will not receive any additional pay but will be taking a different day off within that work week. Time sheets must reflect this switch with employee and Supervisor/Department Head or Elected Official's signature beside the days switched.

## Section 8 Special Leave:

In addition to authorized leave, an employee may be granted leave without pay for personal reasons for a period not to exceed 90 days.

1. Leave of absence without pay will not be granted until all vacation and compensatory time have been exhausted.
2. Request for leave for personal reasons shall be submitted in writing to the County Judge/Executive, Sheriff, County Clerk or Jailer, stating reasons for the request, the date the leave shall begin and the probable date of return.
3. If employee does not return to work by day 91 then employee may be terminated.

## Section 9 Court Leave:

1. An employee shall be entitled to leave of absence from duties without loss of time or pay for that amount of time necessary to comply with subpoenas by any Court, Federal or State, or Political subdivision thereof, to serve as a juror or witness. If the employee is not selected to serve as a juror, said employee must return to work. Employee will be allowed to keep all monies paid by said court system for such duties. Employee is required to bring verification for Jury Duty to the Finance Officer.

## Section 10 Vacation:

1. After one full year of employment, all regular full-time employees are entitled to vacation as listed below:

a. 1 year service - 5 days

b. After one year of service, 5 days accrue at the end of each six (6) month period for a maximum of 10 days per year.

c. The maximum accumulation for vacation time is four (4) weeks.

2. Definition: one day – 8 hours.

3. Vacations shall be scheduled with and approved by the employee's supervisor.

4. No employee will be permitted to take leave that has not been earned. Vacations shall be at full pay at the current rate of salary.

5. An employee may accumulate up to a maximum of 160 hours (20 days) of vacation time, but not more than 160 hours (20 days).

6. Upon separation of employment from the county, an employee shall be paid vacation time not to exceed 160 hours (20 days) of vacation time.

7. Vacation time is allowed to accrue while a county employee is off from work under the Family Medical Leave Act. (See minutes December 16, 2008).

8. Vacation time will continue to accrue by an employee who is off work drawing workers compensation income benefits due to work injury (also see workers compensation section) (December 29, 2009 minutes).
If employee is off on an unpaid leave and then returns to work vacation benefits would begin when employee returns to the workforce, if employee status still qualifies him/her for the benefit. The employee would retain original hire. The return to work date would be used for determining future vacation time. Any partial vacation time earned prior to unpaid leave would be counted along with time worked after returning from unpaid leave to reach a new 6 months accumulated service.

9. Employees are not allowed to work thru vacation. Employee should actually take earned vacation days off. If employee has maxed out at 160 hours then any additional earned vacation days will be lost.

## Section 11 Sick/Personal Leave:

1. All non-elected personnel can accumulate eight (8) hours sick pay per month of active employment. The employee must work at least fifteen (15) days during the month to receive the sick time. Sick time accumulates at the end of the month. When claiming sick time, total time (including regular hours worked) cannot exceed forty hours per any given week. Sick time is not considered in calculating over time. Sick days may be accumulated from month to month and year-to-year and may be used at any time as long as the County employs the employee. Sick leave may be accumulated with a maximum limit of 480 hours (60 days).

2. Your earned sick leave with pay is intended as a benefit for you to use at those times when you have a bona fide need for it. As your employer, the County recognizes that there are many circumstances other than your own unexpected illness, when you might justifiably claim sick leave. Sick leave cannot, however, be used for unnecessary occasions when it would be convenient for you to be absent. For those times, you must apply vacation or compensatory leave. Remember, a large amount of accumulated sick leave with pay is your cheapest form of disability insurance. Also, see Attendance and Absenteeism. (See Section X (O))

If the employee with the Ohio County Fiscal Court is absent more than three (3) days in a roll or is absent more than three (3) days within a work week, then said employee must present a written doctor's excuse before the fourth (4th) or more days can be paid as sick time. This will be enforced for all employees.

3. Sick Days are lost upon termination of employment and there shall not be payment therefore to any employee upon separation of employment.

a) Sick days shall not be earned and accumulated while an employee who is not working due to illness whether the employee is being paid sick pay or not.

b) Sick days shall be accumulated by an employee:
   1) Who is off work while taking earned vacation days,
   2) Who is off work while drawing worker's compensation income benefits due to a work injury.
   3) Who is off work for any legal holiday listed in the administrative code.
   4) Who is off work under bereavement days.

c) Sick days shall not be earned and accumulated while an employee is laid off.

4. Sick leave donation. In the event of an illness or a prolonged catastrophic illness, an injury, or an extended absence due to illness of a family member, eligible employees who accrue sick leave and who have exhausted their leave balances (which include sick, vacation and comp time) may have sick leave donated to them by other eligible county employees. The total amount of time transferred shall not exceed the amount of time needed for the specified illness. The sick leave transfer option is on a voluntary basis. Employee may receive an unlimited amount of sick hours. Participation forms may be obtained from the Finance Officer.

The employee voluntarily donating sick leave must retain a minimum of eighty (80) hours of accrued sick leave after the sick leave donation. Prior approval from the Judge Executive is

required for the transfer of sick leave to another employee who is experiencing an illness or event as stated above. Under no circumstance may a transfer be made that places the donating employee under the eighty (80) hour threshold.

5. FMLA – FAMILY MEDICAL LEAVE ACT

For employees under the Family Medical Leave Act, see FMLA regulations/restrictions before participating in this sick leave transfer option.

All regular, full, and part-time employees are eligible for unpaid Family and Medical Leave Act (FMLA) leave by the employer upon employee's 12-month employment anniversary with respect to who leave is requested under section 102; and, have worked 1,250 hours during the previous 12-month period (FMLA requirement).

a. County employees are allowed to choose whether or not they use any or all unused sick or vacation time in order to receive pay during Family Medical Leave Act time off from work. (See minutes of December 16, 2008)

Ohio County Fiscal Court will adhere by Family Medical Leave ACT (FMLA) rules and regulations.

Vacation days will continue to accrue during approved FMLA leave. Sick days shall not continue to accrue during approved FMLA leave.

6. Bereavement Days. All full time employees may receive three (3) paid funeral bereavement days (a day equals the employees' scheduled work shift) in the event of a death in the employee's immediate family. The following employee family members will be considered as immediate family and qualify employee for bereavement pay:

Spouse, Mother, Father, Child, Grandmother, Grandfather, Mother-in-Law, Father-in-Law, Sister, Brother, Aunt and Uncle

This benefit is offered to employees while on active payroll to prevent loss of pay while making funeral arrangements and/or attending services for the deceased family member. Therefore, eligible employees will be allowed up to three (3) days bereavement pay ending with the day of the funeral service. Weekends are exempt, unless the employee is scheduled to work.

## Section 12 Cafeteria Plan:

1. The Section 125 Cafeteria Plan is administered through the county's group health insurance carrier. This benefit coincides with the benefit plan year. Each participant must elect the benefits they want from the plan for each year.

2. The benefits under the plan are group medical insurance, dental, and vision. The premiums are deducted from the gross salary and then taxes are calculated on the adjusted gross salary.

Some types of supplemental insurance may qualify for the pre-tax benefit. Contact county's current Section 125 Cafeteria Plan provider to see if they fall under the Plan requirements.

3. New employees are eligible to participate in the plan as of the contract renewal date following the date the employee meets the eligibility requirements.

## Section 13 Unemployment Insurance:

1. The County's unemployment insurance is administered through the KACO Unemployment Insurance Fund. Each year an estimated premium is paid based on gross wages paid to employees and determined on the amount paid in claims the previous year.

2. Unemployment benefits are paid to eligible employees who find themselves unemployed through no fault of their own (i.e. lack of work, lack of fund, etc.)

3. Kentucky Unemployment Laws determine the eligibility of the unemployed person and the amount of the benefit.

## Section 14 Travel Policy:

County Officials, Appointed Personnel, and county employees may attend conferences, conventions, training sessions, and job-related events. Each department head shall be responsible for ensuring that travel reimbursement conforms to the provisions of this administrative code and that all travel expense for that department is as economical as is feasible and remains within their budget.

No reimbursement shall be made without original receipt and supporting documentation. This must be presented to the County Treasurer's office.

1. Mileage: Mileage shall be reimbursed at the current rate set forth by the Ohio County Fiscal Court. Mileage shall be calculated from the employee's workstation (physical address) to the travel destination point unless it is proven that it is more economical to leave from the employee's home address.

Mileage commuting between employee's home and workstation shall not be paid.

2. Meals: Reimbursement for meals is eligible for payment if overnight travel has occurred.

If a county employee is traveling and is away from his workstation in excess of 12 hours and all documentation, timecard/original receipt, reason for trip is received, one meal will be reimbursed. (IRS 119 – meals or lodging for employer's convenience.)

If overnight travel has occurred the following rules apply to meal reimbursement:

Traveling to:

a. Breakfast: If you are in route to your destination before 6:30 a.m. and will be staying overnight.

b. Lunch: If you are in route to your destination before 11:00 a.m. and will be staying overnight.

c. Supper: If you are in route to your destination before 5:00 p.m. and will be staying overnight.

Return to workstation:

d. Breakfast: If you return to your workstation past 9:00 a.m.

e. Lunch: If you return to your workstation past 2:00 p.m.

f. Supper: If you return to your workstation past 5:00 p.m.

Meals will be reimbursed at the following rate:

| | |
|---|---|
| Breakfast | $10.00 |
| Lunch | $20.00 |
| Dinner | $30.00 |

Alternatively, total meal(s) for the day must not exceed $60.00, including tips.

Appointed personnel and/or county employee must have prior approval for travel by their Supervisor/Department Head, Judge Executive, Sheriff, County Clerk, or Jailer. All travel expenses must be kept within each respective department's travel/training budget. Travel/reimbursement to commence with allotted travel time prior to time of registration. Approval reimbursement will be: registration fees, mileage (itemized voucher is required, with in town mileage listed separate), telephone calls to the office or for business purposes, and motel expense, not to exceed conference rate. Meal will be reimbursed at a prevailing rate; however, there will be no reimbursement for meals included in conference registration. Reimbursement for mileage will be at the current rate set forth by the Fiscal Court. All out of state conference travel must have prior Fiscal Court approval. To be reimbursed for travel expenses, a detailed voucher must be present to the Ohio County Fiscal Court per County Judge Executive's Office, listing dates meeting attended, destination (mileage voucher) and all other reimbursable expenses. No alcohol is allowed to be purchased. No movie rentals are allowed to be purchased. No charges are allowed for family or friends.

Required Meetings or Training: If a county employee is attending a meeting or training (approved by Fiscal Court, Sheriff, Jailer, or Clerk) out of the county, and employee will be gone more than 3 hours, one meal will be allowed. Meal rates listed above will apply.

## Section 15 Vehicle Policy:

Applies to all County owned vehicles. County owned vehicles are to be used for county related business only. County owned vehicles are to be left at the appropriate department at the end of each shift/workday. If a county owned vehicle is driven home, the amount, to be calculated by the County Treasurer, will be reported as a taxable fringe benefit on employee's W-2.

The following county vehicles are exempt:

1. Clearly marked police and fire vehicles.
2. Ambulances and hearses
3. Any vehicle designed to carry cargo with a loaded gross weight of more than 14,000 pounds.
4. Unmarked vehicles used by law enforcement officers if the use is officially authorized.

Working Condition Fringe Benefits per IRS Regulation 1.132-5.

Employees driving a County vehicle must be in good standing with the Department of Transportation and further maintain a valid operator's license.

Employees must use due diligence to drive safely and to maintain the security of the vehicle and its contents. Employees are responsible for any driving infractions or fines as a result of their driving. Excessive driving infraction could result in disciplinary action up to termination.

Employees must report any accident, traffic violation, theft or malicious damage involving a county vehicle to their Supervisor regardless of the extent of damage or lack of injuries. Such reports must be made as soon as possible, but no later than 24 hours after the incident. Employees are expected to cooperate fully with authorities in the event of an accident. However, employees should make no voluntary statement other than in reply to questions of investigating officers.

## Section 16 Cell Phone Policy:

Applied to County provided cell phones and monthly cell phone service. Cell phones are to be used for county related business only. If personal calls are made on county provided cell phones, the amount, to be calculated by the County Treasurer, will be reported as taxable fringe benefits on employees W-2.

Working Condition Fringe Benefits per IRS Regulation 1.132-5

## Section 17 Inclement Weather Policy:

The Ohio County Fiscal Court will make every effort to maintain normal working hours during inclement weather.

Unless the office is closed, employees are expected to come to work. An Employee can decline to come to work if they think the weather poses a danger. However, employee will have to use a vacation day or comp time or lose a day of pay if they choose to stay home. Employee must notify his/her supervisor as soon as they know that they will not be able to come in.

Notification procedure: The Judge Executive and Department Heads will determine whether or not offices will be closed. It is the Department Heads responsibility to notify their employees if employees are not to report to work in case of emergency situations. In case of emergency, employees will be allowed to use compensatory and vacation time. However, compensatory time must be used first. In case of state of emergency, if employee wants to work, they should notify their supervisor and Emergency Management Administrator to see where they might assist.

## Section 18 Wellness Program:

To promote wellness and assist employees in maintaining a healthy lifestyle, the County will provide the employee with a single membership to The Ohio County Family Wellness Center. Employees can sign up for this benefit during open enrollment which is held in May or June of each year. Employees who drop their membership will not be allowed to enroll again until the next open enrollment. The county will not pay for additional costs, such as initiation fees, fitness center privileges, lockers, etc. Paid membership at The Ohio County family Wellness Center is subject to Fiscal Court approval and may be re-evaluated at any time.

# CHAPTER 10

# PURCHASE AND CONTRACTS:

Every contract, change, and amendment thereto, of the County, shall be authorized or approved by the Fiscal Court before it is executed by the Judge Executive.

Any and all contracts that affect the finances of the County are to be reviewed by the County Attorney.

The Judge Executive shall determine the need for items requested, the approximate cost, and whether the expenditure is provided for in the budget.

The Judge Executive shall place an advertisement in the newspapers in the County at least once, not less than seven (7) days, nor more than twenty-one (21) days before bid opening. The advertisement shall include the time and place the bids will be opened, and the time and place where the specifications may be obtained.

If the durability of the product, the quality of service, or other factors is to be considered in bid selection, such factors shall be stated in the advertisement.

The Judge Executive shall open all bid publicly at the time and place stated in the advertisement, and shall select the lowest and best bid by a qualified bidder. If the lowest bid is not selected, the reasons for the selection shall be stated in writing.

The Judge Executive shall submit the bid selected to the Fiscal Court for approval and thereafter shall notify in writing all bidders of the award.

## CHAPTER 11

## PROCUREMENT CODE FOR OHIO COUNTY, KENTUCKY:

These functions shall govern all procurement activities, and shall remain in effect unless and until modified by the Legislative Body of the Commonwealth of Kentucky.

A. Responsibility and delegation of authority.

1. The Chief Executive Officer County Judge Executive is responsible for administration of the procurement function of Ohio County.

2. Advertising of sealed bids or participation in online bids for purchasing of all items shall be done by the Fiscal Court only.

B. Purchase Order System

1. Purchases shall not be made without approval by the Judge Executive (or designee), and/or a Department Head.

2. Purchase requests shall indicate the proper appropriation account number to which the claim will be posted.

3. Purchase requests shall not be approved in an amount that exceeds the available line item appropriation unless the necessary and appropriate transfers have been made. ($500 limit at the Judge Executive discretion)

4. Each Department Head issuing purchase requests shall keep an updated appropriation ledger and/or create a system of communication between the Department Head and the Judge Executive or designee who is responsible for maintaining an updated, comprehensive appropriation ledger for the County.

5. All departments must, within five business days, submit to the County Treasurer, a list of their vendors.

6. The County Treasurer, within five business days, must notify the vendor that said change has been made and that a valid P.O. number must accompany bill or billing will be denied.

7. The County Treasurer will deliver to the Fiscal Court, 45 days prior to the submission of the next fiscal year budget, a full and complete account of all purchases by department.

8. All billing after January 29, 2003, must have a valid purchase order number. Valid purchase order numbers must be obtained from the County Treasurer prior to making purchases or acquisitions.

9. Small purchase procedures may be used for purchases of single items that do not exceed in an aggregate amount of $20,000.00.

10. No purchases shall be made for an amount that will exceed the sum budgeted and appropriated.

11. No purchases shall be made without the use of a purchase order number which is distributed by/through the County Treasurers Office.

12. Purchase orders are issued per invoice with one copy retained at issue by the County Judge Executive, and signed by department head, and attached to billing invoice for consideration and approval of payment by Fiscal Court.

13. Advertising of sealed bids or participation in on line bids for purchasing of all items shall be done by the Fiscal Court only.

14. The Judge Executive must approve a Purchase Order in excess of $500.00 prior to placing the order.

C. Local Elected Officials:

1. All elected officials and appointed directors, County Judge Executive, County Clerk, County Attorney, Sheriff, Jailer, and Magistrates shall function as a single unit and shall use the purchase order form as adopted.

2. The County Judge Executive and his appointed staff shall issue purchase orders for all purchases.

D. Purchasing by Emergency:

1. In the event parts or repairs are needed for County property or for road equipment such as during the maintenance of the County road, and said parts or repairs are more readily available from one vendor than another, then the County Judge Executive may declare an emergency exists such as to road maintenance and normal bid procedures will be by-passed and purchase orders only will be necessary and be used to procure said parts or repairs.

2. Should the availability of road maintenance materials, such as rock or gravel, as to locations, create a hardship on the County government as to the procurement of same, then the County Judge Executive may declare an emergency would exist thereto and normal procurement procedures would be by-passed and purchase orders would be used to procure said materials.

E. County Judge Executive:

1. At any time it would be advantageous for the County to purchase unanticipated materials, supplies and equipment, or services, it shall be within the discretion of the Chief Executive Officer to purchase said items by the use of purchase orders and by-pass the normal procurement procedures.

F. Procurement Standards for Federal Grant Money:

All procurements made by the Ohio County Fiscal Court (OCFC) involving the expenditure of Grant Funds will be made in accordance with the following procurement standards; Procurement transactions, regardless of method or dollar value, will maximize open and free competition. The OCFC shall not engage in procurement practices, which may be considered restrictive in trade.

Purchases will be reviewed by the County Judge Executive to prevent duplication and to insure the costs are reasonable.

1. Methods of Procurement: Procurements shall be made by one of the following methods:

(a) Competitive sealed bids or on line bids, (b) competitive negotiation, (c) non-competitive negotiation.

a. Competitive Sealed Bids: Bidding will be employed when detailed specifications for the goods or services to be procured can be prepared and the primary basis for award in cost. When the cost of a contract, lease or equipment or contractual services other than those personal or professional exceeds $10,000.00, an Invitation for Bids (IFB) notice will generally be prepared. This notice will be published at least once in the official newspaper of general circulation within the community. This newspaper notice will appear not less than seven (7) days before the due date for big proposals. The OCFC may also solicit sealed bids from responsible prospective suppliers by sending them a copy of such notice. Before bids are awarded, the Fiscal Court must first have proof of insurance.

The IFB will include a general description of the goods or services to be procured, the bid deposit and bond performance required (if applicable), the location where bid forms and specifications may be secured, the time and place for opening bids, and whether the bid award will be made on the basis of the lowest bid price or the lowest evaluation price. If the lowest evaluation price is used, the measurable criteria to be utilized must be stated in the IFB. The newspaper notice must also contain language which calls to the attention of bidders all applicable requirements which must be complied with such as Section 3 of the 1968 Housing Act, Section 109 of the 1974 Housing and Community Development Act, the Civil Rights Act of 1964, Executive Order 1246 and the Davis-Bacon Act.

Sealed bids will be opened in public at the time and place stated in the IFBs. The bids will be tabulated by the OCFC at the time of bid opening. The results of the tabulation and the bid documents will be examined for accuracy and completeness by the OCFC. In addition, the OCFC determines that all firms are responsive and responsible. The OCFC will make the decision as to which contract shall be awarded. After the bid award is made by the OCFC, a contract will be prepared for execution by the successful bidder. After the contract is signed, all bid deposits will be returned to all unsuccessful bidders.

The OCFC may cancel an Invitation for Bid or reject all bids if it is determined in writing that such is in the best interests of the OCFC. The OCFC may allow a vendor to withdraw a bid if requested at any time prior to the bid opening. Bids received after the time set for bid opening shall be returned to the vendor unopened.

b. Competitive Negotiation: The OCFC will utilize competitive negotiations, regardless of contract amount, upon a written determination that:

1. Specifications cannot be made specific enough to permit the reward of a bid on the basis of either the lowest bid price or the lowest evaluated bid price (in other words, bidding is not feasible).

2. The services to be procured are professional or personal in nature. With the exception of procurement of certain professional services (principally engineering services), competitive negotiations will proceed as follows:

a. Proposals will be solicited through newspaper advertisement; additionally, a Request for Proposal (RFP) may be prepared and Mailed to qualified vendors.

The newspaper advertisement must be published at least seven (7) days and not more than twenty-one (21) days before the date for receipt of the proposals. The RFP will describe services needed and identify the factors to be considered in the evaluation for proposals and the relative weights assigned to each selection factor.

The RFP will also state whether further details regarding the RFP may be obtained. The RFP will call attention to the same regulations discussed in the bidding process. Requests for proposals will always include cost as a selection factor.

1. Award must be made to the one whose proposal is determined in writing to be the most advantageous to the OCFC. Evaluations must be based on the factors set forth in the RFP and a written evaluation of each response prepared. The OCFC may contact the firms regarding their proposals for the purpose of clarification and record in writing the nature of the clarification. If it is determined that new proposals may be solicited on the same or revised terms or the procurement may be abandoned.

For the procurement of certain professional services, an alternative to RFP's may be used. The OCFC will evaluate the responses and rank them by comparative qualifications. The highest scoring person or firm will be contacted and the selection committee will negotiate cost. If the OCFC is unable to negotiate a satisfactory cost arrangement, the second highest scoring person or firm will be invited to negotiate. The OCFC will maintain a written record of all such negotiations.

c. Non-Competitive Negotiations: Non-competitive negotiations may be used for procurement in excess of $20,000.00 when bidding or competitive negotiations are not feasible. The OCFC may purchase goods and services through non-competitive negotiation when it is determined in writing that competitive negotiation or bidding is not feasible and that:

1. An emergency exists which will cause public harm as a result of the delay caused by following competitive purchasing procedure, or

2. The product or service can be obtained only from one source, or

3. The contract is for the purchase of perishable items purchased on a weekly or more frequent basis, or

4. Only one satisfactory proposal is received through RFP or REQ, or

5. The state has authorized the particular type of noncompetitive negotiation (example: the procurement of services by an Area Development District). Procurement by non-competitive negotiation requires the strictest attention to the observation of impartiality toward all suppliers. Kentucky Housing Corporation must approve all procurements by non-competitive negotiation when only one supplier is involved or only one bid or response to an REP/REQ is received.

d. Documentation: All source documents supporting any given transaction (receipts, purchase orders, invoices, RFP/RFQ data, and bid materials) will be retained and filed in an appropriate manner. Where feasible, source documents pertinent to each individual procurement files, source documents will be filed and maintained in a reasonable manner (examples include chronologically, by vendor, by type of procurement, etc.). Whatever form of documentation and filing is employed, the purpose of this section is to insure that a clear and consistent audit trail is established the basis for selection, basis for cost (including the issue of reasonableness of cost and basis for payment.

e. Locally Owned, Minority Owned, Female Owned, and Small Business Efforts will be made and documented to solicit participation of locally owned, minority owned, female owned, and small businesses. Where feasible, evaluation criteria will include a factor with an appropriate height of these firms. A list of locally owned, minority owned, female owned and small businesses and minority businesses located within the trade region shall be maintained and utilized often-issuing IFBIs , RFPIs, and RFQLs. This list shall also be consulted when making small purchases.

f. Code of Conduct:

1. Conflict of Interest: No elected official, employee or designated agent of the OCFC will take part or have an interest in the award of any procurement transaction if a conflict of interest occurs when the official, employee or designated agent of the OCFC, partners of such individuals, immediate family member, or an organization which employs or intends to employ any of the above, has a financial or other interest in any of the competing firms.

2. Penalties: Any elected official, employee, or designated agent of the OCFC who knowingly and deliberately violates the provisions of this code will be open to civil suit by the citizens of the County without legal protection of the OCFC. Furthermore, a violation of these procurement standards is grounds for dismissal by the OCFC. Any contractor or potential contractor who knowingly and deliberately violated the provision of these procurement standards will be barred from future transactions with the OCFC.

## CHAPTER 12

## INVENTORY:

It shall be the duty of each department head to keep a perpetual inventory of all property of Ohio County. Non consumable items valued at one hundred ($100.00) dollars or more shall be listed on this inventory. Each item shall have an Ohio County inventory tag. The inventory shall list a description of the item including model and serial number, purchase price, location of item, tag number, and date placed in service. When an item is removed from service, the manner of its disposal shall be listed. The Department heads shall report this inventory information to either the County Judge Executive's Office or County Finance Officer.

## CHAPTER 13

## USE OF COUNTY RESOURCES:

The County Maintenance Garage shall be used solely for the repair, maintenance, and storage of official vehicles. "Official" is defined, as a vehicle owned exclusively by the Ohio County Fiscal Court or an agency thereof, having an official registration receipt and license place issued in accordance with KRS 86.240. Any other use of the facilities and/or personnel is prohibited.

All equipment, vehicles, and property owned and/or operated by the Fiscal Court shall be for the sole purpose of official business.

No official or employee shall use, or permit the use of, any publicly owned or publicly supported property, vehicle, equipment, material or service for the personal convenience or the private advantage of himself or any other person, unless such use has been formally authorized by a resolution of Fiscal Court.

A. Delivery of County Services:

It shall be an objective of the County to provide appropriate and equitable levels of services to all County residents. County services shall be available and delivered to all County residents without regard to race, color, age, sex, religion preferences, or natural origin.

## CHAPTER 14

## DEPARTMENTAL POLICIES & PROCEDURES:

If the Sheriff or County Clerk wishes to have their own Personnel Policy, they must submit the policy to the Fiscal Court for review, to ensure that any such adopted Personnel Policy neither conflicts nor supersedes any legal requirement or county policy adopted by this Administrative Code.

## CHAPTER 15

## DRUG FREE WORKPLACE:

This policy is intended as a general statement of principles applicable to alcohol and drug abuse by employees and others that perform services for Ohio County. This policy applies to all County employees and to the employees of contractors and suppliers who provide goods and services to Ohio County. Where appropriate, policies specific to particular departments, employee groups or occupations will be defined and communicated to affected persons.

Policy Statement:

The purpose of this policy is to establish procedures for the administration of an anti-controlled substances program FOR ALL OHIO COUNTY.

Employees:

To reduce accidents and injuries resulting from the misuse of alcohol or use of controlled substances, thereby reducing fatalities, injuries and in accordance with the Department of Transportation Title Code 49, part 40, Ohio County adopts the following Controlled Substances and Alcohol Testing Program for ALL EMPLOYEES CONTROLLED BY OHIO COUNTY.

Ohio County recognizes the significant problems caused by controlled substances and alcohol use in the industry and is committed to maintaining controlled substances/alcohol-free employee work force. Controlled substances and alcohol use jeopardize the safety and productivity of all employees as well as the safety and well-being of the general public. Ohio County is dedicated to providing safe and efficient service to our residents. Our employees are our most valuable resource in ensuring the quality of this service. The goal of Ohio County is, therefore, to provide our employees with a work place environment, which promotes health and safety.

In order to meet this goal, we hereby endorse and set the following policy and regulations; Ohio County will not tolerate unauthorized use, abuse, possession, or sale of controlled substances or alcohol by its employees. Controlled substances and alcohol testing will be an integral part of our program. We will provide training, educations, and other assistance to our employees to help them understand their responsibilities in achieving a controlled substance/alcohol free environment.

Policy Objectives:

Ohio County will not hire individuals who test positive for prohibited drugs.

Employees will not be allowed to work while under the influence of alcohol or with prohibited drugs in their system.

Employees will not use, possess, sell, manufacture, or distribute alcohol or prohibited drugs while performing Ohio County business or on Ohio County premises.

Ohio County reserves the right to inspect Ohio County property at any time and for any reason, whether locked or otherwise, and to inspect personal property while located on Ohio County premises or at any site where employees may be sent on County business. Ohio County property includes, but not limited to: Ohio County owned or leased vehicles, lockers, Desks, closets, cabinets, containers, etc. Any illegal substance found will be turned over to the appropriate law enforcement agency.

Employees who are convicted of a drug-related offense will be considered in violation of this Policy. In addition, employees who are convicted of a drug related offense must report such conviction to their appropriate Supervisor within twenty- four (24) hours of the conviction.

Employees utilizing prescription or over the county drugs, which carry any precautions regarding side effects, which might impair their concentration or affect their job performance in any way, are required to report this fact to their supervisor.

Individuals found to be in violation of any portion of this policy will be subject to disciplinary action including termination of employment even for a first offense.

Definitions:

Illegal Drug: Any drug, which has not been legally obtained under U.S. Law or is not being used for its intended purposes, or as prescribed.

Legal Drug: Prescribed drugs and over the counter drugs, which have been legally obtained under U.S. Law and are being used for their intended purpose, or as prescribed.

County Facilities: Any location where the County conducts its business, including, without limitation, its offices, parking areas and vehicles, and its files.

1. Controlled Substances and Alcohol Use Testing Program:

   A. Exemptions and Program Administrator:

      i) Employees of the County Court Clerk, Coroner, Sheriff, Jail and County Attorney of each of these elected officials may be subject to all terms and conditions of the county drug policy solely in discretion of the official. Should any employee of these officials be screened or tested as provided herein the elected official who request or directs any screening or testing shall refer the employee to the County Program Administrator who shall perform their duties as provided for herein.

      ii)The Ohio County Finance officer is hereby designated the County Program Administrator.

   B. Testing Program:

   The following employees, part-time and full-time, and all safety-sensitive transportation personnel, who perform either directly or by contract, are subject to an alcohol and urine drug screen for testing under the anti-drug rules. The following employee covered positions are subject to drug testing as outlined in this policy;

   Commercial vehicle operator's safety sensitive personnel are subject to all types of testing. All Ohio County Employees are subject to Pre-employment, reasonable suspicion, post-accident, return to duty and follow-up testing

   Testing is to be conducted while performing a function, just before the employee is to perform a function or just after the employee has ceased to perform such functions;

   C. Types of Tests

1. BREATH ALCOHOL: *ALCOHOL

2. URINE DRUG SCREEN: MARIJUANA, COCAINE, PHENCYCLIDINE, AMPHETAMINES, OPIATES

D. Tests Required:

Ohio County shall conduct the following screening tests for the presence of prohibited controlled substances and alcohol. Screening test, also known as initial test, in alcohol testing means an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in his/her system. Controlled substances testing means an immunoassay screen to eliminate negative urine specimen from further consideration.

1. Pre-employment

2. Random Testing for Employees with CDL and Jail Employees.
   If employee obtains his CDL after being hired then that employee shall be required to a pre-employment drug test per DOT Regulations.

3. Reasonable Suspicion

4. Post-Accident

5. Return to Duty

6. Follow-Up

a. Pre-Employment Testing: A pre-employment test will be conducted for all successful employment candidates. This test will be given to an individual whom the County intends to hire. Prior to the first time an employee performs functions for the County, the employee shall undergo testing for controlled substances, be subject to substance screening incident to a pre-qualification physical. Refusal to submit to such a screening will make it impossible to medically qualify an applicant, and the applicant cannot be hired.

Compliance with the County's substance abuse policy is a condition of employment. The failure or refusal of an employee to cooperate fully, sign any required documents or submit to any inspection or test will be grounds for termination.

Testing under this category includes those individuals who are transferred and/or promoted to covered positions from uncovered positions, those individuals who have been taken out of the random pool for any period, and those individuals who have taken extended leaves of absence six (6) months or longer, even if left in the pool.

Any applicant who is offered a position covered by this policy will be required to report to a designated collection site within twenty-four (24) hours of notification.

Inquiries for alcohol and controlled substance information from previous employers: Employers shall request alcohol and controlled substances information from previous employers in accordance with the requirements of 40.25 of this title (KRS 382.413).

b. Random Testing: An unannounced alcohol and drug test given to a pre- determined percentage of employees who perform covered functions and who are selected in a statistically sound random and unannounced basis (KRS 382.305). Random urine drug testing shall be administered at a minimum annual rate of fifty-percent (50%) of the average number of covered employee positions every twelve (12) months. Random alcohol testing shall be administered at a minimum annual rate of twenty-five (25) percent of the average number of covered employee positions every twelve (12) months. Random testing will be unannounced and spread reasonably through the calendar year (monthly or quarterly). The total months must equal at least twenty-five percent (25%) of all covered employees.

It is imperative that the information on the dates or random testing locations and names of those to be tested be kept in the strictest confidence prior to testing. The county employees covered by this program will be placed in a common pool. All CDL employees will be added to the County's random pool the date a verified pre-employment drug test is received from the Medical Review Officer.

The individuals selected for random testing, shall be notified the same day the test is scheduled, and the County shall ensure that persons selected proceed immediately to the testing site, preferable, within two (2) hours of the scheduled testing. The supervisor shall explain to the employee that the employee is not under suspicion of taking drugs and that the employee's name was selected randomly.

The Program Administrator service will serve the County and its employees as an individual random account. To assure that the selection process is random, the County shall utilize its' Program Administrative services for purposes of determining who shall be tested randomly. The Program Administrators services will use a computer-based number generated system that is based on an employee's social security number or payroll identification number, to ensure a true random sampling. This method ensures the random selection process will be objective and anonymous and includes the appropriate safeguards to insure that the identity of the individual selected cannot be determined prior to or at the time of the selection. This makes it possible, over a short period of time, for one employee to be tested several times while another employee will not be tested at all. This method will insure that every covered employee in the random pool has an equal chance of being selected and tested on each occasion. Any employee refusing to submit to a random drug test at the time of the request will be presumed to have had a positive test result and be disqualified from further employment.

Employees not available for random testing when selected (including those on medical leave or vacation) will have their names held by the Program Manager and be tested when the employee returns, if it is within the same test period. Employees, not tested because they were unavailable during the entire test period, may not be tested during the next testing cycle, unless their names are randomly drawn again.

c. Reasonable Suspicion Testing: A drug test given to a current employee who performs a function for the County and who is reasonably suspected of using a prohibited drug, based on specific contemporaneous articulable observations concerning the appearance, physical behavior, speech, body odors, or performance

indicators of probable drug use (KRS 382.307). All employees who have given a supervisor reasonable suspicion to believe that the employee has violated the alcohol or controlled substances prohibitions and is under the influence of a controlled substance or alcohol, are required to submit to a reasonable suspicion controlled substance test.

A single supervisor trained in detecting the symptoms of alcohol misuse may make the required observations for determining the necessity of a reasonable suspicion test (KRS 382.603). That supervisor may not, however, conduct the alcohol test on the employee. Similar to the post-accident test, if the test is not conducted within two (2) hours following the reasonable suspicion determination, the employer must document and keep on file the reasons why. If the test is not to be conducted within eight (8) hours after the reasonable suspicion determination, the employer shall cease attempts to conduct the test and document why.

In cases in which an employee is acting in an abnormal manner and a supervisor has reasonable suspicion to believe that the employee is under the influence of a controlled substance, the County shall require the employee to go directly to a collection site to provide a breath alcohol and/or urine specimen for laboratory testing. In such a case, the employee will be transported to the collection site by a County department head or supervisor.

Reasonable suspicion means suspicion based on specific personal observations that a County Representative can describe concerning the appearance, behavior, speech or breath odor of the employee, evidence of repeated errors on the job, repetition of County rule violations, or unsatisfactory time and attendance patterns.

In the event that an employee is directed to go to the clinic to provide a breath alcohol and/or urine specimen on a reasonable suspicion basis, either under this Section or under the Post-Accident section of this program, that employee shall be relieved of his/her duties without pay, until the test results are received from the BAT and/or MRO.

If a notice of a positive test result is received from the Medical Review Officer, then the employee will be subject to the disciplinary provisions of this program. However, if a notice of a negative test results in received from the Medical Review Officer, then the employee will be immediately reinstated with full back pay.

Testing under 49 CFR and Part 40 is limited to marijuana, cocaine, opiates, amphetamines and phencyclidine. However, for purposes of reasonable suspicion, employees will be tested for any substance listed to Schedules I or II of the Controlled Substances Act.

The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or County official who is trained in accordance with the requirements listed below: (KRS 382.603)

1. The County must ensure person designed to determine whether reasonable suspicion exists to require an employee to undergo alcohol or controlled substance testing,

receive at least 60 minutes of training of alcohol misuse and at least 60 minutes of training on controlled substance use.

2. The training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances. Alcohol testing is authorized only if the observations are made during, just before, or just after the period of the work day the employee is required to be in compliance;

If a reasonable suspicion alcohol test is not administered within two (2) hours following the observations, the County shall prepare and maintain on file a record stating the reasons the alcohol test was not administered promptly. In addition, if not administered within eight (8) hours, the County shall cease attempts to administer the test, and shall prepare and maintain the record listed above. Only one (1) supervisor or County official is required to make the observations necessary to require the controlled substance or alcohol test. The supervisor, who makes the determination that reasonable suspicion exists to conduct an alcohol test, shall not conduct the alcohol test, in order to preserve protection for the employees. The documentation of the employee's conduct shall be prepared and signed by the witnesses within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier.

A written record shall be made of the observations leading to an alcohol and/or controlled substance test, and signed by the supervisor or County official who made the observation, within 24 hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier.

NOTE *** The mere possession of alcohol does not constitute a need for reasonable suspicion testing which must be based on observations concerning the driver's appearance, behavior, speech or body odor.

Post-Accident Testing: Employees working in positions covered by this policy, whose performance either contributed to an accident or cannot be completely discounted as a contributing factor to the accident will be tested (KRS 382.303).

All employees injured in a reported accident in which outside, professional medical treatment is sought, are required to submit to breath alcohol and a urine drug screen for the presence of controlled substances.

As soon as practical, following an accident involving a County vehicle, the County shall test their surviving driver(s) for alcohol and controlled substances.

When a required controlled substance test has not been administered within a reasonable time frame following the accident, the following actions will be taken:

2 HOURS: If the driver has not submitted to an alcohol test at this time, the County will prepare and maintain on file a record stating the reason a test was not promptly administered.

8 HOURS: Cease attempts to administer the alcohol test and prepare and maintain records described above.

32 HOURS: If the driver has not submitted to a controlled substance test at this time, the County shall cease attempts to administer the test and prepare and maintain the record described above.

The employee will be tested as soon as possible, but no later than 32 hours after the accident. Because certain drugs or drug metabolites do not remain in the body for extended periods of time, testing should be as soon as possible.

All reasonable steps will be taken to obtain a urine sample from an employee after an accident. In case of a conscious but hospitalized employee, the hospital or medical facility will be requested to obtain a sample and if necessary reference will be made to the County drug testing requirement.

If an employee is unconscious or otherwise unable to evidence consent to the procedure, the medical facility shall collect the sample. The covered employee will be required to sign an acknowledgement in reference if a post-accident drug test is required and he/she is seriously injured and unable to provide a specimen at the time of the accident, then the acknowledgement on file will be considered authorization for the County, or its designated representatives, to obtain hospital reports and other documents that would indicate whether there were any controlled substances in his/her system.

If an employee, who is subject to post-accident testing, is conscious, able to urinate normally (in the opinion of a medical professional) and refuses to be tested, that employee will be terminated from duty as an employee covered by this policy.

The employee must remain available or the County may consider the employee to have refused to submit to testing.

The employee subject to post-accident testing must refrain from consuming alcohol for eight (8) hours following the accident, or until he/she submits to an alcohol test, whichever comes first.

The County will provide employee-drivers with the necessary post-accident information, procedures and instructions, prior to the employee-driver operating a County motor vehicle so that employee/drivers will be able to comply with the requirements of this rule.

The Federal Highway Administration recognizes post-accident tests conducted by Federal, State and Local, and Officials as meeting the requirements of this rule under the following conditions, if the employer obtains the test results from the local jurisdiction or the driver:

*** The official must have independent authority to conduct the test.

*** The test must conform to Federal, State or Local requirements.

*** Alcohol tests require blood or breath samples.

*** Controlled substances tests require urine samples.

Without regard to whether there is any reasonable suspicion of drug usage, reasonable suspicion to believe the employee has been under the influence of drugs, or reasonable suspicion to believe the employee was at fault in the accident and drug usage may have been a factor.

Nothing in this County policy (or the rule itself) should be construed as to require the delay of necessary medical attention for injured people following an accident, or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

The definition of accidents that trigger a post-accident test is contained in 49 CFR 390.5.

That definition is as follows:

(i) An occurrence involving a commercial motor vehicle operating on a public road which results in:

(a) A fatality;

(b) Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(c) One or more motor vehicles incurring disabling damage as a result of the accident, requiring a vehicle to be transported away from the scene by a tow truck or other vehicle.

(ii) "Disabling Damage" is further defined as damage, which precludes departure of a motor vehicle accident in its usual manner in daylight after simple repairs.

(a) Inclusions: Damage to motor vehicles that could have been driven, but would have been further damage if so driven:

(b) Exclusions:

(i) Damages which can be remedied temporarily at the scene of the accident without special tools or parts.

(ii) Tire disablement without other damage even if no spare time is unavailable.

(iii) Headlamp damage or taillight damage.

(iv) Damage to turn signals, horn or windshield wipers, which make them inoperative.

An employee shall be disqualified by issuance of a letter of disqualification for a period of one (1) year following a refusal to give a urine sample or breath alcohol test, and a driver/employee shall be disqualified by issuance of a letter of disqualification for a period of one

(1) year for a positive test of controlled substance use, when the driver/employee has been involved in a fatal accident.

d. Return to Duty Testing: An employee who refuses to submit to or does not receive a verified negative alcohol or controlled substances test shall not return to duty until the employee receives a verified negative alcohol or controlled substances test administered under this program and the Medical Review Officer or Substance Abuse Professional has determined that the employee may return to duty.

Before an employee returns to duty, the employee shall undergo a "Return-to-Duty" alcohol test with a result indicating an alcohol concentration of less than 0.02 (BAC). Before an employee may return to duty, the employee shall undergo a result indicating a verified negative result for controlled substance abuse. An employee must receive a verified negative drug screen test result within a thirty (30) day period after receiving notification of a positive result. An employee who returns to duty shall be subject to a reasonable program of follow-up controlled substances testing without prior notice for not more than sixty (60) months after his/her return to duty. Before performing an alcohol or controlled substances test, the employer must notify the Commercial Vehicle Operator or employee that the test is required by the regulations.

A reasonable program of unannounced controlled substances test will be implemented for an employee who has returned to duty after receiving a verified positive on a previous controlled substances test of after refusing to submit to a controlled substances test. The employee will be subject to reinstatement provisions of this program. Similarly, a new employee who has received a verified positive controlled substances test or refused to submit to a controlled substances test elsewhere is subject to new hire or return to duty employee under this category shall be subject to unannounced testing for up to five (5) years. Individuals who are subject to return to duty are subject to unannounced testing, who change employers within the five (5) year period and who subsequently work in a covered position for the new employer are subject to unannounced testing until the testing requirement expires.

Following a determination that the employee has violated the alcohol prohibitions, including having a test result of 0.04 BAC or greater, an employee must be removed from duty, and cannot be returned to duty, in a safety sensitive function until:

(i) The employee undergoes evaluation and rehabilitation.

(ii) A Substance Abuse Professional determines that the employee has successfully complied with any required rehabilitation, and

(iii) The employee undergoes a return to duty test with a result of 1 than 0.02 BAC. An employee with an alcohol concentrations of 0.02 BA, or greater, but less than 0.04 BAC, is not permitted to return to duty to perform safety sensitive functions for a minimum of twenty-four (24) hours and shall be subject to provisions of the "Follow-Up" Testing required for this program.

Following a determination that an employee has misused controlled substances, as determined through testing, the employee must be removed from duty and safety-related functions until:

(a) The employee undergoes evaluations and rehabilitation.

(b) A Substance Abuse Professional determines that the employee has successfully complied with any required rehabilitation, and

(c) The employee takes a return to duty test with a verified negative test result. An employee returning to duty must be subject to a minimum of six (6) unannounced, follow up tests over the following twelve (12) months.

(iv) Employees may make a self-referral for treatment of and rehabilitation from drug and/or alcohol abuse by contracting the EAP representative, Human Resources Department or their immediate supervisor or department management.

(v) An employee's decision to voluntarily seek assistance from the EAP or a rehabilitation program independent of any other violation of this Policy will not in and of itself constitute a violation of the Policy.

(vi) Employees who test positive for alcohol or prohibited drugs may be referred to the EAP by the County for participation in a rehabilitation program if their violation of this Policy does not result in a termination of employment.

(vii) Employees participating in an inpatient substance abuse program of rehabilitation will be required to enter the program as soon as practical as determined by County management for safety consideration.

(viii) Return to work and/or possible reassignment will be dependent upon the employee's ability to safely resume normal or modified job duties as determined by the EAP counselor and County management.

Following the determination that an employee is in need of assistance in resolving problems associated with alcohol misuse and/or controlled substances, the employee will be subject to unannounced follow-up alcohol and/or controlled substances testing as directed by a Substance Abuse Professional. The follow-up alcohol testing shall be conducted only when the employee/driver is on duty.

All future collection procedures will be in accordance with the "Direct Observation Procedures" guidelines.

e. Follow Up Testing: An employee who is suspended due to testing positive for the use of a controlled substance, and/or alcohol test concentration greater than 0.02 BAC, the County may, give the option of reinstatement rather than immediate dismissal. If the employee is given the reinstatement option, then the employee must comply with the following conditions:

A. The employee must immediately enroll in a qualified program of evaluation and, if necessary, treatment from a Substance Abuse Professional. The program of evaluation or treatment from a Substance Abuse Professional is to be chosen by the employee, but the County must approve it. Any cost of rehabilitation, and evaluation from a Substance Abuse Professional shall be borne by the employee. Any and all additional test cost of Laboratory, Medical Review Officer and Collection Site shall be borne by the employee.

B. Upon receipt of satisfactory progress in the program of evaluation or treatment outlined in (1) above, the employee must submit to a controlled substances test in which a negative result is obtained. The satisfactory progress report must be received by the County no later than thirty (30) calendar days from the date that the employee was given notice of the positive test result. If more than thirty (30) calendar days elapse, then the County shall have grounds to discharge the employee. If a positive test for the use of a controlled substance is returned after the employee enters a program of re-evaluation or treatment, then the employee shall be immediately discharged.

C. An employee shall be eligible for reinstatement under this section on a onetime basis, and the reinstatement is contingent upon the employee returning directly to work for the County. All future collections will be collected in accordance with the "Direct Observation Procedures".

D. Upon reinstatement, the employee shall be subject to six (6) additional tests for controlled substances without prior notice, with three (3) tests to occur within six (6) months of the reinstatement and the balance of test to occur within six (6) to twelve (12) months after reinstatement. These random testing dates will be at the discretion of the medical Review Officer or Substance Abuse Professional.

E. Disciplinary Action: Any covered employee, who tests positive for the use of a controlled substance, as reported to the County by the Medical Review Officer, will be subject to disciplinary action up to and including termination of employment. The County will not allow an employee to perform functions unless the employee has been administered an alcohol test with a result indicating an alcohol concentration less than 0.02 BAC, and has received a controlled substances test result from the Medical Review Officer indicating a verified negative test result.

a. Employees who engage in prohibited alcohol conduct (defined as .02 BAC or greater) must be immediately removed from duty. The penalties will result from those employees who continue to test at a level of over .02 BAC on the initial and confirmation test, and the penalties will apply to the confirmation tests results. Employees cannot perform covered functions for at least 24 hours with a test result of .02 BAC, or greater, but less than .04 BAC.

b. Employees who test over .04 BA must be referred to a Substances Abuse Professional for evaluation. Before the employee may return to duty, they must also have complied with any recommended treatment, take a return to duty test, with a test result of less than .02 BAC, and be subject to unannounced follow up test.

c. An employee has the right to request a urine drug sample retest at his/her expense within a seventy-two (72) hour period following notification of a positive result and after such documented notification from the Medical Review Officer to request that the secondary sample be analyzed. The employee shall pay for all additional costs including Laboratory, Courier, and Medical Review Officer fees. In the event a split-sample was not taken, or was of inadequate quality, the original test would be voided and the employee would not be

subject to a retest. While the primary sample is tested at specific thresholds for each controlled substances. If a negative result is reached on the secondary test, the original test results are disregarded, and the employee reinstates with full back pay. [Each employee who has engaged in conduct prohibited shall be advised by the County of the resources available to the employee in evaluating and resolving problems associated with the misuse of the names, addresses and telephone numbers of Substance Abuse Professionals and counselors and treatment programs.] An employee is suspended without pay due to testing positive for the use of controlled substances or breath alcohol tests.

A covered employee will be subject to disciplinary action up to and including termination of employment, if a test of a breath alcohol concentration of 0.04 BAC or greater as indicated using alcohol or within four (4) hours prior to performing covered functions. In addition, alcohol within eight (8) hours after an accident or until tested and required to be tested, will be subject to disciplinary action, up to and including termination of employment.

Results of an alcohol (confirmation) test indicate an alcohol concentration 0.04 BAC or greater as indicated by an evidential breath testing device or while using alcohol or within four (4) hours prior to performing covered functions. In addition, refusing to submit to an alcohol test will be subject to disciplinary action, up to and including termination of employment.

Results of an alcohol (confirmation) test indicate an alcohol concentration 0.04 or greater, when an employee has tested for alcohol in a concentration of 0.04 or greater, the employee will be removed from performing covered functions and shall be suspended for ten (10) working days without pay and shall be referred to a Substance Abused Professional who shall determine what assistance, if any the employee needs in resolving problems associated with alcohol misuse.

Results of an alcohol (confirmation) test indicate an alcohol concentration of 0.02 or greater, but less than 0.04; when an employee tested for alcohol in a concentration of 0.02 or greater, but less than 0.04, that employee will be removed from performing duties and suspended without pay for the remained or his/her shift.

Results of a second alcohol (confirmation) test within a 90 day period and the confirmation test results indicated an alcohol concentration of 0.02 or greater, but less than 0.04 BAC, or when an employee has an alcohol test conducted and the alcohol concentration is 0.02 or greater, but less than 0.04 on a second test, the employee will be removed from performing covered functions and shall be suspended for five (5) working days without pay and referred to a Substance Abuse Professional, and must follow all the recommendations of the assessment. Any subsequent test at 0.02 or greater will result in termination from the County.

Results of a second alcohol confirmation test that specifies certain period of time and indicate alcohol concentration 0.02 or greater, but less than 0.04 after an alcohol test, which has produced an alcohol concentration of 0.04 or greater: When an employee has an alcohol test conducted and the alcohol concentration of 0.02 or greater, then that employee will be removed from performing covered functions and shall be suspended for twenty (20) working days without pay and referred to the Substance Abuse Professional and any subsequent alcohol concentration 0.02 or greater will result in immediate termination.

F. Disciplinary Action Based On Refusal To Submit To Testing and Disciplinary Action Based on Rejected Specimens:

a. An employee who refuses to be tested under any of the provisions of this Drug Testing Program, such refusal shall be treated as a positive test and employee will be terminated, and shall be subject to being disqualified from employment by issuance of a letter, and shall not be subject to "Return to Duty" test for a period of one (1) year. The covered employee will not be allowed to perform or to continue to perform any covered functions.

b. Refusal to submit to an alcohol or controlled substances test is if:

1. An employee fails to provide adequate breath for testing without a valid medical explanation after he/she has received notice of the requirement;

2. Fail to provide adequate specimen for urine for controlled substance testing without a valid medical explanation after he/she has received notice of the requirement.

3. Engages in conduct that clearly obstructs the testing process;

4. Does not arrive at the designated collection site within two (2) hour period. This time is derived from the time of written consent and documented time at the collection site.

If reported by the Medical Review Officer that low creatine and low specific gravity levels are less than 8mg/dl for female donors or less than 10 mg/dl for male donors may indicate urine specimen dilution prior to or after a urine specimen collection. Specimen recollection will be required. In this case to determine the next specimen, collection for this individual will be conducted under direct observation procedures. The recollection of a rejected specimen due to low creatine and low specific gravity levels shall be on a one-time basis. An employee, who refuses to be tested under any of the provisions of this Drug Testing Program, such refusal shall be treated as a positive test and will be subject to disciplinary action, up to and including termination of employment. If a notice of a positive test result or a second rejected specimen due to low creatine and low specific gravity levels is received from the Medical Review Officer, then the employee will be subject to disciplinary action, up to and including termination of employment.

The County Policy and the Department of Transportation guidelines will consider all adulterated specimens as a positive drug screen result and treat them accordingly.

A covered employee, who has an alcohol test administered and the alcohol test administered and the alcohol concentration is greater than 0.02, shall not be permitted to perform covered functions or continue to perform covered functions.

No covered employee who has violated the rules on alcohol misuse or refuses to submit to testing cannot perform duties until that employee has:

*** Been evaluated by a SAP to determine whether the employee is in need of assistance in resolving problems related to alcohol use.

*** Completed any treatment recommended by the SAP.

*** Been evaluated by a SAP to ensure that the employee has properly followed the treatment program.

*** The employee has undergone a return to duty alcohol test with resulting alcohol concentration of less than 0.02.

Disciplinary action as set forth below will be taken under each of the described circumstances:

Refusal to report for assessment with a Substance Abuse Professional. If an employee refuses to report for assessment, evaluation, and/or referral for treatment with a Substance Abuse Professional, he/she will be terminated.

Refusal to enter or successfully complete a rehabilitation program If an employee, after assessment, is referred for rehabilitation and the employee refuses to enter or successfully complete such a rehabilitations and the employee refuses to enter or successfully complete such a rehabilitation assessment program, he/she will be terminated.

Repeat usage. In all cases of an employee having an alcohol concentration of 0.04 or greater, and who has tested a second time at alcohol concentrations of 0.04 or greater, he/she will be terminated.

Refusal to submit to an alcohol test. An employee who refuses to provide an adequate breath for alcohol testing without a valid medical explanation after he/she has received notice of the requirement of the AMPP, or who engages in conduct that clearly obstructs the testing procedure, will be terminated from the County.

On duty use of alcohol: On duty use or possession of alcohol on County time or on County premises will result in termination from the County.

G. Prohibited Items and Substances: The following alcohol and controlled substance related activities are prohibited by the Federal Highway Administration's drug use and alcohol misuse rules for drivers of commercial motor vehicles:

Prohibited Drugs: Alcohol, Marijuana, Cocaine, Opiates, Amphetamines, Phencyclidine

*382.201 Report for duty or remaining on duty to perform safety sensitive functions while having an alcohol concentration of 0.02 or greater.

*382.204 Being on duty or operating a Commercial Motor Vehicle (CCMV) while the driver possesses alcohol. This includes the possession of medicines containing alcohol (prescription or over the counter), unless the packaging seal is unbroken.

*382.205 Using alcohol four (4) hours prior to our while performing safety-sensitive functions. This includes those performing inspections and work on commercial motor vehicles.

*382.209 When required to take a post-accident test, using alcohol within eight (8) hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.

*382.211 Refusing to submit to an alcohol or controlled substances test required by post-accident alcohol test, whichever comes first.

*382.213 Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the driver uses any controlled substance (except when instructed by a physician who has advised the driver that the substances does not adversely affect the driver's ability to safely operate a Commercial Motor Vehicle).

*382.215 Reporting for duty, remaining on duty or performing safety-sensitive functions, if the driver tests positive for a controlled substance. The possession, concealment, transportation, promotion, purchase, and/or sale of the following items or substances is strictly prohibited on all County premises which includes: all premises and locations owned by, leased by or under the control of the County, including all parking lots, lockers, and storage areas. This County policy prohibits the following: All illegal controlled substance and other illegal substances and unauthorized prescription controlled substances.

* All other substances listed on Schedules I through V of Title 21CFR.

*"Synthetic controlled substances", "Designer controlled substances", or

"Look-alike controlled substances", Controlled substances paraphernalia.

*Alcoholic Beverages

i. Firearms, weapons, explosive and ammunition

ii. Stolen property.

iii. Use, possession, manufacture, distribution, dispensation, or sale of illegal controlled substances whether on or off County premises and whether during working hours or non-working hours.

iv. Controlled substance abuse or misuse of alcohol whether on or off County premises and whether during working hours or non-working hours.

v. Storing any illegal controlled substances or alcohol in a locker, desk, automobile, or other repository on County premises.

vi. Being under the influence of alcohol, an illegal controlled substance or engaging in controlled substance abuse on County premises, or while engaged in County business, or in County supplied vehicles, or during working hours.

vii. Testing positive for illegal controlled substances or controlled substances without a legal basis for use.

viii. Switching or adulterating any urine sample submitted for testing or submitting a false sample for testing.

ix. Refusing to consent to testing or refusing to submit to a required alcohol or controlled substances test when required by a County Representative or by representatives for any County Customer Vendor, Supplier, Federal, State or Local Law Enforcement.

x. Failing, when requested by the County, to enroll in any alcohol or other controlled substances treatment or counseling program and failing to adhere to requirements of the program.

xi. Being indicted or convicted under any criminal controlled substances statute for a violation occurring in the workplace or outside the workplace.

xii. Failing to notify the County in writing of any indictment or conviction under any criminal controlled substances within twenty-four (24) hours of the event.

xiii. Failing to comply with rules and regulations promulgated under any testing programs maintained by the County pursuant to such rules and regulations.

xiv. No employee shall report for duty or remain on duty while having an alcohol concentration of 0.04 BAC or greater.

xv. No employee shall be on duty while possessing or using alcohol.

xvi. No employee shall return to duty within four (4) hours after using alcohol.

xvii. No employee, required to take a Post-Accident alcohol test, shall use alcohol for eight (8) hours following an accident until he/she undergoes a Post-Accident alcohol test, whichever comes first.

H. Authorized Use of Prescribed Medicine: When employees are taking a medically prescribed substance that can alter behavior, physical ability, or mental function, they must report the use of this controlled substance to the personnel department, which will determine whether temporary job reassignment/medical leave is warranted until the treatment is finished. Employees must keep all prescribed medications in the original container, which identifies the controlled substance, dosage, date of prescribing and physician.

No employee shall report for duty or remain on duty requiring the performance of any functions when the employee uses any controlled substances, except when the use is pursuant to the instruction of a physician who has advised the employee that this substance does not adversely affect the employee's ability to function.

The employee must inform the County of any therapeutic drug use, the next business day, after the employee has been legally prescribed therapeutic medicines.

An employee, who is alleged to have violated controlled substances use prohibitions shall have available as an affirmative defense, to be proven by the employee through clear and convincing evidence, that his/her use of a controlled substance (except for methadone) was prescribed by a licensed medical practitioner who is familiar which the employee's medical history and assigned duties. If the employee receives a verified positive result from the Medical Review Officer with verified reference of a legally prescribed drug, the employee will be off duty and shall not return to duty until a "Return to Duty" drug screen test with a verified negative result is received from the Medical Review Officer. No rehabilitation is warranted.

I. Split Sample Testing Procedures: The reinstatement provisions contained in this Section shall not be applicable in the event that a positive test result is received from the Medical Review Officer and the employee has been involved in a fatal accident. An employee shall be disqualified by issuance of a letter of disqualification for a period of one (1) year for a positive test of controlled substance use when he or she has been involved in a fatal accident.

The Collection Site person shall instruct the donor to provide at least 45 ml of urine under the split sample method of collection. The collection site person, in the presence of the donor, pours the urine into two specimen bottles. Thirty (30) ml shall be poured into one bottle, to be used as the primary specimen. At least fifteen (15) ml shall be poured into the other bottle, to be used as the split specimen. Both bottles shall be shipped in a single shipping container, together with copies 1, 2 and the split specimen copy of the chain of custody form, to the laboratory.

If the test result of the primary specimen is positive, the donor/employee may request that the MRO direct that the split specimen be tested in a different DHHS Certified Laboratory for presence of the drug(s). The MRO shall honor such a request, if it is made within seventy-two (72) hours of the donor/employee's actual notification of the verified positive test result. If the test of the split sample fails to confirm the presence of the drug(s) or drug metabolite(s), or if the splice sample is unavailable, inadequate for testing or untestable, the MRO shall cancel the test, and report the cancellation and the reasons for it to the County (employer) and the employee. The donor/employee must be retested within a two (2) hour period, after receiving such notification from the MRO.

** For DOT regulations, the employer must report every occurrence in a split sample negative test result which is preceded by a primary verified positive test result to The Regional Director,

Office of Motor Carriers. This report must be mailed within fifteen (15) calendar days of being notified by the MRO that the test result has been cancelled.

The Collection Site person shall determine, upon receiving the specimen from the donor, if the specimen has at least 45 ml of urine for the split specimen procedures. If the individual is unable to provide such a quantity of urine, the Collection Site person shall instruct the donor to drink not more than twenty-four (24) ounces of fluids and after a period of up to two (2) hours, again attempt to provide a complete sample using a fresh collection container. The original insufficient specimen shall be discarded. If the individual is still unable to provide an adequate specimen, the insufficient specimen shall be discarded, testing discontinued and the employer so notified. The MRO shall refer the individual for a medical evaluation to develop pertinent information concerning whether the individuals' inability to provide a specimen is genuine or constitutes a refusal to test.

If a notice of a positive drug screen result is received from the MRO on the primary test, the employee shall be placed out of service, off-duty, for a period of not more than 72 hours, pending the result of the split sample. An employee who tests positive for the use of controlled substances, of the split sample, as reported to the County by the MRP, shall be grounds for the immediate discharge of the employee. In addition, the employee shall pay for all additional expenses for the split specimen testing procedures. If an employee refuses to submit to a drug test for controlled substances, this shall be grounds for the immediate discharge of the employee.

J. Direct Observation Collections for Controlled Substances:

The County policy will require an immediate second collection under direct observation, in the following circumstances:

a. The donor had provided a specimen that falls outside the acceptable temperature (90-100F), and donor refuses to provide an oral measurement of body temperature, or the body temperature varies by more than 1/8F from the temperature of the specimen.

b. The collector observes conduct clearly indicating attempt to substitute or adulterate the sample (i.e. substitute the urine in plain view, blue dye in specimen presented, adulterated substance in view).

In both of the above-described circumstances, the collector must obtain, in advance of the direct observation collection, the review and concurrence of the collection site supervisor of the designated employer representative that the facts support the decision to conduct the direct observations decision. A direct observation collection must be conducted by a donor, and will accompany the donor into the stall or toilet area and observe the act of urination. A subsequent collection will be collected under direct observations if:

i. The donor has had a verified positive result on a previous controlled substance test and is subject to "Return to Duty" or "Follow Up Testing".

ii. The donor was previously unable to provide required specimen of 45 ml.

iii. The last specimen provided by the donor (i.e. on previous occasion) was determined by the laboratory to have a specific gravity of less than 1/003 and a creatine concentration below .2g/l.

If a specimen is reported by the laboratory as negative but, also having creatine and specific gravity levels below the prescribed levels, the County will require future collection (when a triggering event occurs, i.e. qualifying accident, random selection, periodic physical, etc.) to be taken under direct observation.

K. Shy Bladder Situation: In the even the donor is unable to provide at least 45 ml of urine, the collection site collector will notify, review and concur with the County's designated employer representative that the facts support the decision to detain employee/donor from returning to work. The County representative will instruct the collection site representative that the donor will remain at the collection site until he/she provides a complete specimen (45 ml) of up to two (2) hours.

The County Representative will instruct the collection site representative to discard the specimen and the bottle/collection used for the first void. The collection site representative will direct the donor to drink fluids and remain at the collection site and after a reasonable time, direct the donor to attempt to provide another specimen.

If the reason for the test is a Post-Accident or Reasonable Suspicion situation, the donor will remain at the collection site until he/she provides a complete specimen (45 ml) or up to eight (8) hours. If the specimen is unable to provide the complete specimen and the established waiting time has elapsed, the collector representative will notify the County representative that the collection was not completed and document the time and circumstances. The employee/donor recollection procedures must comply with procedures in accordance with "Direct Observation Procedures". Any employee/donor who refuses to comply with any of the provisions of this program, such refusal shall be treated as a positive test and shall result in immediate discharge of the employee. The recollection of a "Shy Bladder" situation shall be eligible on a one-time basis. Refusal to remain at the collection site shall be treated as a positive test and shall result in immediate discharge of the employee.

L. Arrest or Conviction Under Criminal Controlled Substance Statute: Employees must notify, in writing, the director of personnel within twenty-four (24) hours of any arrest or conviction of a criminal controlled substances statute.

M. Searches and Inspections: Whenever the County suspects that an employee's work performance or on the job behavior may have been affected in any way by alcohol or controlled substances, or if the County suspects that the employee has sold, purchased, used or possessed alcohol, controlled substance or controlled substances paraphernalia on County property, the County, or any of it's clients, customers and agents, may at any time and without advanced notification, conduct searches and inspection of the employee, the employee's locker, desk or other County property under the control of the employee, as well as the employee's personal effects or automobile on the County's property. Such searches and inspections may be conducted by trained dogs, supervisors or other agents.

N. Employee Voluntary Alternative: An employee experience problems with drug and/or alcohol abuse may voluntarily seek counseling and assistance in overcoming the problem. In such cases, the action shall be brought to the attention of the supervisor and/or Judge Executive and shall

be treated as confidential and shall not become part of the permanent personnel record of the employee. Depending on the ability of the employee to perform the normal work of the position, the employee may be allowed to continue to work during the counseling and/or rehabilitation period or may be required to take a paid or unpaid leave of absence at the discretion of the department supervisor and/or the County Judge Executive. The alternative must be exercised prior to being selected for random drug or alcohol testing and may be used only one time with an employee.

O. Employee Exemptions: The following County employees are exempt from these personnel policies and procedures:

e. All elected officials and the personnel engaged by them to carry out the duties of their respective offices; however the employee's participation in the policy is based upon the elected official's responsibility of cooperation and encouraging cooperation of the Administrative Code as witness by their signature on this document.

f. All members of Board and Commissions of the County.

g. Consultants, Advisors and Counsel rendering temporary professional service.

h. Independent Contractors.

i. Employees made available to County by other agencies.

P. Transportation: Transportation to and from the collection site for random drug testing is the responsibility of the employee and mileage will be paid. Employees are to report to the collection site during their normal working hours and will be paid their regular wage for the time involved.

# CHAPTER 16

# ETHICS CODE

OHIO COUNTY FISCAL COURT

ORDINANCE NO. 95-6

AN ORDINANCE ESTABLISHING A CODE OF ETHICS FOR COUNTY OFFICIALS OF OHIO COUNTY, KENTUCKY, AND EMPLOYEES THERE OF

Be it ordained by the Fiscal Court of Ohio County, Kentucky

I. GENERAL

1. There shall be and hereby is established a Code of Ethics for the officials of Ohio County, Kentucky.

2. This ordinance shall apply to all elected officials of the County of Ohio, to all employees thereof, to the members of the Board of Ethics, and to all appointed officials of boards or committees of Ohio County, Kentucky.

3. This ordinance shall not apply to members of any school board, nor the superintendent of schools, nor to any teacher in the Ohio County school system, nor to any employee or officials of the Ohio County Board of Education, nor to any District Judge, Trial Commissioner, Circuit Court Commissioner, Circuit or District Clerk, or Circuit Judge within Ohio County, Kentucky.

II. STANDARDS OF CONDUCT FOR ELECTED AND APPOINTED OFFICIALS AND EMPLOYEES

1. No county government officer or employee or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest.

2. No county government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others.

3. No county government officer or employee shall act in his official capacity in any matter where he, his spouse, his child, or any person claimed by him as a dependent of income tax purposes, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment.

4. No county government officer or employee shall undertake any employment or service, compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties.

5. No county government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties.

6. No county government officer or employee shall use, or allow to be used, his public office or employment, or any information, not generally available to the members of the public, which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his immediate family, or any business organization with which he is associated.

7. No county government officer or employee or business organization in which he has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency of the local government in which he serves.

8. No county government officer or employee shall be deemed in conflict with these provisions if, by reason of his participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him as a member of any business, professional, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group.

9. No elected county government officer or employee shall be prohibited from making an inquiry for information or providing assistance on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the officer or a member of his immediate family, whether directly or indirectly, in return therefore.

10. Nothing shall prohibit any county government officer or employee, or members of his immediate family, from representing himself, or themselves, in negotiations or proceedings concerning his, or their own interest.

III. FINANCIAL DISCLOSURE STATEMENTS

1. Financial disclosure statements shall be filed annually, on or before March 1 of each year, upon a form provided by the Board of Ethics, stating requred financial disclosure for the preceding calendar years, by all county eleted officials covered by this code, all employees thereof having purchasing power exceeding $500.00, and all employees who set tax rates or establish or review valuations of property for tax purposes.

2. The financial disclosure statements shall contain the following information:

a) Name of filer.
b) Business address of filer.
c) Public office or position held.
d) Source of income if the income from such source exceeds $25,000.00 for any year from January 1 – December 31.
e) Value of any gift over $100.00 received from any person not related by blood or marriage to the filer.
f) Amount and source of any money, gift, donation or in kind services received from any political action committee.
g) Value and source of any trips, vacations, plane tickets, food, hotel or motel accommodations given or provided at no cost or reduced cost to the filer by any person, agent, employee, company or corporations or other business entity which does business or has attempted during the preceding year to do business with the governmental unit the filer represents.

3. Financial disclosure statements shall be filed in the office of the Board of Ethics. All such statements shall be public documents to which the public shall have the same access as it has to other public documents.

4. Statements not filed by March 1 shall be considered delinquent. Delinquent filers shall be notified of the delinquency by certified mail, return receipt requested. Receipts for certified mail and notification of delivered mail shall be retained by the Board of Ethics until the required statement is received at which time such notification shall be destroyed. Should any person who is required by this code to file a financial disclosure statement fail to file the requred statement within thirty (30) days of receiving notice of delinquency, a civil penalty, not to exceed $300.00, may be assessed against the delinquent filer by the Board of Ethics.

5. Financial disclosure statements required to be filed by this ordinance shall be maintained as required by the Kentucky Department of Library Archives.

IV. EMPLOYMENT OF FAMILY MEMBERS

1. No person shall be granted employment or refused employment solely be reason of relationship by blood or marriage to any public official, officer or employee of public government.

2. No employee shall, by reason of relation by blood or marriage, be granted special privileges, hours of employment, pay, vacation time, off duty time, or benefits not available to other employees performing similar duties in the same office.

V. ENFORCEMENT

Enforcement of this Code of Ethics shall be by a Board of Ethics consisting of three individuals who are residents of Ohio County, Kentucky, and who are not related by blood or marriage to any county official, employee or appointee of any board. The members shall be appointed by the County Judge Executive and approved by the Fiscal Court, for such term as may hereafter be established by the Court. The Board shall administer this ordinance according to policies and procedures which shall hereafter be established for such Board by the Ohio County Fiscal Court.

VI. AMENDMENT

This code of ethics may be amended but it may not be repealed.

VII. EFFECTIVE DATE

This ordinance shall be effective upon passage by the Fiscal Court of Ohio County, Kentucky, and publication as required by statute.

Publicly read and passed at first reading by Ohio County Fiscal Court on the 10th day of November, 1994.

Publicly read and adopted at second reading on the 8th day of December, 1994.

OHIO COUNTY FISCAL COURT
ORDINANCE NO. 96-5

AN ORDINANCE AMENDING THE CODE OF ETHICS
FOR COUNTY OFFICIALS OF OHIO COUNTY, KENTUCKY, AND EMPLOYEES THEREOF

BE IT ORDAINED BY THE FISCAL COURT OF OHIO COUNTY, KENTUCKY

I. Section V of Ordinance 95-6 is amended as follows:
Enforcement of this Code of Ethics shall be by a Board of Ethics consisting of three (3) individuals who are residents of Ohio County, Kentucky, and who are not related by blood or marriage to any County Official or Employee thereof. The members shall be appointed by the County Judge Executive and approved by the Fiscal Court, for such term as may hereafter be established by the Court. The Board shall administer this Ordinance according to policies and procedures which shall hereafter be established for such Board by the Ohio County Fiscal Court.

II. Effective Date
This Ordinance shall be effective upon passage by the Fiscal Court of Ohio County, Kentucky, and publication as required by statute. Publicly read and passed at first reading by Ohio County Fiscal Court on the 26th day of October 1995. Publicly read and adopted at second reading on the 9th day of November 1995.

Ohio County Fiscal Court Code of Ethics
Financial Disclosure Statement Year:_____

1. Name of Filer_____

2. Business address_____

3. Public Office or position held_____

4. Source of income if the income from such source exceeds $25,000.00 for any year from January 1 – December 31._____

_____

_____

5. Value of any gift over $100.00 received from any person not related by blood or marriage to the filer.
_____

_____

6. Amount and source of any money, gift, and donation or in kind services received from any political action
committee._____

_____

7. Value and source of any trips, vacations, plane tickets, food, hotel or motel accommodations given or provided at no cost or reduced cost to the filer by any person, agent, employee, company or corporation or other business entity which does business or has attempted during the preceding year to do business with the governmental unit the filer represents.
_____

_____

_____

_____ _____

FILER DATE

** Financial Statements are due by March 1

# ATTACHMENT ONE

# SIGNIFICANT INCIDENT REPORT

Employee: _____ Date: _____

Incident:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Suggested Action:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

This incident was discussed with me on this day by my supervisor.

_____

Employee Date:

_____

Supervisor Date:

# ATTACHMENT TWO

# OHIO COUNTY FISCAL COURT PROPERTY

**FURNISHED**

The following county owned property was furnished to
Employee _____.

_____ Uniforms
_____ Cell phone
_____ Keys
_____ Equipment, list item _____
_____ other, list item _____

_____ _____
Employee Signature & Date Supervisor Signature & Date

_____

**RETURNED**

The following county owned property has been turned in by
Employee _____ upon termination and/or lay off.

_____ Uniforms
_____ Cell phone
_____ Keys
_____ Equipment, list item _____
_____ other, list item _____

List below any item/s that employee did not return: _____
_____

_____ _____
Employee Signature & Date Supervisor Signature & Date

.

# ATTACHMENT THREE

# Employee Coaching & Disciplinary Notice

Employee Name: _____

Department: _____

Supervisor: _____

This notice serves as a:

_____Coaching Session(s) _____Verbal Warning _____Written Warning

_____Final Warning _____Termination

What Occurred? _____

_____

_____

_____

Company Policy: _____

_____

_____

_____

Corrective Action: _____

_____

_____

_____

The Ohio County Fiscal Court will take the following step, if the behavior is not corrected and performance does not improve.

_____

_____

Employee Comments: _____

_____

_____

_____

Employee Signature: _____ Date: _____

Supervisor's Signature: _____ Date: _____