

**ADMINISTRATIVE CODE  
OPERATING POLICIES**

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PERSONNEL POLICIES**

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***“Providing leadership and services to make our county a community where ALL citizens can live, work, play and invest in their futures”- The Daviess County Fiscal Court Vision.***

I would like to welcome you as a new member of the Daviess County Fiscal Court team. You have been chosen to work with us because your background indicates that you have qualifications which characterize successful county employees. The county recognizes the commitment required of our employees and understands that quality employees are the county's most valuable resource.

These policies have been developed to serve as an informational guide concerning the philosophies of our county in personnel matters. These policies will be effective as of your date of hire and subsequent amendments based on date of passage. It is expected that all employees will be affected equally in relation to their purpose and implementation.

Please read through the personnel policies and operating procedures and discuss any questions and grievances you may have with your supervisor and/or the Human Resources Department. The efforts of our past and present employees have made our county's record one of pride and accomplishment. We are happy to have you on our staff and look forward to your contributions.

**Al Mattingly**  
**County Judge/Executive**



## **POWERS AND DUTIES OF FISCAL COURT MEMBERS**

The Daviess County Fiscal Court is a legislative and administrative body with the power to carry out the governmental affairs necessary for the operation of the county. This body has the authority to enact ordinances, issue regulations, levy taxes, issue bonds, appropriate funds and employ personnel to perform the various public functions in the county.

Under KRS 67.080, the Fiscal Court is permitted to “appropriate county funds for lawful purposes, buy and sell county property, supervise the fiscal affairs of the county and county officers and exercise all other corporate powers of the county.” Further, “the Fiscal Court may investigate all activities of the county government and establish appointive offices and define their duties.”

The Daviess County Fiscal Court is a four (4) person body consisting of the County Judge/Executive and three (3) County Commissioners. All members of the Fiscal Court are elected to four (4) year terms from the County at large; however, the three (3) commissioners must meet residency requirements in the Commissioner district they wish to represent.

### **County Judge/Executive**

The County Judge/Executive is the chief executive officer, administrative and fiscal officer of the county. He is responsible for administering the policies and procedures of the fiscal court and for the financial administration of the county.

The County Judge/Executive is the presiding officer in all Fiscal Court meetings and has the same powers as other members of the fiscal court, including the right to vote on all matters coming before the court.

### **County Commissioners**

The Daviess County Commissioners are elected to represent defined geographical areas in the eastern, central and western divisions of the county. These divisions are defined according to voting precincts on file at the Daviess County Clerk’s office.

The Commissioners are voting members of the Fiscal Court and have official powers when court is in session. When the Fiscal Court is adjourned, the commissioners possess no administrative or executive power in relation to county government, other than those powers expressly granted by the administrative code.

The Commissioners help to define the needs of the county by monitoring the roads, bridges and ditches in their respective divisions. They may also serve in an advisory capacity regarding the affairs of the county by accepting assignments from the Judge/Executive to act as liaisons to various departments of county government and community organizations. These include, but are not limited to, Road, Solid Waste, Parks, Emergency Management, Building Code Enforcement, Animal Control, Fire Department, Detention Center, Planning and Zoning, Extension Office, Victims Assistance and the Sheriff’s Department.

**Administration by Constitutional Officers**

In those situations where county constitutional officers have chosen to adhere to the policies adopted by the Daviess County Fiscal Court by providing a written request to the County Judge/Executive, the constitutional officer shall serve as the Executive Authority for the office.

**OPERATING POLICIES  
CHAPTER I  
ACCOUNTING**

**Section 1. Uniform County Budget System of Accounts**

The Daviess County Fiscal Court is required by KRS 68.210 and 68.220 to use the Uniform County Budget System and Accounts established by the state local finance officer. This shall give the Department Heads and the Daviess County Fiscal Court a better idea of how the tax dollars of Daviess County are being spent relative to their respective departments. A system of sub-accounts to which time and material and operating expenses are charged may be adopted as needed. The Department Head and the County Treasurer are assigned the responsibility for establishing sub-accounts.

The County Treasurer and County Judge/Executive will prepare the budget in accordance with KRS 68.240.

Department Heads shall prepare a budget request for all operational appropriations with detailed explanations for any change from the prior year budget. A Budget Request Form, which may be obtained from the County Treasurer, shall be prepared for each budgeted appropriation, which is capital in nature and has a useful life of greater than one year, or for any increase in normal operating appropriations which exceeds the prior year budgeted appropriation. The Department Head will be required to attach supporting documentation to the estimated cost used to determine the amount to be budgeted.

**Section 2. Cash Receipts**

Each Department Head is required to handle cash receipts and make daily deposits. The procedure for listing and depositing receipts is as follows:

The Department Head or designee shall write a two-part receipt for any cash or check received. A list of all receipts is prepared and totaled on a daily basis. A daily deposit is to balance with the daily listing of all receipts. The daily deposit ticket, daily settlement sheet and the daily listing of all receipts, each having the same total, shall be faxed to the County Treasurer's Office on a daily basis. The originals shall be delivered to the County Treasurer's Office on a weekly basis. Any discrepancies are to be itemized and explained personally to the County Treasurer.

The daily settlement sheet shall include a cash accounting of coins, currency, checks, total cash collected and total amount deposited. Two adding machine tapes of total checks shall accompany the daily settlement sheet. The County Treasurer, upon receipt of daily deposit, will post the receipt to the related revenue account.

Each Department Head will be given a copy of the pertinent revenue account ledger on a monthly basis. This ledger should balance with the Department Head's daily total.

### **Section 3. Fixed Asset Documentation & Procedures**

Maintenance of records for general fixed assets, which fall into any of the following categories, is a requirement of the Uniform System of Accounts for Kentucky Counties:

1. Real Estate
2. Motor Vehicle and Equipment
3. Valuation in excess of \$1000.00
4. Computer Software
5. Specialty Items

Department Heads maintain an inventory register of all fixed assets in the department. By April 1 of each year, the Department Head reconciles fixed assets on hand with the current inventory register and provides detail of any changes, which occurred during the preceding year. This reconciliation is to be submitted to the County Treasurer's Office by July 15 of each year.

The County Treasurer's Office maintains a master listing of all County fixed assets. This master listing shall be reviewed annually by September 30 and submitted to the County Judge/Executive.

### **Section 4. Capitalization Policy**

The policy of the Daviess County Fiscal Court is to capitalize assets when the useful life is greater than one year and the acquisition cost meets the capitalization threshold. Purchased or constructed capital assets and infrastructure are reported at acquisition or construction cost or estimated historical cost. Donated capital assets are recorded at their estimated fair value at the date of donation.

Capital assets and infrastructure are capitalized and depreciated as outlined in the capitalization threshold table, listed below, for the Daviess County Fiscal Court. Assets will be depreciated on the straight-line basis over their estimated useful lives as outlined below.

The useful life table below shows the useful life by asset type for the Daviess County Fiscal Court.

#### **Useful Life Table**

<b>Asset</b>	<b>Useful Life Range (Expressed in years)</b>
Land improvements	10-25
Buildings	10-40
Building Improvements	10-40
Machinery and Equipment	5-10
Infrastructure	10-50

### Capitalization Threshold Table

Asset	Capitalize and Depreciate
Land	Capitalize Only
Land Improvements	\$50,000
Building	\$50,000
Building Improvements	\$50,000
Construction in Progress	Capitalize Only
Machinery and Equipment	\$15,000
Vehicle	\$15,000
Infrastructure	\$55,000

### Section 5. Budget Preparation

(This section was taken from the *1996 County Government in Kentucky Information Bulletin No. 115*, Pages 47-49.)

The budget process is initiated by the County Judge/Executive, with the preparation of the proposed budget providing for the expenditure of all county funds. Proposed expenditures must be classed according to budget units representing the various activities of county government, including:

- (a) General expenditures of county government
- (b) Protection to persons and property
- (c) General health and sanitation
- (d) Social Services
- (e) Recreation and culture
- (f) Transportation facilities and services
- (g) Debt service
- (h) Administration and miscellaneous
- (i) Jail operations (KRS 68.240)

In addition to the proposed budget, the County Judge/Executive must also prepare a statement of estimated county receipts. The County Judge/Executive is aided by an official estimate of real property, personal property and new property assessment, which the property valuation administrator must submit to the Judge/Executive by April 1 of each year (KRS 68.245).

The portion of the county budget that provides funds for jail operations is prepared by the County Judge/Executive, the Jailer and the County Treasurer (KRS 441.215). This line item budget and revenue estimate must be submitted to the fiscal court by April 1 of each year. The completed jail budget is made a part of the general county budget for fiscal court investigation and approval.

Both the proposed budget and the estimate of revenue must be submitted to the fiscal court by the Judge/Executive by May 1 of each year. At this stage in the budget process, the fiscal court has the responsibility of investigating the proposed expenditures and the court may comment on or amend the proposal (KRS 68.240).

Not less than twenty days prior to the time of adoption of the county budget, the County Judge/Executive must submit copies of the budget proposal to the state local financial officer for

approval as to form and classifications. The state local finance officer may approve and return the budget or he/she may withhold approval until necessary amendments have been made (KRS 68.250).

KRS 68.260 requires that, following approval by the state local finance officer, the proposed budget be submitted to the fiscal court for adoption no later than July 1, or within ten days of the receipt of the certified assessment from the Revenue Cabinet, whichever is later. KRS 68.260, as amended in 1988, also requires that the budget as presented and amended be adopted as of July 1. The budget must be published, pursuant to KRS Chapter 424, at least ten days before final adoption by the fiscal court. The combination of these requirements may create conflicts, which make it impossible to comply strictly with KRS 68.260. If for some reason the certified assessment is not received on a timely basis, or the budget as approved by the state local finance officer is delayed, there may not be sufficient time to comply with notice requirements and to adopt the budget by July 1 deadline.

KRS 68.260 also assumes fiscal court agreement on the budget by July 1. If agreement is not reached, the implication is that the budget must be adopted anyway. Since KRS 68.250 requires that the budget be sent to the state local finance officer not later than twenty days before the time for adoption, whether or not amended by the fiscal court, it is conceivable that the fiscal court could be deadlocked in both the initial review process, pursuant to KRS 68.240, and in the final review, pursuant to KRS 68.260, and the budget would still be adopted. The Attorney General has advised, however, that “automatic” adoption of the budget would make the vote of the fiscal court meaningless and render the statute internally inconsistent. A tie vote would be the same as a defeat, and the county would be without a budget until one was finally adopted. The Attorney General has also advised that sanctions might be levied against members of the fiscal court for failure to adopt a budget under KRS 68.990, 522.030, and 61.170. In addition, a mandamus action might be brought against the fiscal court members who voted against the budget, to ask the fiscal court members who voted against their budget, to ask the circuit court clerk to require the adoption of a budget (OAG 88-45).

After adoption, the budget may be amended to provide for the expenditure of unanticipated revenue. Such an amendment must show the source and amount of unexpected funds and the budget units that are to be increased. Like the original budget, the budget amendment must be submitted to the state local finance officer for review and approval (KRS 68.280). The fiscal court also has the authority to transfer money between budget units in the case of an emergency or to provide for increases or decreases in the number of deputies employed in a county official’s office (KRS 68.290).

**OPERATING POLICIES  
CHAPTER 2  
CONTRACTS AND LEASES**

**Section 1. Authorization of County Contracts and Leases**

- A. The Fiscal Court shall approve every contract, lease or amendments with authorization given to the Judge/Executive to fully execute said contract except as set out in B. and C. below.
- B. Without prior approval of the Fiscal Court, Department Heads may negotiate and sign general maintenance contracts which do not exceed a term of twelve months and \$1,000, and the County Judge/Executive may enter into general maintenance contracts which do not exceed twelve (12) months and \$2,000.
- C. In the event of an emergency, the County Judge/Executive without prior approval of the Fiscal Court, may approve a lease, or contractual agreement with value of an amount not to exceed \$5,000.00.

**Section 2. Recording of Contracts and Leases**

Every contract, lease, or amendment approved by the Fiscal Court shall be filed in the Office of the County Attorney. Said documents shall also be filed in the Fiscal Court Order Book under the Court Meeting during which the approval occurred.

In the event an emergency exists and a contractual document is executed by the County Judge/Executive, the document shall be ratified at the next regularly scheduled Fiscal Court Meeting.

**OPERATING POLICIES  
CHAPTER 3  
PURCHASES**

**Section 1. Purchase Orders**

Purchase Orders are considered contracts in nature. They are issued for all purchases. Purchase orders shall include vendor name and address, quantity of items ordered, vendor number and account number and appropriate approval signatures.

**Section 2. Quotes**

At least three (3) quotes are necessary for any single expenditure between \$1,000.00 and \$19,999.00 that is not a recurring item. All quotes shall be attached to the purchase order. If it is impossible to obtain three quotes, an explanation should be noted on the purchase order. (\$500 to \$1,000 11/17/2014)

**Section 3. Invoices**

Upon receipt of the item(s), at least two (2) copies of the invoice are to be signed by the person receiving the item(s). The invoice shall include the quantity of items received. If the quantity on the invoice is not the number indicated on the purchase order, an explanation should be noted.

Invoices should be attached to the corresponding purchase order. They should be stamped, initialed by the preparer and coded with vendor numbers and account numbers.

Once completed, the purchase order shall be forwarded to the Finance Staff who will determine accuracy and input data. The County Treasurer shall submit all claims to the Fiscal Court for approval.

**Section 4. Approval Signatures**

The following signatures are necessary for approval of purchases:

\$0.01 - \$500	Supervisor with no counter signature
\$500.01-\$1,000.00	Department Head with no counter signature or County Judge/Executive
\$1,000.01-\$10,000.00	Director; or Department Head and County Judge/Executive; or Department Head and Director
\$10,000.01 - \$19,999.00	Prior approval by the Fiscal Court
\$20,000.00 and over	See Bidding Procedures

**Section 5. Emergency Purchases**

When an emergency exists in either the Road, Solid Waste Department, or EMA, the Department Head may issue a purchase order, provided the amount is under \$20,000.00. The Department Head shall first attempt to contact the County Judge/Executive for approval. If the County Judge/Executive is not available, the Liaison Commissioner may be contacted. If no one can be reached, the Department Head may move forward with the purchase. All attempts to contact



the appropriate executive authority shall be documented as to the date and time the attempt to contact was made.

An emergency is defined as a situation that if not remedied immediately will be a detriment to the operations. This emergency shall be documented thoroughly on the purchase order.

### **Section 6. Project Information Form**

Projects, which have a cumulative amount higher than \$1,500.00, require the submission of a Project Information Form (PIF). The PIF must be approved by the County Judge/Executive, prior to the start of the project. Forms are available in the Purchasing Agent's Office.

### **Section 7. Bidding Procedures**

In accordance with KRS 424.260, expenditures of twenty thousand dollars (\$20,000) or more for materials, supplies, equipment or for contractual services other than professional, require a newspaper advertisement for bids.

Department Heads requesting a bid item or service must complete the Project Information Form and present it to the County Judge/Executive for approval at least two (2) weeks prior to the requested advertising date.

After the County Judge/Executive has conferred with the Liaison Commissioner and has approved the Project Information Form, he/she will forward it to the Purchasing Agent who will write bid specifications. The Purchasing Agent will present completed specifications to the Fiscal Court for approval to publish.

The Purchasing Agent will come before Fiscal Court with a recommendation of a vendor after the bids are opened.

### **Section 8. Capital Item Purchases**

For purchases of capital items with a value of \$1,000.00 or greater and a useful life longer than a year, a budget request form must be on file in the County Judge/Executive's budget work papers. If a budget request form has not been prepared, the Department Head must complete a budget request form and submit to his/her liaison commissioner and the County Judge/Executive for signature approval before a purchase order is authorized. (changed \$500 to \$1000-03/08/2011)

Capital item purchase requests shall include capital accessories in the requests for bids and quotes.

- A. Capital Accessory: equipment designed, produced, manufactured or used only as part of, or in conjunction with a capital item, without any independent function and not a replacement part.
- B. Fiscal Court shall not approve department requests for capital accessories not included in the bid or quote of a capital item unless:

1. Requesting department demonstrates to purchasing manager that the separate purchase of the capital accessory results in a cost savings;
2. Requesting department demonstrates, after using capital item, that the requested capital accessory, not included in the bid or quote, is required for the ordinary and necessary function of the capital item; and
3. Requesting department demonstrates that it failed to include the requested capital accessory only after performing a diligent investigation of the item's necessity before the bid or quote process; or
4. Requesting department can demonstrate that the capital item's subsequent use or function changed after purchase and the capital accessory is required for the ordinary and necessary function of the capital item; and
5. Requesting department requests and receives approval of the purchase from the County Judge/Executive.

### **Section 9. Budget Transfers**

Department Heads are responsible for assuring the appropriation does not exceed the budgeted account. If the expenditure exceeds the amount appropriated in the budgetary account, the Department Head must submit a written request for a budget transfer to the County Judge/Executive. Upon approval, the County Judge/Executive will submit it to the County Treasurer prior to authorizing the purchase order.

**OPERATING POLICIES  
CHAPTER 4  
TRAVEL**

**Section 1. General Policy**

It is the policy of the Fiscal Court to reimburse employees for reasonable expenses of a business nature incurred while traveling on authorized County business or incurred with specific and authorized business purposes. To be reimbursable, the expense must be necessary, be of reasonable nature, and be properly approved in accordance with the requirements of this policy.

Control of travel expenses is the responsibility of each employee. In all cases, prudence and good judgment should be exercised regarding the reasonableness of expenditures (reasonable is the amount an employee would expect to pay if paying his/her own expenses).

It is the department head's responsibility to ensure that any employee traveling understands and agrees to comply with the policies and procedures established herein. The department head is responsible for monitoring and enforcing these procedures within his/her department. As a general rule, non-exempt employees should not be allowed to attend training sessions on non-scheduled workdays. In unusual circumstances, prior approval must be given by the County Judge/Executive.

While not every aspect of travel may be included, this policy will serve as a guide for most situations the employee will encounter. If the employee is uncertain of something before a trip, clarification should be sought from his/her department head.

**Section 2. Travel Approval**

All out-of-county travel requires a two (2) week advanced approval of the County Judge/Executive. It is understood that some situations make a two (2) week notice impossible. In this case, the Office of the County Judge/Executive and Human Resources Department shall be notified immediately prior to departure.

All in-county travel is to be approved and coordinated by the appropriate supervisor and/or department head.

Any employee attending a convention, school, workshop, forum, or meeting out of town shall first secure the written approval of the County Judge/Executive through the employee's immediate supervisor.

**Section 3. Transportation**

**A. County Automobile Use**

Employees are encouraged to use staff cars. Nonemployees and nonbusiness passengers (i.e., family and friends) are prohibited from riding in county vehicles.

## **B. Personal Automobile Use**

Employees are encouraged to use staff cars. If a county automobile is not available, a personal vehicle is permitted. The mileage expense reimbursement rate shall be equal to the Commonwealth of Kentucky's expense rate on the date of travel. Employees should carpool whenever possible when attending meetings in the same general location.

Tolls and parking expenses are reimbursable whether driving a staff car or a personal automobile. The Fiscal Court assumes no responsibility for traffic violations incurred by employees while on County business, whether they are in their personal car or a staff car.

When using a personal automobile to conduct County business within Daviess County, the Fiscal Court may reimburse the employee for mileage.

## **C. Rental Cars**

When a county vehicle is not available, the use of a rental car for out-of-town business is allowable if approved by the County Judge/Executive. The rental car shall be low economy. The receipt shall be submitted with the Travel Voucher Form for reimbursement.

## **D. Taxi Service**

Taxi service may be used when it is necessary to maintain business schedules. Airport buses, shuttle service, airport limousine, or free hotel pick up service should be used when possible.

## **E. Air Travel**

The purchasing agent will make arrangements for air travel. In order to receive the minimum price, the purchasing agent shall be notified of air travel needs at least thirty days in advance. Arrangements for air travel shall be in less than first class. Under justifiable circumstances and for expediency, the County Judge/Executive may authorize other travel means, including chartered aircraft. The cost of air travel shall be submitted on a purchase order.

## **Section 4. Lodging**

Arrangements for lodging shall be made by the department. Many hotels offer a reduced rate for government employees. This rate should always be requested whenever reservations are made. Hotel expenses shall be reimbursed at the single room rate plus taxes. If two employees or officials are sharing a room, the double room rate will be reimbursed. The Fiscal Court will not reimburse employees or officials for personal phone calls, movies or alcoholic beverages charged to the room.

Officials and employees shall be reimbursed for phone calls made for county purposes. If phone calls are of a county purpose, the employee shall list the party who was called in order to be reimbursed. The Fiscal Court will reimburse the cost of the hotel telephone access fee.

## **Section 5. Meals and Incidental Expenses**

The Daviess County Fiscal Court will use the following per diem rates to pay for employees' meals and incidentals. The per diem allowance shall be in lieu of submitting receipts for meals and incidentals for out-of-county travel. The employee will be allowed the full per diem (breakfast, lunch and dinner) for each full day of travel.

Breakfast	\$ 9.00
Lunch	\$11.00
Dinner	\$25.00

Employees traveling for less than a full day will not receive the entire per diem. Partial day travel will be reimbursed based on the following schedule:

<b>Leaving County</b>	<b>Reimbursement</b>
After 7:00 a.m.	No Breakfast
After 1:00 p.m.	No Breakfast or Lunch
After 6:00 p.m.	No Meal Reimbursement
<b>Returning to County</b>	<b>Reimbursement</b>
Before 1:00 p.m.	No Lunch or Dinner
Before 6:00 p.m.	No Dinner

Any amounts paid as gratuity are considered part of the per-diem reimbursement.

## **Section 6. Conferences and Professional Meetings**

The following policy and procedures are adopted to provide for the uniform treatment of requests by staff of the Daviess County Fiscal Court for conferences and professional meetings. The Daviess County Judge/Executive may authorize absences for members of the staff to attend conferences and professional meetings when such attendance will enhance the Fiscal Court operations, contribute to personal professional development and/or lead to the advancement of knowledge within an employee's professional field. Absences from the department under these conditions are not considered as a leave of absence, but rather a part of the individual's regular activities.

### **A. Professional Meetings**

Employees who have Daviess County sponsored memberships in professional associations, clubs or non-profit agencies, may be reimbursed for the reasonable cost of meals held in conjunction with the activities of the club/association/agency subject to the approval of the County Judge/Executive.

Professional meetings hosted by Daviess County or a county department may be paid for by the Fiscal Court. It is the policy of the Daviess County Fiscal Court that only the County Judge/Executive is authorized to engage in or designate employees who may engage in professional meetings on behalf of the Fiscal Court departments and at the Fiscal Court's expense. The meeting must have a purpose, which is justifiable and pertinent to county operations. The  
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purpose of the meeting and those in attendance must be listed on the backside of the Travel Voucher Form or on the purchase order. If Daviess County is to sponsor a meal for any person other than a county employee, the County Judge/Executive must issue prior authorization.

## **B. Conferences**

**Internal Conferences, Seminars, etc.:** Internal conferences involve the attendance of employees within a particular department or departments. No payment for meals is allowable unless approved by the Judge Executive in advance of the conference. Requirements and limitations for internal conferences are a planned agenda, invitation to attendees and must be held in a county owned facility. The sponsoring department may provide refreshments for “breaks” provided there are ten (10) or more participants in attendance.

**Public and Board Member Meetings:** Occasionally public meetings are held to discuss issues of common concern. Normally these meetings are periodic or issue driven. In addition, members of Daviess County Fiscal Court Boards meet on a fairly regular basis to study department issues. No payment for meals for these meetings is allowable unless approved by the Judge Executive in advance of the meeting.

**External Conferences, Seminars, etc.:** An external conference or seminar is an event that provides general information regarding subject matter related to an employee’s field of expertise that may require out-of-county travel. Department Heads and executive staff are encouraged to attend conferences and seminars when such attendance will enhance the Fiscal Court operations, contribute to personal professional development and/or lead to the advancement of knowledge within the employee’s professional field or department. External conferences and seminars that require out-of-state travel must be authorized by the Judge/Executive and are generally limited to one employee per department unless the conference is reimbursed by a party other than Daviess County Fiscal Court. This requirement does not apply to elected officials. The attending employee shall gather pertinent departmental information to share with other employee’s in the department upon their return to make sure that all benefit from conference materials. The registration fee is typically made for defraying the cost of speakers, building (or room) use, handout materials, breaks and lunches at conferences and conventions. These fees are charged to other services- “Registration Fees.” Registration fees may not include costs of entertainment, alcoholic beverages, setups, flowers or gifts. External conferences and seminar attendance shall be planned to ensure that attendance does not adversely impact the operation of the respective department.

## **Section 7. Travel Voucher Form**

All travel expenses must be itemized and properly reported on a Travel Voucher Form. Each employee is responsible for filling out and turning in their Travel Voucher Form to the Department Head by the fifteenth of the following month.

It shall be the responsibility of each employee submitting a Travel Voucher Form to ensure that the voucher is mathematically correct and to certify by his/her signature that all expenses claimed are proper and correct. The appropriate department head shall review the Travel Voucher Form for completeness and conformance to these regulations. Incomplete Travel Voucher Forms

shall be returned to the submitting employee without reimbursement. Final approval for payment shall be made by the County Judge/Executive for submission to the Fiscal Court.

**Section 8. Compliance**

Failure to comply with the above regulations may result in disciplinary actions up to or possibly including termination.

**OPERATING POLICIES  
CHAPTER 5  
DISPOSITION OF SURPLUS ITEMS**

**Section 1. Procedure for Disposition of Surplus Property**

The following procedure shall be followed for the disposition of surplus property. Property which is utilized as a trade-in on the purchase of similar property is excepted.

- A. The County Judge/Executive or designee shall prepare a written statement which describes the property including the date of acquisition and its intended use at the time. The statement will include:
1. The proposed disposition of the property and the reasons such disposition is in the public interest.
  2. The present use of the property.
  3. The method of disposition (public auction, sealed bids or negotiations).
- B. If the property is to be sold through negotiations, the property shall be appraised by at least two (2) competent and independent appraisers. No property shall be sold on a negotiated basis for less than the appraised value.
- C. All surplus property must be declared surplus by order of the Fiscal Court.

**Section 2. Procedure for Disposition of Surplus Brush and Trees**

- A. Brush which is removed prior to new construction or in the process of clearing adjacent to existing roadways is either disposed of at the site or chipped and removed from the site. If the adjoining property owner does not want wood chips, the material may be used by the County for mulch. Otherwise, the chips shall be hauled to the landfill for disposal.
- B. The adjoining property owner may saw trees and limbs which are too large to chip into log lengths for disposal. In the event that the adjoining property owner does not want the logs, they shall be disposed of in the most expeditious manner.

**Section 3. Procedure for Disposition of Surplus Dirt**

- A. Surplus dirt removed along roadways due to maintenance activities such as ditching and shouldering shall be disposed of as follows:
1. The Daviess County Road Department shall have the option of retaining any excavated dirt for its own use.
  2. Any excavated dirt which is not retained by the County may be disposed of on the adjoining property if the property owner desires. It shall be the responsibility of the property owner to provide an accessible location for disposal.



3. Surplus excavated material which cannot be disposed of on the adjoining property shall be disposed of in the most expeditious manner. The haul distance of disposal site(s), and the number of residents within the area desiring fill material shall be considered in the selection of disposal sites.

#### **Section 4. Procedure for Disposition of Solid Waste**

Pursuant to Kentucky Administrative Regulations, scavenging is prohibited within 100 feet of the working face. All waste entering the transfer station and landfill is the property of the Daviess County Fiscal Court; therefore, waste shall not be removed for personal or governmental/official use without the written permission of the County/Judge Executive. (Effective 10/2/2012)

**OPERATING POLICIES**  
**CHAPTER 6**  
**USE OF COUNTY RESOURCES**

The Department of Public Works Garage shall be used solely for the repair, maintenance and storage of official vehicles. "Official" is defined as a vehicle owned exclusively by the Daviess County Fiscal Court or an agency thereof having an official registration receipt and license plate 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.

Any employee authorized to use a county vehicle as a part of his/her job duties, including employees who are on-call on a 24-hour basis and take a county vehicle home so they can respond for emergency purposes, **must** adhere to the following requirements:

A. Nonemployees and nonbusiness passengers (i.e., family and friends) are prohibited from riding in county vehicles.

B. County vehicles are to be used only for county business purposes. Any employee found using a county vehicle for personal use shall be suspended for not less than three (3) days without pay.

C. Employees must use due diligence to drive safely and to maintain the security of the vehicle and its contents. Employees are also responsible for any driving infractions or fines as a result of their driving.

D. Employees must report any accident, theft or malicious damage involving a county vehicle to their department head and the Human Resource Department, regardless of the extent of damage or lack of injuries. Such reports must be made as soon as possible but no later than 48 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.

**OPERATING POLICY  
CHAPTER 7  
COUNTY ROAD SYSTEM**

The Department of Public Works shall maintain only those roads and streets specifically identified on the Official Road Index of Daviess County. Use of official County vehicles, equipment and/or County employees on any road not identified on the County Road System is prohibited.

The Daviess County Road System shall consist of those roads and streets shown on the Official Road Atlas of Daviess County as adopted by the Daviess County Fiscal Court. The Official Road Index may be revised only by formal action of the Daviess County Fiscal Court in accordance with applicable Kentucky Revised Statutes and local laws and regulations.

Copies of the Official Road Atlas shall remain on file in the offices of the County Judge/Executive and the County Engineer.

**OPERATING POLICIES  
CHAPTER 8  
ACCESS TO PUBLIC RECORDS**

KRS 61.876 requires that each public agency shall adopt rules and administrative regulations to provide full access to public records, to protect the public records from damage and disorganization, to prevent excess disruption of its essential functions, to provide assistance and information upon request, and to ensure efficient and timely action in response to application for inspection of public records. This regulation proposes to fulfill this statutory requirement.

**Section 1. Location**

The principle office location for the Daviess County Fiscal Court is the Daviess County Courthouse, 212 St. Ann Street, Room 202, Owensboro, Kentucky. Regular office hours are 8:00 a.m. until 4:00 p.m., CST, Monday through Friday.

**Section 2. Custodian of Records**

The title of the Daviess County Fiscal Court Custodian of Records is the Fiscal Court Clerk. The address of the Daviess County Fiscal Court Clerk is P.O. Box 1716, Owensboro, Kentucky 42302-1716.

**Section 3. Fees**

Persons requesting copies shall pay ten cents per copy. Payment is due when the copies are received. If mailed, postage fees will be required in addition to copy charges.

**Section 4. Procedures**

The procedure for requesting public records is as follows:

- A. Requests for inspection of public records shall be made in writing to the Fiscal Court Clerk.
- B. The written request must describe in sufficient detail the records to be inspected. An Open Records Request Form is available in the Daviess County Fiscal Court Administrative Offices.
- C. The Fiscal Court Clerk shall immediately refer all open records requests to the Daviess County Attorney for review and response.
- D. The Daviess County Attorney shall respond in writing to the Requester within three (3) working days of receipt of the request. The written response shall include a time frame in which the records may be available.

- E. Records shall be inspected and copied in the presence of a member of the Daviess County Fiscal Court staff to protect the records from damage and disorganization, to lessen disruption of office procedure, to provide timely assistance and information upon request to the person requesting inspection, and to provide full access to public records.
- F. Suitable facilities shall be made available for the inspection of the records.

#### **Section 5. Records Available**

Records, which are available for inspection, and those records, which are unavailable for inspection, are defined in KRS 61.870 to 61.884.

#### **Section 6. Policy Display**

A copy of this policy shall be posted in the Fiscal Court Clerk's Records Office.

**PERSONNEL POLICIES  
CHAPTER I  
OBJECTIVES AND SCOPE**

**Section 1. Introduction**

**A. Purpose**

These policies are adopted to provide for the recruitment, development, and retention of the best employee for each position within the service of Daviess County.

1. Recruiting, selecting, and advancing employees on the basis of their ability, knowledge, and skills including open competition of qualified applicants for initial employment;
2. Establishing proper pay rates;
3. Training employees, as needed, to assure high quality performance;
4. Retaining employees on the basis of performance; correcting inadequate performance and terminating employees when appropriate;
5. Assuring treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, disability, race, color, age, national origin, sex, religion or any other status protected by applicable law; and
6. Assuring that employees are protected against coercion for partisan, political purposes and are prohibited from using their official authority for the purpose interfering with or affecting the results of an election or a nomination for office.
7. It is considered highly desirable that residents of Daviess County be hired to fill positions with the Daviess County Fiscal Court.

**B. Interpretation and Employment Relationship**

These policies are intended to provide some guidance on many personnel problems and actions which may arise. These policies are not an employment contract. Unless a statute indicates otherwise, employment at the County is at-will. This means that employees may terminate their employment at any time for any reason without breaching an “employment contract,” just as the County can do the same. County employees acquire no property rights in or to their employment with the County. Because the policies are not an employment contract, the County can modify and interpret them at any time. However, the only way the County may modify at-will employment would be to execute a written contract signed by the employee and a County Official authorized to contract on behalf of the County. Currently, statutes in Kentucky modify the employment relationship for some police personnel, but other employees remain at-will. The policies in this handbook do not supersede federal or state law.

**Section 2. Responsibility and Authority**

The responsibility and authority for the implementation and administration of the policies stated herein is vested in the County Judge/ Executive and the Fiscal Court.

### **Section 3. Delegation**

The Assistant County Treasurer is hereby designated as Human Resource Manager. The Human Resource Manager may delegate such duties and functions as are deemed appropriate.

### **Section 4. Equal Employment Opportunity**

The Daviess County Fiscal Court is an Equal Opportunity Employer and provides equal opportunity to all its employees and applicants for employment and prohibits discrimination based on race, color, religion, sex, national origin, political affiliation, age, disability, marital status, sex (wages), genetics, or disabled, recently separated, other protected, and armed forces service medal veterans in its hiring or employment practices.

The County promotes equal opportunity in matters of hiring, promotion, transfer, compensation, benefits, and all other terms, privileges and conditions of employment. The County insures that equal opportunities are available on the basis of individual merit and encourages all persons to seek employment and to strive for advancement on this basis.

The County will not ask a job applicant about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform specific job functions. Medical examinations or inquiries may be made, but only after a conditional offer of employment is made and only if required of all applicants for the position.

The County will make reasonable accommodations for the known physical or mental limitations of a qualified applicant or employee with a disability upon request unless the accommodation would cause an undue hardship on the operation of the County's business. If an applicant or an employee requests a reasonable accommodation and the individual's disability and need for the accommodation are not readily apparent or otherwise known, the County may ask the individual for information necessary to determine if the individual has a disability-related need for the accommodation.

The County will maintain any employee's medical records separate from personnel files and keep them confidential.

The County will make an individualized assessment of whether a qualified individual with a disability meets selection criteria for employment decisions. To the extent the County's selection criteria have the effect of disqualifying an individual because of disability, those criteria will be job-related and consistent with business necessity.

**PERSONNEL POLICIES**  
**CHAPTER 2**  
**POSITION CLASSIFICATIONS, NEW JOB CLASSIFICATIONS**  
**AND JOB DESCRIPTIONS**

**Section 1. Human Resource Manager**

The Human Resource Manager is responsible for implementing and administering the personnel policies.

**Section 2. Department Heads**

Department Heads are responsible for administering salaries for their employees in accordance with county policies. They should:

- A. Evaluate the performance of employees assigned to their departments
- B. Determine duties and responsibilities of all persons in their department

**Section 3. Job Descriptions**

Each employee shall have a job description for his/her position. Copies of job descriptions will be distributed as follows: one copy to the individual employee; one copy to the department head; one copy in the Human Resource Manager's master file; and one copy in the employee's personnel folder. Department Heads are responsible for monitoring position's job descriptions. If duties of an individual's position change and require an updated job description, the Human Resource Manager shall be notified.

**Section 4. Pay Scale and Salary Structure**

Salary ranges are established for each management position and are based on skills necessary to effectively perform a job and the market demands for the position. Salary ranges for each position shall be on file in the Human Resource Manager's Office.

An hourly pay scale determines the level of pay for each hourly employee. This scale is based on skills necessary to effectively perform a position and the market demands for the position. Each position is assigned a cell that progresses with years of seniority.

When an employee will be entering a new service bracket, the Department Head shall provide a written statement to the Human Resource Manager that the employee's performance is satisfactory to warrant the new service bracket pay. The Department Head should further initiate this change on a Payroll Change Notice a month prior to the change.

The pay rate change occurs the payroll after the employee's anniversary date. Each year during the budget planning process, Department Heads should compile a list of employees who will receive increases during the Fiscal Year so that proper amounts are reflected in the budget.



**Section 5. Hiring Rates**

A new employee who falls within the management salary range will normally be given a starting salary at a rate commensurate with the employee's qualifications, related experience and the market rate. A new hourly employee will be paid at a rate reflected in the starting wage bracket of his/her classification. Years of experience in a particular classification for another employer may be considered in the hiring of a new employee.

**Section 6. Performance Folders**

Department Heads shall maintain employee performance folders for each individual in the department. Performance folders shall be used throughout the year to monitor the employee's performance. The Department Head shall use the performance folder as a constructive tool by documenting performance indicators on an ongoing basis. If a Department Head recommends an individual for a merit increase, there should be documentation in the performance folder justifying the increase. Any documentation which the Department Head feels may result in disciplinary actions should be copied to the Human Resource Manager and entered into the employee's personnel folder.

**PERSONNEL POLICIES**  
**CHAPTER 3**  
**APPLICATIONS AND EXAMINATIONS**

The procedure for filling vacancies in full-time positions or newly established full-time positions shall be set as follows:

**Section 1. Announcement of Vacant Positions**

- A. When a vacancy occurs, current employees shall be notified of the vacancy by written notices placed in strategic locations. Notices posted shall include position title, salary range, summary of duties, position qualifications, and the deadline for application.

Employees who wish to apply for the position must present a completed Employment Application Form to the Human Resource Manager, thereby indicating his/her interest in the vacant position. The County Judge/Executive, with the approval of the Fiscal Court, may fill the vacancy by either promoting current employees or employing a person from outside the organization.

It is the responsibility of the Department Head to ensure that all employees within his/her department are notified of the opening.

- B. When announcements of vacant positions are made outside the organization, the following procedures shall apply:
1. The Human Resource Manager may advertise the position in publications and/or may list the position with employment service organizations.
  2. Advertisements in publications shall include position title, responsibilities, qualifications, salary range or hourly rate, whichever applies, and deadline for application.
  3. The Human Resource Manager may require employment testing where deemed necessary.
  4. Applications which are received after the posted deadline for a position shall be automatically disqualified.
  5. Resumes and/or applications which are incomplete will be disqualified and returned to the applicant.

**Section 2. Announcement of New Positions**

- A. When a new position is created within the organizational structure of the County, the County Judge/Executive shall obtain approval of the Fiscal Court prior to seeking applicants.
- B. New positions shall be filled in the same manner as listed in Section 1 of this Chapter.

**Section 3. Application Policy**

- A. Applications or resumes will only be accepted when a vacancy exists.
- B. Applications shall remain on file for a period of thirty (30) after the vacancy has been filled.

**PERSONNEL POLICIES**  
**CHAPTER 4**  
**COUNTY EMPLOYMENT APPOINTMENTS**

**Section 1. Types of Appointments**

When the county initially employs a person, he/she is appointed in one of the following manners:

- A. Probation - Any appointment to a position by the County Judge/Executive shall be for an initial probationary period, as defined in Chapter 6. A probationary employee is appointed to regular full-time status upon satisfactory completion of the probationary period, as defined in Chapter 6.
- B. Seasonal/Temporary – Seasonal/temporary appointments may be made to fill positions when required. A seasonal or temporary employee is one who works either full-time or part-time as needed and not to exceed nine months.
- C. Appointments may be on a full-time or part-time basis.

**Section 2. Categories of Appointments**

The Judge/Executive is the “appointing” authority for all County positions of employment. On most occasions the Fiscal Court must approve the Judge/Executive’s appointment. Employees are “appointed” to one of the categories of employment presented below.

Each employee of the County shall be classified as full-time, part-time, temporary, or seasonal. Each position will be classified as exempt, which is not paid overtime or non-exempt, which is paid overtime. The exempt and non-exempt classification of positions will be based on the “Guide List for Determining Exemptions (Exemption Test) as provided under the Fair Labor Standards Act” Wage and Hour Law.

Full-Time: A full-time employee is one who averages 100 or more hours per month over a calendar year or fiscal year, excluding temporary or seasonal employees.

Part-Time: A part-time employee is one who averages less than 100 hours per month over a calendar or fiscal year.

Temporary or Seasonal: A temporary or seasonal employee is one who works either full-time or part-time and not to exceed nine months.

Full-time employees shall be entitled to all benefits as provided in this Personnel Policy and the Administrative Code. Part-time, seasonal, or temporary employees shall not be entitled to any benefits.

### **Section 3. Appointment Authority**

The Judge/Executive shall be the appointing authority for all positions. All appointments in the county workforce with the exception of the Deputy Judge/Executive and the immediate staff of the County Judge/Executive are subject to approval by the Fiscal Court.

### **Section 4. Pre- Employment Screenings**

All applicants who are offered a position with the Daviess County Fiscal Court shall successfully complete a medical examination and receive negative results on pre-employment/post offer drug and alcohol screens.

### **Section 5. Placement Policy**

- A. It is suggested that before the County Judge/Executive announces his recommendation at the Fiscal Court meeting of an appointment to a county position that he first make the commissioners aware of his recommendation. No applicant shall report to work or be placed on the County's payroll before the applicant's appointment has been approved in a regular meeting of the Fiscal Court
- B. Appointment to a full-time position with the County shall be made only after the Human Resource Manager has determined that the person considered meets all qualifications prescribed in the position in which the appointment is made.
- C. This policy shall apply to current employees who request a transfer or promotion to a vacant position as well as new applicants for employment or re-employment.

### **Section 6. Orientation of Newly Employed Personnel**

- A. An orientation shall be provided to all new employees by the county's human resource manager and their supervisor on or before their first day of employment.
- B. The orientation shall consist of the following elements:
  1. Explanation of the purpose and goals of the County;
  2. Overview of the County's history, structure and operations;
  3. Overview of management policies and procedures; and
  4. Other elements deemed appropriate.
- C. A copy of the county's Personnel Policies and Procedures will be kept at each work station. Employees are expected to be familiar with the contents of these policies, and are encouraged to discuss any questions with your supervisor or the human resource officer, or administrator.

### **Section 7. Conditions of Employment**

Nothing contained in this section of the county's personnel policies, including the successful completion of a probationary period, shall alter the "at-will" employment status between the county and the employee. The employee or the county may terminate the employment relationship during or after the probationary period for any lawful reason or for no reason at all.

**PERSONNEL POLICY**  
**CHAPTER 5**  
**NEPOTISM**

**Section 1. Objective**

It is the goal of the Fiscal Court to establish working procedures where family relationships will not adversely impact the quality of work and working relationships between fellow employees or create undue advantage in securing employment, advancement, or contracts.

**Section 2. Disclosure**

Anytime an individual is hired, any family relationships with county government employees or elected officials shall be disclosed.

**Section 3. Definition of Immediate Family Member**

The term “immediate family member”, as defined for nepotism, shall include the spouse, child, stepchild, brother, sister, parent or individual claimed as a dependent for tax purposes by the Public Official or Employee.

**Section 4. Prohibitions**

- A. No Immediate Family Member of any elected official or employee shall be appointed to and/or be employed in any office or position of employment if the elected official or employee will have any responsibility, directly or indirectly, to supervise, manage or control the work of the immediate family member.
- B. No elected official or employee shall influence, advocate, or cause the employment, appointment, promotion, transfer or advancement to an office or position with the County of an immediate family member.

**Section 5. Exceptions**

- A. The prohibition of Chapter 5, Section 4 shall not apply to any person elected or appointed to a County office or hired as an employee prior to January 3, 1994.
- B. The provisions of Chapter 5, Section 4 shall not apply or be interpreted to prevent the candidacy or election of any otherwise qualified candidates from being elected to a public office of the County.

**PERSONNEL POLICIES  
CHAPTER 6  
PROBATIONARY PERIOD**

**Section 1. Objective**

The probationary period shall be regarded as an integral part of the selection process and shall be utilized for closely observing an employee's work, for securing the most effective adjustment of a new employee to his/her position, and for terminating the employment of an employee whose performance is not satisfactory.

**Section 2. Duration**

The probationary period shall be no less than six months in duration. A job performance review will be conducted at the end of the probationary period.

**Section 3. Extension of Time**

The Judge/Executive may, upon written request of a Department Head, extend the duration of the probationary period. No extension shall be allowed which would make the total probationary period longer than one year.

**Section 4. Promotional Appointments**

The probationary period shall be used in connection with transfer appointments in the same manner as it is used for original entrance appointments. If an employee is separated during their probationary period following a promotion, he/she is not entitled to automatically return to the former position.

**Section 5. Dismissal During Probationary Period**

At anytime during the probationary period, upon recommendation of a Department Head, the Judge/Executive may remove an employee whose performance is deemed unsatisfactory without right of appeal.

**Section 6. Probationary Period Reports**

At least thirty working days prior to the expiration of the employee's probationary period, the department head shall notify the Human Resource Manager in writing whether or not the employee has satisfactorily completed the probationary period. The Human Resource Manager will review the report and forward it to the County Judge/Executive. The Judge/Executive shall ratify or deny the recommendation and present the decision to the Fiscal Court for approval.

**PERSONNEL POLICIES**  
**CHAPTER 7**  
**PROMOTIONS, TRANSFERS, DEMOTIONS**

**Section 1. Promotions**

Promotions are filled upon recommendation of the Department Head and Human Resource Manager to the County Judge/Executive who will present his decision to the Fiscal Court for approval. An employee occupying a regular position may be promoted from one position to a higher position only if he/she possesses the minimum qualifications for the higher position and if the position is vacant. The employee's salary/hourly rate for the position to which he/she is promoted shall convert to the positions management level or same class in the positions grade level to which the employee is promoted as established in the county's Salary Schedule or shall be determined by the County/Judge Executive. Promotions do not affect length of service. (Last sentence effective 10/2/2012)

**Section 2. Political or Partisan Endorsement Prohibited**

No consideration shall be given to political or partisan endorsement for promotions to positions in the county.

**Section 3. Promotional Examinations**

The Human Resource Manager, in conjunction with the Department Head, may conduct competitive promotional examinations.

**Section 4. Inter-Departmental Transfers**

The Human Resource Manager in connection with the appropriate Department Head may transfer at any time an employee from one position to another in the same classification, in the same department.

The Department Heads or Human Resource Manager may make recommendations on any interdepartmental transfer. The Human Resource Manager shall review any Department Head's recommendation. Any recommendation that is authorized by the Human Resource Manager shall be submitted to the County Judge/Executive for the approval of the Fiscal Court. Any request for transfer by an employee shall be in writing with a statement justifying the transfer.

**Section 5. Demotions**

In the event an employee becomes unable to perform the duties with reasonable accommodations as stated in the position description, for disciplinary reasons, or in lieu of a layoff, an employee may be demoted at the county's discretion provided the employee meets the qualifications for the demoted position, and the position is vacant. The employee's salary/hourly rate for the position to which he/she is demoted shall convert to the positions management level or same class in the positions grade level to which the employee is demoted as established in the county's Salary Schedule.



**Section 6. Demotion Procedure**

The Department Head shall request in writing that the Human Resource Manager review the reasons for the demotion. The Human Resource Manager shall present the recommendation to the County Judge/Executive who will ratify or deny the decision.

**Section 7: Temporary Transfers**

Department Heads 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. (Effective 10/2/2012 changed from 30 to 10 days)

The pay adjustment will be retroactive from the date that the transfer occurred.

**PERSONNEL POLICIES  
CHAPTER 8  
DISCIPLINARY ACTIONS**

**Section 1. Progressive Discipline Procedure**

- A. The policy of the Fiscal Court is to be consistent in the administration of the organization and its employees. When problems arise, emphasis is on improvement or correction rather than punishment. However, willful, continued, or serious breaches of employment rules must be dealt with firmly under a uniform policy which applies to all employees.
- B. The County reserves the right to skip any step or requirement in the disciplinary action sequence outlined below depending on the severity of the misconduct or when the facts or circumstances otherwise warrant. Further, it is also noted that in establishing the following disciplinary procedures it is specifically not the county's intention to create any employment situation that compromises its at-will employment status. As expressly stated in these policies' Statement of Purpose, nothing in these policies is intended to create a contract of employment. Any individual may voluntarily leave employment or may be terminated by the county at any time, for any lawful reason, or for no reason at all. Any oral, written statements, custom or course of dealing to the contrary are hereby expressly disavowed.

The severity of disciplinary action depends upon the gravity of the offense and employee work record, including previous disciplinary actions.

- C. When an employee fails to follow any rule, regulation, operating procedure or job requirement, or when actions reflect discredit upon the organization, one of the following measures shall apply, depending upon the circumstances involved and the severity of the offense:
1. Verbal Warning (Reprimand)
    - a. In the case of a minor infraction, the immediate supervisor or department head shall administer the reprimand without rancor as soon as possible after the offense.
    - b. The date of the verbal reprimand, along with a description of the occurrence, which prompted the reprimand and any comments the employee may have made shall be noted and placed in the employee's performance folder by the person giving the reprimand.
  2. Written Warnings
    - a. In the case of a second minor infraction or a more serious first infraction, the immediate supervisor or Department Head shall give the employee a written warning specifying the reason(s) for such warning and noting any previous verbal and/or written warnings.

- b. Written warnings shall state that the employee's performance will be reviewed on a regular basis for improvement and explain the consequence of continued infractions.
- c. The employee shall sign the written warning. A copy of the written warning shall be forwarded to the Human Resource Manager, and it will be filed in the employee's personnel folder.

#### D. Suspensions

- a. A Supervisor, with the consent of his/her Department Head/Director, may suspend an employee in their department without pay for a maximum of eight (8) hours in one day as disciplinary action. A Disciplinary Notice shall be completed and distributed to employee, human resources and Judge/Executive upon employee's return to work. (Effective 06/04/2015)
- b. After a serious violation or repeated minor violations, the Department Head may make a request to the Human Resource Manager in writing that the County Judge/Executive suspend the employee with or without pay. The request shall include the reason(s) for the suspension along with details of previous disciplinary action taken against the employee.
- c. The County Judge/Executive may suspend an employee with or without pay for any period depending on the severity of the offense.
- d. The suspended employee shall be notified of the suspension in writing within one working day after the time of suspension. The notice shall include the reason(s) for and duration of the suspension.
- e. Any county employee who receives a conviction on a D.U.I. charge and whose job description requires the use of a vehicle in the performance of his/her job will be suspended without pay until his/her license is reinstated.
- f. Employees suspended without pay for a period of four (4) calendar weeks or more shall not accrue sick and vacation time while suspended.
- g. In a situation where the county has become aware of alleged misconduct by an employee, which if substantiated could result in disciplinary action, the County Judge/Executive or other constitutional officer may suspend the employee with pay if it is determined the action is necessary to assure public confidence in governmental oversight of its employees or to assure the integrity of county's inquiry into allegations.
- h. In the event it is necessary to suspend an employee with pay, the following procedures shall be observed:

1. The County 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 County 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.
- i. 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.
- j. 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.
- k. Vacation/sick leave pay shall not be granted while on suspension. (Effective 10/2/2012)

#### 4. Dismissal

Where an offense is continually repeated, or misconduct is serious enough for discharge on the first offense, the Department Head may recommend to the Human Resource Manager dismissal of an employee. The recommendation shall include the reason(s) for dismissal, if any, details of previous discipline taken against the employee, if any, and the recommended effective date and time of discharge.

Upon review of the supervisor or department head's recommendation to dismiss, the County Judge/Executive shall provide the employee with a Letter of Intent to Dismiss containing: (a) the reason(s) for dismissal, if any; (b) the details of previous disciplinary action(s) taken against the employee, if any; and (c) the recommended effective date and

time of the intended discharge. Other Constitutional Officers operating under these policies shall serve as the hearing authority under this policy.

#### 5. Right to Respond

- A. An employee who has been notified of the intent to dismiss him/her has the right to appear personally or with counsel before the Personnel Committee to respond to the Letter of Intent to Dismiss. The Personnel Committee for general county government shall be comprised of the County Judge/Executive, the Human Resource Manager, and one (1) county commissioner. Other constitutional officers operating under these policies shall serve as the hearing authority under this policy.
- B. The request to respond must be made within five (5) working days of the employee's receipt of the Letter of Intent to Dismiss, excluding the day it was received. If the employee does not submit such a request within five (5) working days, it will be deemed that the employee has waived his/her right to respond.
- C. The employee's meeting with the personnel committee shall be held within five (5) working days after receipt of the employee's request, excluding the day it was received.
- D. The meeting is informal. It gives the employee the opportunity to respond to charges contained in the Letter of Intent to Dismiss.
- E. Within five (5) working days, or the next regularly scheduled fiscal court meeting, excluding the day of the employee's meeting, the Personnel Committee shall make a recommendation to the Fiscal Court, which shall make a final determination on the termination. The employee will be notified, in writing, of the fiscal courts' decision by the County Judge/Executive. The decision of the fiscal court is final.
- F. Such action shall be recorded in the employee's personnel file.

### **Section 2. Reasons for Disciplinary Actions**

Below are some reasons, which are cause for disciplinary action referred to in Section 1 of this chapter. Disciplinary action is not limited to the offenses listed:

- A. Being convicted of a felony or of a misdemeanor
- B. Excessive lost time
- C. Being absent without leave
- D. Unauthorized tardiness or abuse of sick leave
- E. Inefficiency or ineffectiveness
- F. Abuse of county property
- G. Willfully giving false statements to supervisors, officials, the public or the Fiscal Court
- H. Violation of county administrative regulations or departmental rules
- I. Drinking of alcoholic beverages while working or being intoxicated on the job and/or use of non-prescription drugs while working
- J. Discovery of a false statement in an application

- K. Acceptance of gratuities in conflict with the policy outlined in Chapter 12
- L. Refusal to submit to drug or alcohol testing in accordance with adopted policy
- M. Conduct on the job unbecoming to a county employee or conduct which brings discredit to the county if the employee is provided with written specific incidents upon which the charge is based
- N. Insubordination
- O. Falsification of documents including purchase orders
- P. Theft of county-owned property or property of another county employee
- Q. Committing or threatening to commit an act of violence against another county employee
- R. Employee should inform their supervisor as soon as they know of the need to be absent from work; however, if emergency conditions exist, this notification should take place no more than one (1) hour past the start of their scheduled shift. Failure to comply with the requirement may result in loss of pay for the period of absence as well as possible disciplinary action in compliance with the policy.
- S. Personal use of county property

### **Section 3. Appeal Rights**

Any employee who has received disciplinary action and who has completed his or her probationary period shall have the right to appeal in accordance with guidelines established in Chapter 14.

### **Section 4. Notice of Disciplinary Action**

In all cases, the Human Resource Manager shall notify the employee of the action taken and a copy of such notice shall be retained in the employee's personnel file.

**PERSONNEL POLICIES**  
**CHAPTER 9**  
**SEPARATIONS**

An employee may be separated from the service of the county by any one of the methods described below:

**Section 1. Resignation**

To resign in good standing, employees should give the Human Resource Manager a minimum of fourteen (14) calendar days written notice.

**Section 2. Lay-Offs**

- A. When for any reason it becomes necessary to reduce the workforce of the county, employees may be laid off by the county giving consideration to four factors: length of service in classification, length of service with the county, the needs of the county, and the skills and demonstrated ability of the personnel.
- B. Full-time employees to be laid off shall be notified in writing by the Human Resource Manager at least ten (10) calendar days prior to the effective date of the lay-off.
- C. Full-time employees who are laid off and are recalled, even though not necessarily into the same department, position, or wages, will retain their original hire date, thereby not losing seniority. Unused accrued sick leave will be reinstated.

**Section 3. Retirement**

The Fiscal Court has no set retirement age for its employees and feels that an employee may work as long as they are capable of performing their duties. Retirement benefits information may be received from the Kentucky Retirement Systems and the Social Security Administration.

**Section 4. Death**

When a full-time employee dies while in the service of the county, the employee's estate shall be eligible to receive payment for any accumulated annual leave and earned income.

**Section 5. Code of Ethics**

County employees are subject to KOC C.3, An Ordinance of the Daviess County Fiscal Court and City of Owensboro Jointly Authorizing Creation of an Intracounty Code of Ethics, as may be amended from time to time, while employed and upon separation of employment with the County. The provisions of this ordinance include, among other requirements, that no public official, as defined in the ordinance, currently serving or within one (1) year after leaving their position shall represent any private interest in any action, litigation or proceeding before or against the interest of the County for which they serve.

**PERSONNEL POLICIES  
CHAPTER 10  
RECORD RETENTION**

**Section 1. Personnel Records**

The Human Resource Manager shall maintain a personnel file for each county employee. All changes in the status of employees shall be recorded in these files, which shall be retained and maintained in accordance with applicable state and federal laws. The file shall contain:

- A. Employee's name, address and telephone number where the employee may be reached;
- B. Position title;
- C. Hiring date;
- D. Department assignment;
- E. Application;
- F. Salary;
- G. Commendations;
- H. Disciplinary action;
- I. All changes in status as a county employee.

**Section 2. Public Inspection**

All personnel records of employees shall be considered confidential and the property of the county. Information which is obtained in the course of official duties shall not be released by anyone except the Human Resource Manager or upon orders of the County Judge/Executive. The only information relative to employees and former employees which is available for public inspection in accordance with open records procedures established herein is name, classification and salary.

**Section 3. Employee Inspection**

Employees are entitled to view the contents of their individual personnel files by contacting the Human Resource Manager. The Human Resource Manager will be present to answer any questions.

**Section 4. Personnel File Location**

Official Personnel Files shall be located in the Daviess County Courthouse in the Human Resource Manager's Office.

**Section 5. Retention of Personnel Files**

Personnel files shall be kept after termination of employment as required by law. Such records may be kept in their original form or in any other duplicate form that the Human Resource Manager deems appropriate and is required by law.



**PERSONNEL POLICIES**  
**CHAPTER 11**  
**ATTENDANCE AND LEAVE**

**Section 1. Hours of Work**

Scheduling work hours shall be practical, uniform within occupational groups and shall be made to meet the reasonable needs of the public. The work schedule for each department shall be established by the Department Head with the approval of the County Judge/Executive. The County/Judge Executive may approve flexible schedules when necessary to promote efficiency or provide reasonable accommodation. If a 4 day, 10 hour work schedule is approved, and an official holiday falls within a given week, that work week shall revert to a 5 day, 8 hour work schedule.  
(Effective 10/2/2012 last sentence added)

**Section 2. Breaks and Lunch Periods**

Each Department Head is responsible for scheduling employee breaks and lunch periods. Lunch periods shall be scheduled in a manner to best serve the public. Schedules should be arranged so that no office shall be completely closed for lunch.

**Section 3. Time Sheets**

All hourly employees, with the exception of those on a bi-weekly salary, document hours daily on time sheets. The completed time sheets are signed by the employee, verified by the Department Head and shall be sent to the Human Resource Manager by 9:00 a.m. on Monday preceding the payroll. Falsifying time sheets is subject to disciplinary action up to or including termination.

**Section 4. Exempt Employees**

Exempt employees are exempt from overtime provisions of the wage and hours laws. The Human Resource Manager shall designate all employees as either exempt or non-exempt.

**Section 5. Holidays**

The following holidays are designated as official holidays for all County employees:

January 1	New Year's Day
Martin Luther King, Jr. Day	
Friday before Easter at Noon	Good Friday
Last Monday in May	Memorial Day
July 4	Independence Day
First Monday in September	Labor Day
Fourth Thursday in November	Thanksgiving Day
Friday following Thanksgiving	
December 24	Christmas Eve
December 25	Christmas Day
December 31	New Years Eve

When any holiday listed above falls on Saturday, the preceding business day shall be considered the holiday. When any holiday listed above falls on Sunday, the following business day shall be considered a holiday. Any day may be designated as a holiday by proclamation of Daviess County Judge/Executive.

No flexible work schedule is permitted during the week of an official holiday. (Eff. 10/2/12)

## **Section 6. Vacation Leave**

### **Regular Full-Time Positions**

- A. All employees in regular, full-time positions (excluding Fire Department employees, but including the Fire Chief and Fire Inspector) are entitled to vacation with pay. The vacation accumulation shall be as follows:

<u>Years of Service</u>	<u>Hours Per Pay Period</u>	<u>Total Accumulated Days Per Year</u>
0 - 2 years	3 Hours	9 days and 6 hours
2 years - 10 years	5 Hours	16 days and 2 hours
Over 10 Years	6.5 Hours	21 days and 1 hour

### **Fire Department Employees**

- B. All full-time Fire Department employees (excluding the Fire Chief, Fire Inspector and Assistant Fire Chiefs) are entitled to vacation with pay. The vacation accumulation shall be as follows:

<u>Years of Service</u>	<u>Hours Per Year</u>
0 - 2 years	96 Hours
2 years - 10 years	168 Hours
Over 10 Years	240 Hours

- C. All Assistant Fire Chiefs are entitled to vacation with pay. The vacation accumulation shall be as follows:

<u>Years of Service</u>	<u>Hours Per Year</u>
0 - 2 years	168 Hours
2 years - 10 years	240 Hours
Over 10 Years	312 Hours

- D. Vacation leave should be requested at least two (2) weeks in advance. Vacation leave may be disapproved if the employee's services are required at the requested time. Exceptions can be made in the event of an emergency with approval of department head.
- E. Vacation leave for a fraction or part of a day that is chargeable to vacation leave shall be charged in one-half (1/2) hours. Vacation leave must not be taken in more than 40 hour increments (5 days) unless a separate written request is made and approved by the department head.

- F. Vacation leave may be accumulated and may be carried forward from one year to the next. Leave in excess of 240 hours for regular, full-time employees may not be carried forward. Leave in excess of 336 hours for Fire Department employees (excluding Fire Chief and Fire Inspector for they are considered regular, full-time employees) may not be carried forward. The Department Head may file a written justification requesting an additional six months for the employee to use the excess hours. The written request is made to the Human Resource Manager and will be forwarded to the County Judge/Executive for approval.
- G. Vacation hours may be used for absence due to sickness, injury, or disability at the request of the employee and with the discretion of the Department Head.
- H. Accumulated leave shall be granted in accordance with operating requirements and insofar as practical with the requests of employees.
- I. Employees are charged with vacation leave for absence only on days which they would otherwise work and receive pay.
- J.
  - 1. Employees shall be paid in lump sum for accumulated vacation leave not to exceed 240 hours when separated by resignation in good standing, lay off, or retirement. Vacation leave shall be prorated when an employee separates in good standing in the middle of a pay period.
  - 2. Fiscal Court may purchase from an employee excess vacation hours only under the following conditions:
    - a. Employee has ten (10) or more years of continuous service to County, and
    - b. Employee has not received a previous lump sum payment from Fiscal Court for accumulated vacation leave for resignation, layoff, retirement or excess purchase, and
    - c. Employee has not “borrowed” vacation from one calendar year to another within the three calendar years before the proposed year of purchase, and
    - d. Employee accumulated at least one hundred twenty (120) hours of vacation within the calendar year of the proposed purchase; and
    - e. Employee’s total accumulated vacation, at time of requested purchase, exceeds three hundred sixty (360) hours; and
    - f. Employee requested an extension for an additional six (6) months in which to use the additional vacation time; and
    - g. Employee’s Department Head requested an extension in writing and the Human Resources Manager or Judge Executive denied the request because

employee's continued service to the County was necessary or critical to the operations or services of the county required to maintain public health, safety, or welfare; or after granting such an extension the employee could not take the additional time because employee's Department Head and the Judge-Executive determined that the employee's continued service to the County was necessary or critical to the operations or services of the county required to maintain public health, safety, or welfare; and

- h. Employee could not take excess vacation time during the time allowed due to a declared emergency requiring the employee's service to the County; and
  - i. County Treasurer verifies there are sufficient county resources available to fund the unbudgeted payment of excess vacation hours.
3. Fiscal Court may purchase from an employee a maximum of one hundred twenty (120) hours of excess vacation during the employee's service to the County.
- K. Upon the death of an employee, the estate shall be entitled to the unused portion of the employee's accumulated vacation leave.
- L. The Human Resource Manager shall keep records of vacation leave taken for individual employees. An employee fraudulently obtaining vacation leave or a department head falsely certifying vacation for absence from work will be subject to disciplinary action up to or including termination.
- M. The Human Resource Manager's office shall be notified by 12:00 noon the Friday preceding payroll of vacation hours taken by employees.

### **Section 7. Sick Leave**

- A. Sick leave with pay is provided to employees. Sick leave is not to be regarded in the same manner as vacation leave. Sick leave abuse can be cause for disciplinary action up to or including termination.

All regular full-time employees (excluding Fire Department employees, but including the Fire Chief and Fire Inspector) earn 4 hours per pay period or 104 hours of sick leave per year.

All Fire Department employees (excluding the Fire Chief and Fire Inspector) earn 120 hours of sick leave per year.

- B. Part-time or temporary employees are not entitled to sick leave with pay.
- C. Sick leave shall accrue only when an employee is working or on authorized leave with pay.
- D. Absence for a fraction or part of a day that is chargeable to sick leave shall be charged in one-half (1/2) hours.

- E. An employee shall request sick leave with pay within a reasonable time. Except in case of emergency illness, an employee shall request advance approval for sick leave for medical, dental, or optical examination and for sick leave without pay. In all cases of illness, an employee is obligated to notify the immediate supervisor or other designated person. Failure to do so in a reasonable period of time may be cause for denial of sick leave for the period of absence.
- F. Accrued sick leave with pay may be used under the following circumstances:
1. Medical, dental, or optical examinations or treatments.
  2. Disability by sickness or injury.
  3. Pregnancy and/or confinement limited to what is medically necessary.
  4. Caring for a sick or injured member of the immediate family for a reasonable period of time.
  5. Jeopardizing the health of other employees.
- For the purposes of sick leave, immediate family is defined as:
1. The employee's spouse, mother, father, grandparent, son or daughter; or
  2. A person of similarly close relationship;
    - a. Who has resided with the employee for at least thirty (30) days prior to application; or
    - b. For whom the employee is legally responsible
- G. A Department Head may request a doctor's excuse from an employee who misses more than three (3) consecutive working days.
- H. Employees shall not be paid for unused sick leave upon separation of employment.
- I. The Human Resource Manager shall keep records of sick leave taken for individual employees. An employee fraudulently obtaining sick leave or a Department Head falsely certifying sick leave allowance for absence from work may be suspended or dismissed.
- J. The Human Resource Manager's office shall be notified by 12:00 noon the Friday preceding payroll of sick hours taken by employees.

### **Section 8. Family and Medical Leave**

- A. Eligible employees receive up to 12 weeks of unpaid leave for the birth, adoption, or serious illness of a child, parent, spouse, or the employee under the following circumstances.
1. The birth of a child or the placement of a child for adoption or foster care within 52 weeks of that birth or placement.
  2. Parents who are both employees of the County and who are eligible to take Family and Medical Leave are entitled to take a combined 12 weeks of Family and Medical Leave for child care purposes.

3. To provide care for a spouse, a child, a dependent son or daughter over the age of 18, or a parent who has a serious health condition.
  - a. A serious condition is one that requires inpatient treatment, or causes an absence from work, school or normal activity for more than three (3) days and requires treatment by or under the direction or supervision of a health care provider on two or more occasions.
  - b. An employee requesting leave under this paragraph must present a certification from a health care provider containing the date on which the serious health condition commenced, the probable duration of the condition, the appropriate medical facts regarding the condition, a statement that the employee is needed to care for the family member, and an estimate of the amount of time such care will be required.
4. A serious health condition that renders the employee unable to perform the functions of the employee's position.
  - a. A serious condition is one that requires inpatient treatment or causes an absence from work, school, or normal activities for more than three (3) days and requires treatment by or under the direction or supervision of a health care provider
  - b. An employee requesting leave under this paragraph must present a certification from a health care provider containing the date on which the serious health condition commenced, the probable duration of the condition, and a statement that the employee is unable to perform the essential functions of the position. Employees seeking the certification must provide the health care provider with the department's written job description.
5. Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings.
6. A special leave entitlement permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

- B. Eligible employees will continue to receive health insurance benefits and be permitted to return to the same or equivalent position upon returning from leave.
- C. Eligible employees must provide at least thirty (30) days notice of his/her request for Family and Medical Leave if the reason is for an anticipated birth, child placement or planned medical treatment. In addition, the employee must make reasonable efforts to schedule leave in a manner that does not unduly disrupt the County's operations. However, these requirements may be waived if a medical emergency or other unforeseen event occurs that make it impossible for the employee to comply with the advance notice requirements.
- D. Applicable paid leave (sick/vacation) taken for a FMLA-qualifying reason will count toward an employee's 12-week FMLA entitlement. This applicable leave will run concurrently with and count toward an employee's 12-week FMLA entitlement.
- E. No accrual of seniority, privileges or benefits (except health insurance) are allowed for an employee on Family and Medical Leave.
  - 1. Employees who normally make a contribution toward their health insurance must continue to do so.
  - 2. An employee who does not return to duty from Family and Medical Leave under this policy for at least thirty (30) calendar days will be liable for the County's group health insurance premium contribution and any part of the employees share paid by the County, unless the failure to return to duty is caused by continuation, recurrence, or onset of a serious health condition that would entitle the employee to Family and Medical Leave under this policy or for circumstances beyond the employee's control.
  - 3. Where recovery of premiums is permitted, the County shall be entitled to set off the amount against any final pay or monetary benefit to which the employee would otherwise be entitled.
- F. An employee who has taken Family and Medical Leave for himself/herself (self-care) will be required to present a certificate of fitness for duty from a health care provider prior to commencement of work. Failure to provide the certification may cause denial of reinstatement.
- G. Eligible employees are those who have worked for the Fiscal Court in a regular, full-time position for at least 52 weeks and worked for at least 1,250 hours during the 52-week period prior to the commencement of the leave.
- H. The 12-month period is determined under FMLA as the 12-month period measured forward from the date of any eligible employee's first FMLA leave begins.
- I. An employee's 12-week FMLA leave entitlement runs concurrently with all other applicable leave including, but not limited to, workers compensation leave.

### **Section 9. Maternity Leave**

- A. The Fiscal Court, under its fringe benefits plan, allows women on maternity leave to take two (2) weeks off with pay. They may use accumulated vacation and sick leave in addition to this leave.
- B. The reinstatement rights of women on leave for pregnancy-related reasons including accrued retirement benefits and accumulated seniority are preserved.

### **Section 10. Civil Leave**

The County encourages service as a juror and compliance with other subpoenas to be a witness in legal proceedings. If an employee needs to be absent, a copy of the summons or other proof of service must be submitted to the Department Head or Human Resource Manager immediately upon receipt. If called for jury duty and released before 2:00 p.m., the employee must return to work for the remainder of the scheduled shift. If an employee must report for jury duty by 9:00 a.m., the employee does not have to report to work prior to jury duty. The employee will receive regular pay. The pay received for jury duty or being a witness shall be turned into the Finance Officer upon receipt.

### **Section 11. Worker's Compensation Leave**

The Fiscal Court provides Workers' Compensation Insurance for any employee who is injured or disabled while performing as a Fiscal Court employee.

- A. An employee injured on the job must report any accident to his/her supervisor immediately. Department Heads shall document accidents on appropriate claim forms and send paper work to the Human Resource Manager within 24 hours. If the injury requires medical attention, the Department Head assures that the employee is cared for by a gatekeeper physician. The employee is responsible for assuring that appropriate documentation from the gatekeeper physician is sent to the Human Resource Manager.
- B. Employee will not be permitted to return to work until he/she presents a Return to Work Form signed by the gatekeeper physician.
- C. Employee injured on the job and unable to work, the Fiscal Court will pay the employee's regular pay for a period of two (2) weeks. After two (2) weeks, the Worker's Compensation Provider Coverage activates provided that the employee has followed appropriate procedures. Employees receive 66% of gross pay. No taxes are withheld.
- D. Employees are authorized to take Worker's Compensation leave provided that the gatekeeper physician certifies that time off work is necessary.
- E. During workers compensation leave, the employee is required to pay their portion of benefits.
- F. During workers compensation leave, the employee shall not earn sick or vacation leave.  
(Effective 12/1/2011)



- G. When an employee has been released to return to work, the employee must use sick leave/vacation leave for any doctor visits, physical therapy, etc. (Effective 10/2/2012)

### **Section 12. Funeral (Bereavement) Leave**

When an employee's immediate family member dies, the Fiscal Court allows up to three (3) days off with pay. Immediate family member, as defined for bereavement, is defined as parents, grandparents, spouse, brothers, sisters, children, grandchildren, daughter-in-law, son-in-law, parent of spouse (step), step parent, step child, foster parent, and foster child.

When an employee's extended family member dies, the Fiscal Court allows up to eight (8) hours off with pay for the day of the funeral. If the funeral service falls on a weekend or holiday, the employee shall be allowed to take the 8 hours off with pay on the day preceding or the day following the weekend or holiday. No additional compensation will be provided if the employee does not take the funeral (bereavement) leave. Extended family member is defined as brother-in-law or sister-in-law, niece, nephew, grandparent of spouse, great grandparent, aunt or uncle of employee or spouse. (included brother-in-law and sister-in-law 5/6/10) (included great grandparent 10/2/2012)

In the event an employee desires to extend leave beyond the days set out above due to a death in the immediate or extended family, the employee may use sick leave, vacation leave or time without pay upon receiving approval from the executive authority.

In order that the Fiscal Court is aware and may send their condolences regarding deaths of employee's family members, the Directors and/or Supervisors should immediately notify the Human Resources Dept. when one of the employees in your department has a death in their family.

The Fiscal Court will send a bereavement gift not to exceed \$50 when an employee's immediate family member passes away. For this purpose, immediate family member is defined as the employee's spouse, mother, father, grandparent, brother, sister, son or daughter. This condolence will be sent through the Fiscal Court receptionist's office. Any gift sent from the individual department shall be at the expense of the employee(s). (added bereavement gift 11/21/2013)

### **Section 13. Military Leave**

Any employee occupying a full-time regular position with the County who is a member of the National Guard or any reserve component of the Armed Forces of the United States or of the Reserve Corps of the United States Public Health Service, shall be entitled to leave of absence from their respective duties, without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits to which they are entitled, while in the performance of duty or training in the service of this state or of the United States under competent orders. In any one (1) federal fiscal year (October-September) officers or employees, while on military leave, shall be paid their salaries or compensations for a period or periods not exceeding twenty-one (21) calendar days. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued.

A request in writing for military leave must be presented to the Personnel Officer not less than (2) weeks prior to the beginning of the leave period.

County employee's attached to the Military Reserve Units which are called up to active duty will follow the provisions set forth in the Uniformed Services Employment and Re-employment Rights Act, 38 U.S.C. Section 4301, et seq., Enacted October 1994.

#### **Section 14. Voting Leave**

Department Heads shall allow employees ample time to vote. At no time should voting leave exceed a period of two hours. Employees shall request voting leave two (2) days prior to election day. In order to be paid for voting leave, employees must use accumulated vacation time.  
(Effective 06/04/2015)

#### **Section 15. Blood Donation Leave**

Employees may take up to two (2) hours off to donate blood not to exceed four (4) times in a fiscal year.

Employees must request leave from their Department Head in advance. This granting of leave shall be subject to the operating needs of the department as determined by the Department Head.

Upon returning to work, the employee must provide to the Department Head documented proof that the employee donated blood during the time off. If the employee fails to provide documented proof that blood was donated during the time off, the Department Head shall deduct the time off from the employee's salary or accrued vacation or sick leave, whichever the employee chooses.

#### **Section 16. Administrative Leave**

The County Judge/Executive may grant administrative leave in the event of a major disaster. When an employee is required to work during administrative leave, the employee may be granted leave to be used at a later date equal to the time of administrative leave granted.

#### **Section 17. Holiday Pay**

All full-time non-exempt employees shall receive holiday pay. Employees who work on a holiday shall be compensated at one and one-half times regular rate, in addition to their regular rate for the total hours worked during that holiday period. Exempt employees required by the County Judge/Executive to work on a holiday at the Transfer Station and/or West DC Landfill shall earn compensating time on an hour for hour basis. Exempt employees called out to work on a holiday for emergency purposes only, and with approval of the County Judge/Executive, shall earn compensating time on an hour for hour basis.

#### **Section 18. Overtime Pay**

- A. When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. However, in some situations, prior notification is impossible. All overtime work must receive the

- Department Head's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.
- B. Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions.
  - C. Overtime is defined as time worked beyond: (1) eight (8) consecutive regular hours in a work day [excluding the fire department] AND for all hours worked outside an employee's NORMAL work day; (2) forty (40) regular hours in a work week. Overtime hours are paid at one and one half times their hourly rate.
  - D. The Daviess County Fiscal Court workweek begins at 12:01 a.m. on Sunday morning and ends at 12:00 a.m. on Saturday night.
  - E. Each week in a two (2) week pay period stands alone for the purpose of overtime calculations.
  - F. Wages for overtime work will be paid to employees on the payday for the pay period in which the time was worked.
  - G. Failure to work scheduled overtime or overtime worked without prior authorization from the Department Head may result in disciplinary actions, up to and including possible termination of employment. Employees will be compensated for the overtime precipitating the disciplinary procedure.
  - H. The nature of emergencies requires employees to be called to duty at any time during the nights, on weekends and on holidays. It is imperative to public safety that employees are available to work during emergencies. For these reasons, employees will be compensated at one and one half times their hourly rate when they are working on emergency call-outs, unless a holiday, then holiday pay will be paid accordingly. Employees accrue pay the moment they report to the work site. The work site is defined as the initial site to which the employee reports after called out. Emergency call-out compensation ends when normal working hours begin. If an employee is called out, a minimum of two (2) hours will be allowed within each 24-hour period.
  - I. Employees who are called into work on a scheduled vacation day shall be compensated at regular time and/or overtime, as applicable, but shall not receive vacation pay.

### **Section 19. Working Elsewhere While on Leave**

Any employee who shall perform work for any employer other than Daviess County while on Leave, other than vacation leave, may be disqualified from receiving further Leave, and disciplinary action may be sought in accordance with this policy and FMLA (if applicable). This provision shall also apply to employees who are self-employed and perform work in their private occupations.

## **Section 20. Pay Periods and Pay Days**

Employees shall be compensated every two weeks on Thursday. Checks are available in the Human Resource Manager's Office to Department Heads. Department Heads must obtain checks through the Human Resource Manager. Checks may be obtained after 9:00 a.m. on Thursday morning; however, special circumstances may determine otherwise.

The County Treasurer, with the County Judge/Executive's approval may designate another person to approve outgoing checks, including payroll.

If a payroll falls on a holiday, another day may be approved for payroll.

Automatic deposits are available to full-time employees through the Human Resource Manager's Office.

## **Section 21. Sick Leave Bank**

The Daviess County Fiscal Court has established a Sick Leave Bank by accepting days to be donated to an employee when conditions are met as defined by the County Judge/Executive. Participating in the Sick Leave Bank is voluntary, and those days donated by the employee shall be deducted from their accumulated sick leave and shall not be refunded. Upon separation in good standing, an employee may donate a maximum of 40 hours of their excessive accumulated sick leave to the sick bank.

A sick leave bank may provide eligible, voluntary participating employees who have exhausted all of their accumulated sick and vacation leave the means of obtaining additional sick leave days because of catastrophic incidents of illness defined as: (1) serious accidents; (2) serious illness; (3) extended hospitalization; (4) or other serious extenuating circumstances.

The process of requesting sick leave bank hours is as follows:

- (1) Employee shall request in writing to their department head sick leave hours from the sick bank.
- (2) Department Head shall submit request to the Judge/Executive for approval.
- (3) Judge/Executive shall notify department head and human resources department of final determination.

**PERSONNEL POLICIES**  
**CHAPTER 12**  
**ACCEPTANCE OF GIFTS AND GRATUITIES**

**Section 1. Policy**

An employee shall not accept gifts, gratuities, or loans from organizations, business concerns, or individuals with whom they have official relationships on business of the county. These limitations are not intended to prohibit the acceptance of articles of negligible value which are distributed generally, nor to prohibit employees from accepting social courtesies that promote good public relations, nor to prohibit employees from obtaining loans from regular lending institutions. It is particularly important that county employees guard against relationships which might be construed as evidence of favoritism, coercion, or unfair advantage of collusion.

Negligible value as stated herein is defined as \$50 or less in any calendar year.

Violations of this policy will result in disciplinary action as outlined in Chapter 8.

**PERSONNEL POLICIES**  
**CHAPTER 13**  
**PROFIT OF KNOWLEDGE BASED ON COUNTY EMPLOYMENT**

An employee shall not use the confidential knowledge gained while on official duty for the county for his/her own profit. An example of this would be a situation in which an employee by virtue of his/her position in the county gains knowledge of a development of a particular piece of property, buys that property and turns a profit in selling it. Violation of this policy will result in disciplinary action as outlined in Chapter 8.

**PERSONNEL POLICIES**  
**CHAPTER 14**  
**APPEAL AND GRIEVANCE PROCEDURE**

**Section 1. Policy**

The Daviess County Fiscal Court believes employee grievances should be settled as quickly as possible. Both managers and employees are expected to make every effort to resolve problems. However, it is recognized that there may be grievances which will be resolved only after appeal and review.

The purpose of this rule is to insure that all employees are afforded fair, equitable and expeditious review of their grievances without fear of recrimination, coercion or discrimination.

**Section 2. Grievance Procedure**

A grievance is a disagreement without resolve within the workplace. Employees and supervisors shall work together informally to resolve any grievance which arises. If the grievance cannot be resolved informally, it shall be settled in the following manner:

- A. The aggrieved employee must first discuss the issue with the immediate supervisor. If an agreement is not reached or if there is no immediate supervisor other than a Department Head, the employee should discuss the problem or complaint with the Department Head.
- B. If the employee is not satisfied with the decision of the Department Head, the employee should submit a written complaint or grievance to the Human Resource Manager within five (5) working days after becoming aware of the Department Head's decision.
- C. The Human Resource Manager shall write a decision within five (5) working days of receipt of the grievance. The decision shall include a fact outline and decision justification.
- D. If the employee is not satisfied with the decision of the Human Resource Manager, he/she may appeal the decision to the County Judge/Executive within five (5) working days from the date of receipt.
- E. If the employee is not satisfied with the decision of the County Judge/Executive, the employee may write an appeal including all pertinent information and prior decisions to the Fiscal Court within ten (10) days after the response of the Judge/Executive.
- F. Upon approval, the Fiscal Court shall conduct a hearing on all issues involved in the grievance. The Fiscal Court shall present a written decision to the employee, the immediate supervisor, if applicable, the Department Head, and the County Judge/Executive within five (5) working days from the hearing date. A member of the Fiscal Court other than the Judge/Executive shall be responsible for writing the decision.

- G. All parties to the grievance shall be given an opportunity to be present during the conclusive and final review by the Fiscal Court.



**PERSONNEL POLICIES  
CHAPTER 15  
OUTSIDE EMPLOYMENT**

**Section 1. Policy**

Outside employment is defined as any paid employment performed by an employee in addition to employment with the county. The following criteria applies to outside employment:

- A. Such employment shall not interfere with the efficient performance of the employee's duties
- B. Such employment shall not involve a conflict of interest
- C. Such employment shall not occur during the employee's regular or assigned working hours unless the employee is on vacation leave
- D. Any employee accepting outside employment under the terms of this rule shall make arrangements with the outside employer to be relieved from outside duties if called for emergency service by the county

**PERSONNEL POLICIES**  
**CHAPTER 16**  
**DRUG AND ALCOHOL POLICY**

**Section 1. Policy Statement**

It shall be the policy of the Daviess County Fiscal Court that its workplace shall be drug free in compliance with the Drug-Free Workplace Act of 1988 (PL 100-690, Title V, Subtitle D), including any future amendments. This publication provides details of this policy, a statement on dangers of drugs in the workplace, sources of information and assistance and is the basis of the Drug Free Workplace Certification form each employee is required to sign assuring compliance.

It is the policy of the Daviess County Fiscal Court that no employee shall engage in unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in the workplace of the Daviess County Fiscal Court. Controlled substances are those described in KRS 218A.020-KRS 218.140 or in regulations of the Cabinet for Human Resources, including any future additions or amendments.

The purpose of this policy is to avoid the dangers of drugs in the workplace as described further in this publication. Another purpose is to advise employees of available sources of counseling, rehabilitation and employee assistance.

Each employee is notified hereby that they shall notify the Personnel Director within five (5) days of any criminal drug statute conviction for a violation in the workplace. Within thirty (30) days, Daviess County Fiscal Court must take appropriate action.

Any employee violating the terms of this policy statement is subject to immediate dismissal.

Employees found to be abusing drugs but not convicted of any drug statute violation, will be subject to appropriate personnel action up to and including termination or be required to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes. The employer is not required to pay for this rehabilitation.

Drug abuse has many effects on the workplace including absenteeism, decreased productivity, increased health and accident claims, low morale, and employee turnover.

**Drugs with Potential for Abuse:**

The following are drugs which have the potential for abuse. This list, however, is not intended to be all-inclusive.

**Barbiturates** (Nembutal, Seconal, Ainytal, Tuinal, etc.)

These are central nervous system depressants that are highly mentally and physically addictive. They have a high potential for causing overdose reactions and severe and dangerous withdrawal complications.

**Minor Tranquilizers** (Librium, Valium, etc.)

These have an effect similar to barbiturates and alcohol but are less powerful in their effect and less likely to produce physical and psychological dependency; although, psychological dependency is still very common among users.

**Narcotics** (Opium, morphine, heroin, etc.)

These are drugs that act upon the central nervous system and parasympathetic nervous system to reduce pain, induce sleep and give a general calming effect. They are highly physically and psychologically addictive. Because of the haphazard manner in which they are manufactured and sold, frequently are used to excess.

**Stimulants** (Amphetamines, cocaine, etc.)

These are drugs that affect the central nervous system, causing increased alertness and activity and bringing on a feeling of confidence and well-being. They cause psychological dependency, but their ability to cause actual physical dependency is not clear. They can have negative psychological effects when overused.

**Hallucinogens** (LSD, mescaline, psilocybine, PCP, etc.)

These drugs act upon the central nervous system and produce changes in perception with accompanying excitement to the user. They are not likely to cause psychological or physical dependency. They are somewhat unreliable in their effect and may cause extreme anxiety reactions or panic states in some users.

**Marijuana**

The active ingredient in marijuana is THC, which is sometimes classified as a hallucinogen. The actual amount of this chemical in marijuana is quite low, however, and hallucinations are rare. It generally has an intoxicating effect and may heighten sensory perception, especially auditory perception. There are almost no observable physical effects due to marijuana use. It can produce a psychological dependence somewhat similar to caffeine and has no potential for physical dependence.

**Volatile substances** (Gasoline, paint thinner, lighter fluid, airplane glues, etc.)

These substances act on the central nervous system and produce an intoxicating effect. They can be extremely dangerous, causing either brain damage or death from overdose.

**Section 2. Drug & Alcohol Free Workplace Policy****1. POLICY - PURPOSE AND GOALS**

Realizing and accepting the legal, ethical and moral responsibilities associated with maintaining and running a county-wide government for all citizens of Daviess County, Kentucky; as well as running and maintaining a safe and healthful workplace for its employees; and understanding the potential for physical as well as monetary damage associated with the abuse of illicit substances, illegal drugs and alcohol to its employees, to the County as a place of employment and in turn, to the citizens of Daviess County, Kentucky as a whole; and with the intention to ensure that employees of the Daviess County Fiscal Court (the County) understand that compliance with the stipulations set forth in this policy are conditions of employment with the County; Daviess

County Fiscal Court is fully committed to doing its best to protect the safety, health and well being of all employees of the County, to the overall citizenry of Daviess County, Kentucky and to other individuals who make use of the County's facilities.

Likewise, it is the County's additional purpose(s) and intent to accomplish the following with the establishment of this policy:

- As a recipient of Federal Funds, to comply with the Drug Free Workplace Act of 1988 (PL100-690. Title V, Schedule D).
- To comply with Federal Department of Transportation regulations regarding employees holding Commercial Drivers Licenses (CDL).
- To reduce the number of accidents and injuries to employees, other persons and property.
- To reduce absenteeism and tardiness, and to increase the productivity of all employees of the Court.
- To help ensure the reputation of the Fiscal Court, of Daviess County, Kentucky as a whole and of the County's employees throughout the community.
- In line with the County's stated goals and objectives, to provide leadership in helping to stem the tide of the abuse of alcohol, illicit substances and illegal drugs throughout Daviess County and the Commonwealth of Kentucky as a whole.

It is with these stated goals in mind that the Daviess County Fiscal Court issues this policy, declaring itself a Drug and Alcohol Free Workplace and hereby issues these accompanying rules regarding drug and alcohol use in the workplace for Daviess County Fiscal Court.

*The unlawful manufacture, distribution, dispensation, possession, or use of alcohol or a controlled or illicit substance is prohibited in the workplace.*

## **2. DEFINITIONS**

Accident – an unexpected and undesirable event resulting in damage or harm. For the purposes of this policy, the resulting damage or harm may constitute an injury which requires off-site medical attention be given to a person or damage to a vehicle or other property.

Alcohol – means any intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol. This includes over-the-counter and prescribed medications which contain more than one-half (1/2) of one percent (1%) of alcohol by volume.

Alcohol Testing - the testing for alcohol content by an Evidential Breath-Testing Device (EBT) or other Department of Transportation (DOT) approved device. DOT approved devices and procedures will also be used for non-DOT alcohol tests.

Drug – means a controlled substance as defined in KRS 218A.010(6) and as established in 902 KAR Chapter 55, including:

1. Amphetamines
2. Cannabanoids (THC)

3. Cocaine
4. Opiates
5. Phencyclidine (PCP)
6. Benzodiazepines
7. Propoxyphene
8. Methaqualone
9. Methadone
10. Barbiturates
11. Synthetic Narcotics
12. Illicit Substances as defined in KRS 351.010
13. Volatile Substances as defined in KRS 217.900(1)

Drug or Alcohol Rehabilitation Program – means a service provider that provides confidential, timely, and expert identification, assessment, treatment and resolution of employee drug or alcohol abuse.

Drug Test – means a chemical, biological, or physical instrumental analysis administered by a qualified laboratory, for the purpose of determining the presence or absence of a drug or its metabolites or alcohol pursuant to standards, procedures, and protocols established by the U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA).

Employee Assistance Program (EAP) – means an established program providing:

1. Professional assessment of employee personal concerns.
2. Confidential and timely services to identify employee alcohol or drug abuse.
3. Referrals of employees with alcohol or drug abuse issues for appropriate diagnosis, treatment, and assistance.
4. Follow-up services for employees who participate in a drug or alcohol rehabilitation program and are recommended for monitoring after returning to work.

Illicit Substance – means those prescription drugs used illegally or in excess of therapeutic levels as well as illegal drugs.

Medical Review Officer (MRO) – means a licensed physician with knowledge of substance abuse disorders, laboratory testing, and chain of custody collection procedures, and who has the ability to verify positive, confirmed test results. The MRO shall possess the necessary medical training to interpret and evaluate a positive test result in relation to the person's medical history or any other relevant biomedical information.

Qualified Laboratory – means a laboratory certified in accordance with the National Laboratory Certification Program (NLCP) by the United States Department of Health and Human Services' Substance Abuse and Mental Health Services Administration (SAMHSA).

Reasonable Suspicion – as used in this policy, the term reasonable suspicion means, a belief that an employee is using or has used drugs or alcohol in violation of this policy, drawn from specific, objective and articulable facts and reasonable inferences drawn from those facts in light of experience, training, or education.

Refusal to Submit – means the failure to provide adequate breath for testing without a valid medical explanation after the employee has received notice of the requirement for breath testing; or, the failure to provide adequate urine for controlled substances testing without a valid medical explanation after the employee receives notice of the requirement of urine testing; and/or engaging in conduct that clearly obstructs the testing process.

Safety Sensitive Position(s) - those jobs which require the employee to exercise exceptional care and due diligence; may result in disastrous consequences if the employee has even a momentary lapse of attention, and involve areas of Public Safety to the County's citizenry and to all employees of the Daviess County Fiscal Court.

Substance Abuse Professional – A licensed or certified psychologist, social worker, employee assistance professional or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

Volatile Substance – means any glue, cement, paint or other substance as described in KRS 217.900(1).

### **3. APPLICABILITY**

This policy is intended to apply whenever anyone is representing or conducting business for the County and applies to all employees for whom the Fiscal Court pays Workers Compensation Insurance Premiums including all employees of all duly elected Officers of the County. This policy applies during all working hours, while on call or paid standby and while performing work on behalf of the County while on or off County property. The policy applies to all County employees with special provisions designated to those employees identified as holding Safety Sensitive positions. These positions are ones in which their performance requires an extra degree of care and diligence in the area of Safety to the community.

Those positions identified as Safety Sensitive include, but may not be limited to:

- Employees of the County Jailer
- Animal Control Officers
- Code Enforcement Officers
- Paramedics
- Emergency dispatchers & dispatch supervisors
- Firefighters
- Emergency Medical Technicians (EMT)
- Heavy equipment operators
- Personnel operating CDL regulated vehicles
- Mechanics who work on these regulated vehicles
- Personnel operating county vehicles and/or equipment on a regular basis

## **4. POLICY REQUIREMENTS**

### **4.1 Training**

The Daviess County Fiscal Court shall conduct substance abuse awareness training for all employees. This substance abuse awareness training shall consist of the following minimum requirements:

- Upon a conditional offer of employment with the County, each applicant shall be provided a copy of and will be asked to read the County's Drug & Alcohol-Free Workplace policy. All current employees will also be asked to read and sign the Certification of Acknowledgement – Drug & Alcohol-Free Workplace Policies and Procedures Form (Appendix A)
- Initial training shall consist of at least 1-hour for all employees.
- Annual refresher training shall be conducted for all employees in substance abuse awareness and shall consist of no less than thirty- (30) minutes.
- All alcohol and substance abuse awareness training shall include, at a minimum, information concerning:
  1. Alcohol and drug testing policy and procedures;
  2. The effects of alcohol and drug use on an individual's health, work and personal life;
  3. The disease of alcohol or drug addiction;
  4. Signs & symptoms of an alcohol and drug problem;
  5. The role of co-workers and supervisors in addressing alcohol or substance abuse; and
  6. Referrals to an employee assistance program.
- In addition to all of the above training, all supervisory personnel shall receive an additional thirty (30) minutes each year of alcohol and substance abuse education and awareness training. This additional supervisory training will be documented using, the Supervisory Training Certification Certificate. This additional supervisory training shall consist of at least, all of the following:
  1. Recognizing the signs of alcohol and substance abuse in the workplace.
  2. How to document signs of employee alcohol or substance abuse.
  3. How to refer employees to an employee assistance program or other alcohol and substance abuse treatment program; and
  4. Legal and practical aspects of reasonable suspicion testing for the presence of drugs and alcohol.

NOTE: The County's Drug & Alcohol-Free Workplace Program shall include controlled-access maintenance in the Human Resources Department, of business records including the names and position titles of all employees and supervisory personnel trained under the program as described above, and the names of all persons who presented alcohol and substance abuse awareness training, for review by the Office of Worker's Claims.

NOTE: Should any portion of this policy dealing with the actual administration of this policy be amended, employees shall be provided with copies of any administrative change or modification and given an opportunity to ask questions and obtain answers regarding any administrative change(s) in this policy. However, changes may not be made to the policy that would circumvent any requirements associated with 803 KAR 25:280.

#### 4.2 Drug and Alcohol Testing

The Fiscal Court currently utilizes Springs Urgent Care located at 2200 Parrish Avenue – Bldg. C, Owensboro, Kentucky as its laboratory of choice for the collection of urine samples in the case of testing for controlled substances, and for the administration of breathalyzer tests for alcohol concentration. Premier Integrity Solutions is the County’s third-party administrator of choice for the random selection category of testing. Employees are selected by Premier Integrity Solutions using a statistically valid method of selection of specific employee codes. This random testing will be reasonably spaced over a twelve (12) month period. Because of the random nature of the selection process, any employee may be tested more than once, or not at all. Once collected, all urine samples are forwarded for analyzation to MedTox Laboratories, St. Paul, Minnesota which is a laboratory approved by the National Laboratory Certification Program (NLCP) under the United States Department of Health and Mental Services Substance Abuse and Mental Health Services Administration (SAMHSA).

The County shall administer alcohol and drug tests in circumstances which include but may not be limited to the following:

- 4.2(a) Pre-Employment Testing – Breath alcohol and urine drug testing shall be required of all new hire applicants after their receipt of a conditional offer of employment. After receiving the conditional offer of employment, applicants will have 48-hours in which to submit to testing at a testing facility of the County’s choosing. The Daviess County Fiscal Court requires that every newly hired employee test free of controlled substances and have a breath alcohol concentration of not more than 0.02. Each offer of employment by the County shall be conditional upon the passing of controlled substance and alcohol tests.

Refusal by any applicant for employment with the County to take the controlled substance test will result in the conditional offer of employment being withdrawn. All testing under this policy will be in accordance with Testing Protocols described elsewhere in this policy.

- a) An applicant with a confirmed positive test for controlled substances and/or alcohol in a concentration of 0.02 or greater, which is not legitimately explained to and accepted by a Medical Review Officer of the County’s choosing, will not be considered for employment.
- b) Any applicant who fails a controlled substance test will not be considered for future employment with the County.



- c) Any applicant who refuses to take a controlled substance test will be disqualified from future consideration for employment.
- d) Any applicant who tampers with, or attempts to tamper with, a urine specimen in any manner will be disqualified from current and future consideration of employment with the County.
- e) An applicant whose positive test is confirmed and upheld by the Medical Review Officer (MRO) may request that the same sample be retested at his/her own expense at a County approved laboratory.

Individuals undergoing pre-employment testing shall not begin official employment with the County until after all test results are received and shown to be negative. Upon receipt of the test result, positive or negative, the Human Resources Manager or her/his designee shall inform the appropriate Department Head of the results.

4.2(b) Random Testing – Employees in a Safety Sensitive position will be required to participate in a statistically valid, unannounced random selection process, which will subject them to mandatory drug and/or alcohol testing. This category of testing will conduct random tests for alcohol at a rate of no more than ten percent (10%) for non-federally regulated Safety Sensitive positions. Employees holding positions in which a Commercial Drivers License (CDL) is required, must also be tested at a minimum rate of ten per cent (10%) for alcohol annually to satisfy Department of Transportation (DOT) requirements. In the case of random testing for drug use, employees holding non-federally regulated Safety Sensitive positions will be tested at a rate of no more than twenty percent (20%). Employees holding positions in which a CDL is required, must be tested for drugs at a rate fifty percent (50%) annually to satisfy DOT requirements. All employees in federally regulated Sensitive positions shall be selected from a pool that is separate from the random selection pool for other non-federally regulated Safety Sensitive positions. The Human Resources Manager shall utilize a third party to conduct the random selection of Safety Sensitive employees, including employees holding a CDL, to be tested. This random testing shall be unannounced and will take place throughout each calendar year. Safety Sensitive employees are selected by a third party administrator using a statistically valid, random method of selection using specific employee codes. Because of the random nature of this testing process, Safety Sensitive employees may be selected for testing more than once or not at all. Once an employee is notified that he/she has been selected for testing, the employee must proceed immediately to the testing site of the County's choosing.

NOTE: Employees in non-Safety Sensitive positions will not be included in the random selection pool. However, non-Safety Sensitive employees may be subject to testing for other reasons. Procedures and protocols for "Reasonable Suspicion", "Post Accident", "Return-to-Duty" and "Follow-up" testing are described elsewhere in this policy will apply in their case.

4.2(c) Reasonable Suspicion Testing – A reasonable suspicion test shall be based on a belief that an employee is using or has used drugs or alcohol in violation of this policy, drawn from specific objective facts and reasonable inferences drawn from those facts in light of experience, training or education. The reasonable suspicion testing shall be based upon:

- a) While at work, direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol;
- b) While at work, abnormal conduct, erratic behavior, or a significant deterioration in work performance;
- c) A report of drug or alcohol use provided by a reliable and credible source;
- d) Evidence that an individual has tampered with a drug or alcohol test during employment with the County;
- e) Information that an employee has caused, contributed to, or been involved in an accident while at work;
- f) Evidence that an employee has used, possessed, sold, solicited, or transferred illegal or illicit drugs or used alcohol while on the County's premises or while operating the County's vehicle, machinery or equipment.

The Human Resources Manager or her/his designee shall be notified immediately of any indication of reasonable suspicion. Both the observing department supervisor and the Human Resources Manager or her/his representative will review the policies and procedures herein and if necessary make arrangements with a testing facility of the County's choosing to conduct reasonable suspicion drug and/or alcohol testing as soon as possible. If a representative from the Office of Human Resources Manager is not available the supervisor shall obtain the assistance of another County supervisor or other credible and reliable source and together they shall complete the Reasonable Suspicion Form, and forward it to the Human Resources Manager. If after completing the form, it is determined that there is in fact, reasonable suspicion that the employee is under the influence of drugs and/or alcohol, the observing supervisor or his/her designee will notify the employee and accompany him/her to the testing site.

When a reasonable suspicion test is ordered, the employee must submit to testing within 45 minutes of being notified that he/she will be tested. The observing supervisor and/or designee shall remain at the testing site with the employee being tested, until the collection process is completed. Any employee who is tested for reasonable suspicion shall be placed on leave with pay until the results of the test are known. After submitting to the drug/alcohol test, the employee may not return to work until the results of the test are known and only then if the

results are negative. Only the Human Resources Manager or her/his authorized designee may order a reasonable suspicion test.

4.2(d) Post Accident Testing – Drug and alcohol testing will be conducted following an employee’s involvement in an accident on or off the County’s premises while on duty, or in the course of employment for the County, which requires off-site medical attention be administered to a person.

An accident not necessarily requiring that off site medical attention be given to a person but which results in property damage of five hundred dollars (\$500.00) or more may be deemed a “qualifying event” for requiring post-accident testing. Drug and alcohol testing may be required of the employee(s) who were actively involved in the “qualifying event”. The determination of the necessity of post-accident testing when off-site medical attention is not administered to a person shall be made solely at the discretion of the Human Resources Manager or her/his designee.

*Qualifying Event Exception:* Due to varying types of accident cause, all accidents categorized as a “qualifying event” may not require post-accident testing. Exceptions to the “qualifying event” for requiring post-accident drug and alcohol testing will include, but may not be limited to the following types of accidents:

1. Injuries whose onset is cumulative or gradual – such as carpel tunnel syndrome, progressive hearing loss, mental disorders, dermatitis, respiratory diseases, skin disorders, etc.
2. Injuries where the employee can be completely discounted as the contributing factor (i.e. injuries caused by a third party or some other uncontrollable force or event such as weather, insects, toxic plants, etc.)
3. Injuries where the employee can be completely discounted as the major contributing factor or those injuries occurring during physical fitness or a training event in which the employee did everything within reason to avoid the injury, accident, i.e. was performing training as instructed.

In each case, the Human Resources Manager or her/his designee shall determine the necessity of drug and alcohol testing and shall communicate such testing with the involved employee and the employee’s respective department head. The Human Resources Manager or her/his designee shall coordinate all required tests with the appropriate medical facilities.

An employee involved in an accident while on an out-of-town assignment, shall notify their Department Director or the Director’s designee as soon as possible but no later than two (2) hours after the accident occurred. The Department Director shall notify the Human Resources Manager or her/his designee to discuss possible drug/alcohol testing requirements.

Other Qualifying Event: The Department Director or his/her designee may request controlled substance/alcohol testing when an employee caused or cannot be completely discounted from causing a vehicular or any other type of accident in which a safety violation occurs and death, serious bodily injury or major property damage did result or could have resulted. The Human Resources Manager or her/his authorized designee along with the employee's supervisor, will be responsible for determining whether a safety violation has occurred. In each case, the Human Resources Manager or her/his designee shall determine the necessity of drug and alcohol testing and shall communicate such testing with the involved employee and the employee's department head. If a post accident controlled substance/alcohol test is required, a confirmed positive test result will result in the employee's immediate termination.

- 4.2(e) Return-To Duty Testing – In all cases, it shall be at the discretion of the Daviess County Judge/Executive, subject to all applicable laws and regulations, as to whether to allow an employee who has violated any provision of this policy to continue in the County's employment. In view of the fact that the use of illegal drugs is a violation of established law, employees who test positive for drugs without a valid medical or bio-medical reason as verified by a Medical Review Officer of the County's choosing, may be immediately terminated.

In the event that an employee who has tested positive for alcohol without a valid medical reason for a positive test, as confirmed by a Medical Review officer of the County's choosing, is allowed to enter a controlled substance/alcohol abuse rehabilitation program, the employee may be allowed to return to work only under the following circumstances:

- a) The employee may resume regular duties only after the employee tests negative in an alcohol and/or controlled substance test administered by the County-approved laboratory and can provide a release to return to work from an appropriate substance abuse treatment facility or confirmation of continued and on-going participation in a County recognized substance abuse assistance program. An employee must test negative within a reasonable period of time from receipt of the initial test results not to exceed forty-five (45) days. Any repeat occurrence of substance abuse or violation of any other aspect of the County's Drug Free Workplace Policy will result in immediate termination.
- b) Prior to returning to work, the employee shall be required to meet with the Human Resources Manager or her/his authorized designee to receive an explanation of the terms of continued employment; and to sign a written Return-to-Work Agreement, detailing the terms under which the employee will be allowed to return to work.
- c) Such agreement shall stipulate that the employee, at the County's request, may be required at any time, to submit to interviews and/or evaluation by the professional staff at an appropriate chemical dependency treatment facility approved by the County's Employee Assistance Program (EAP). The return-to-work agreement will also stipulate that the employee be required to submit to unannounced

controlled substance and/or alcohol testing for up to twelve (12) months after resuming duties.

4.2(f) Follow-up Testing – Any employee returning to work from successful completion of an Employee Assistance Program (EAP) treatment program for alcohol-related problems, or an alcohol rehabilitation program, shall be required to undergo one (1) year of quarterly drug and alcohol testing. The frequency of the follow-up testing shall consider recommendations of any involved Substance Abuse Professional (SAP) but shall be not less than once per quarter (every three months) for at least one (1) year. All follow-up testing may be requested at any time and shall be unannounced.

#### 4.3 Testing Protocol

The collection of samples and administration of drug and alcohol tests shall follow all standards, procedures and protocols set forth by the U.S. Department of Health and Human Services Substance Abuse and Mental Health Administration (SAMHSA). Test results will be obtained by a qualified laboratory as defined elsewhere in this policy and results shall undergo a medical review as follows:

- 1) All test results shall be submitted for medical review by a Medical Review Officer (MRO) of the County's choosing, who shall consider the medical history of the employee or applicant, as well as relevant biomedical information.
- 2) If there is a positive test result, the employee or applicant will be given an opportunity to report to the MRO the use of any prescription or over-the-counter medication.
- 3) If the MRO determines that there is a legitimate medical explanation for a positive test result, the MRO may certify that the test results do not indicate the unauthorized use of alcohol or a controlled substance.
- 4) If the MRO determines, after appropriate review, that there is not a medical explanation for the positive test result other than the unauthorized use of alcohol or a prohibited drug, the MRO shall refer the individual tested to the Human Resources Manager or her/his authorized representative for further proceedings in accordance with the County's Drug Free Workplace Policy.

*Note: MRO determinations concerning the use of alcohol or a controlled or illicit substance shall comply with all procedures outlined in the U. S. Department of Health and Human Services (SAMHSA) "Medical Review Officer Manual for Federal Drug Testing Programs."*

#### 4.4 Testing Process

Any employee who has been ordered to undergo testing for drugs and/or alcohol shall receive an Alcohol and/or Drug Testing Notification Form.

Employees shall report to the collection site of the County's choosing immediately after being provided the notification to test. In the case of reasonable suspicion testing, a supervisor or designee shall escort the employee to the collection site. Drug testing will be conducted by urine sample while alcohol testing will be performed using a breath alcohol testing/screening device. Drug and alcohol analysis will be performed by a trained technician. All testing shall follow the

prescribed standards, procedures and protocols set forth by the U.S. Department of Health and Human Services' Substance Abuse and Mental Health Administration (SAMHSA).

To ensure that the test specimen is actually that of the donor, collection site staff will require positive identification of the test subject.

#### Alcohol

The County shall require all tests for alcohol to be performed by a Certified Breath Alcohol Technician (BAT).

#### Drugs

An eleven (11) panel urine test will be conducted and shall include analysis for the following substances:

- 1) Amphetamines;
- 2) Cannabinoids/THC;
- 3) Cocaine;
- 4) Opiates;
- 5) Phencyclidine (PCP)
- 6) Benzodiazepines;
- 7) Propoxyphene;
- 8) Methaqualone;
- 9) Methadone;
- 10) Barbiturates;
- 11) Synthetic Narcotics

### **5. PROHIBITED ACTIVITY**

Prohibited activities involving the use of alcohol or controlled substances are listed in the following paragraphs.

*The Daviess County Fiscal Court reserves the right to define and interpret prohibited activities that specifically include, but may not be limited to:*

#### 5.1 Alcohol

Prohibited conduct involving the use of alcohol includes the following:

- The performance of or being immediately available to perform work duties while having an alcohol concentration greater than 0.02.
- The consumption of alcohol or products containing alcohol during the performance of or being immediately available to perform work responsibilities.
- The performance of, or being immediately available to perform those responsibilities designated as Safety Sensitive, within four hours after using alcohol.
- The transportation of alcoholic beverages within County owned vehicles or equipment is strictly prohibited.

- The use of alcohol for eight hours immediately following an accident requiring a post-accident alcohol test or until a post-accident test is administered, whichever occurs first.
- Refusal (which is defined elsewhere in this policy), to submit or cooperate with any of the required testing types.
- The operation of a County-owned vehicle following consumption of alcoholic beverages shall be considered a violation of this policy and shall result in disciplinary action up to and including termination of employment.
- Alcoholic beverages in open or closed containers are strictly prohibited in County-owned vehicles and equipment.

*NOTE: Employees attending training programs and/or conferences related to their employment with the County may participate in social functions associated with the program or conference. If alcoholic beverages are present at the social function and the employee chooses to engage in consumption of said beverage(s), they shall do so at their own discretion. Employees who choose to engage in the consumption of alcoholic beverages as part of a work related social function shall do so in a responsible manner, maintaining a conduct that would not reflect adversely upon the County. Any unbecoming conduct by an employee who has chosen to consume alcohol at such conference or training program that has an adverse effect upon the County will be subject to disciplinary action which may include termination of employment.*

*Note: Alcohol includes any intoxicating agent in beverage alcohol, methyl, and isopropyl alcohol whether used for medicinal purposes or not. Many over-the-counter and prescription medications contain high percentages of alcohol.*

*Note: Employees are hereby notified that they shall inform the Human Resources Manager or her/his authorized designee, of any drug or alcohol related criminal charge or conviction within five (5) days of said charge or conviction. The County Judge/Executive shall take appropriate action within thirty (30) days.*

## 5.2 Drugs or Controlled Substances

Prohibited conduct involving the use of drugs or controlled substances includes, but may not be limited to:

- The illegal or unauthorized use of prescription drugs is strictly prohibited. It is a violation of the County's Drug Free Workplace Policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action which may include termination of employment will be taken if job performance deterioration and/or other accidents occur as the result of the intentional misuse and/or abuse of prescription medication. All doctors' statements and related medical information shall be confidential and maintained in a separate medical file in the Human Resources Department.

- Testing positive for any of the prohibited substances during the performance of or upon being immediately available to perform work responsibilities.
- Refusal (as defined elsewhere in this policy) to cooperate with any of the requested testing types.
- Tampering with or attempting to alter, or actual altering of a test specimen is strictly prohibited and is grounds for immediate termination from employment with the Daviess County Fiscal Court.

### 5.3 Volatile Substances

The intentional misuse, manufacture, sale, distribution, dispensation, or possession of a volatile substance as defined in KRS 217.900 which includes any glue, cement, paint or other substance containing a solvent or chemical having the property of releasing toxic vapors or fumes which when intentionally inhaled may cause a condition of intoxication, inebriation, stupefaction, dulling of the brain or nervous system, or distortion or disturbance of auditory, visual, or mental processes while at work, while on County property, or while conducting County business while off County property, is strictly prohibited and is considered cause for immediate discipline, which may include termination. Such misuse shall also be reported to law enforcement officials.

## 6. SEARCHES

When reasonable cause exists, the County reserves the right to conduct unannounced searches for controlled substances or alcohol anywhere on County property, including but not necessarily limited to:

- Lockers
- Desks
- File Cabinets
- County Vehicles and Equipment
- Stationary Container

*All searches must be authorized and conducted under the direction of the Daviess County Sheriff's Office.* Searches will be limited to a search that would be sufficient to locate the item(s) being sought.

Employees who refuse to cooperate during such unannounced searches of County property shall be subject to disciplinary action, which may include termination.

## 7. CONSEQUENCES OF ENGAGING IN PROHIBITED CONDUCT - ALCOHOL

The first time an employee, as a result of a random, reasonable suspicion, follow-up or post-accident test is found to have an alcohol concentration above 0.02, disciplinary action up to and including termination will be administered, depending upon the circumstances, including the employee's willingness to voluntarily resolve any medical or psychological condition relating to the employee's conduct and to seek evaluation, counseling and possible treatment or rehabilitation for alcohol related abuse.

Any second offense, in which the employee's test for alcohol indicates a concentration above 0.02, is considered grounds for immediate termination.



## **8. CONSEQUENCES OF ENGAGING IN PROHIBITED CONDUCT – DRUGS**

In view of the fact that the use of illicit substances is illegal, any employee who engages in prohibited conduct for drugs or controlled substances and whose random, reasonable suspicion, post-accident, or follow-up test result indicates a non-medical, or biomedical explanation for the positive result as confirmed by the MRO, may be immediately terminated.

## **9. CONSEQUENCES OF ENGAGING IN PROHIBITED CONDUCT – VOLATILE SUBSTANCES**

Any employee who engages in prohibited conduct for volatile substances as described elsewhere in this policy may be subject to immediate termination.

## **10. CONSEQUENCES OF REFUSAL TO SUBMIT TO AN ALCOHOL OR CONTROLLED SUBSTANCE TEST**

An employee is considered to have refused to submit to testing when he or she:

- Fails to appear for any test within a reasonable time.
- Engages in conduct that clearly obstructs the testing process.
- Fails to provide a urine specimen for drug testing or a breath specimen for alcohol
- Fails to provide enough urine for drug testing or an adequate amount of breath for alcohol testing and there is no medical explanation for the failure to produce.
- In the case of directly observed or monitored drug test collection, the employee submitting the specimen fails to permit the observation or monitoring of his or her provision of the specimen.
- Fails to or declines to take a second drug test when directed by an employer or collector.
- Fails to undergo a medical examination or evaluation as directed by the MRO as part of the verification process.
- Fails to cooperate with any part of the testing process.

Failure to submit to an alcohol or controlled substance test as described above will result in immediate termination.

A judgment of “refusal to submit” will not apply to pre-employment testing, unless the applicant has begun the testing process and leaves or engages in conduct that clearly obstructs the testing process.

## **11. OFF DUTY ALCOHOL, DRUG USE AND/OR VOLATILE SUBSTANCE INTENTIONAL MISUSE AND CALL BACK**

*In no way, is it the County's intent to interfere in the private lives of its employees.* However, all employees should be aware that an employee's off-duty use of alcohol, illegal use of controlled substances, intentional misuse of prescription drugs or intentional misuse of volatile substances as described in this policy which result in excessive absenteeism, tardiness, or poor work performance will be subject to discipline, up to and including termination of employment. In the case of alcohol abuse, such employees may be subject to counseling or treatment through the County's Employee Assistance Program.

The drug, alcohol, intentional misuse of prescription drugs and the intentional misuse of volatile substance prohibitions apply to employees who are on call for any special operation exhibiting a likelihood of requiring an employee to report to work (i.e. snow and ice removal). An employee

who is called back to work to perform duties involving a higher level of ability and concentration regarding safety must report any:

- Off duty use of alcohol in the prior four hours
- Medically prescribed use of a controlled substance

An employee who is aware of a possible callback situation that may be reasonably expected, who engages in the off-duty use of alcohol will be subject to disciplinary action up to and including termination of employment. The illegal use of controlled substances or the intentional misuse of volatile substances will result in immediate termination if an employee was made aware of a possible call back situation.

## **12. EMPLOYEE ASSISTANCE PROGRAM**

Alcoholism and controlled substance addiction are recognized as diseases responsive to proper treatment. The Daviess County Fiscal Court provides a level of care through its Employee Assistance Program (EAP) provided by Owensboro Medical Health Systems. Any employee wishing to voluntarily seek assistance with drug/alcohol problems, may contact the EAP at:

1-270-688-4811

All employees of the County are strongly encouraged to voluntarily contact the Employee Assistance Program if they believe they might have a problem with drug or alcohol abuse.

Other resources for information:

1 800 356-9996 .....	A1 – Alanon
1 800 527-5344 .....	American Council on Alcoholism
1 800 662-4347 .....	Center for Substance Abuse Treatment
1 800 967-5752 .....	Drug Free Workplace Helpline

If an employee covered by this policy has been identified by a Substance Abuse Professional (SAP) as needing assistance in resolving problems associated with alcohol or controlled substances, the employee will be subject to follow-up testing as prescribed elsewhere in this policy. The SAP shall be either a licensed physician, certified psychologist, social worker, employee assistance professional or addiction counselor.

Employees who voluntarily report a substance abuse problem prior to being required to take a controlled substance or alcohol test as defined in this policy, may not be subject to immediate termination as described elsewhere in this policy if they have voluntarily and conscientiously sought substance abuse assistance and have agreed to a treatment plan. However, if such an employee is allowed to stay on the payroll, he/she must understand that if the problem is not corrected and satisfactory job performance is not maintained, he/she will be subject to disciplinary action up to and including termination of employment. Failure to seek such assistance, or failure to abide by the terms of the treatment plan, shall be grounds for termination. Upon voluntarily reporting a substance abuse problem, the employee will be required to sign a Substance Abuse Treatment Plan Form that will further define conditions of continued employment.

The Owensboro Medical Health System Employee Assistance Program provides services to employees of the Daviess County Fiscal Court regardless of race, color, religion, national origin, disability, sex or age.

### **13. RECORDS RETENTION, RELEASE AND CONFIDENTIALITY**

The County shall maintain records of activities related to these Drug Free Workplace policies and procedures. All employee records regarding drug or alcohol testing are considered confidential and will be kept under controlled access, separate and apart from the employees standard personnel file. Employee records may not be released except upon written request or release by the employee, the release is ordered by a court or tribunal of competent jurisdiction or the release is to be used in a proceeding related to a benefit sought by the employee, such as worker's compensation or unemployment insurance.

The County shall maintain records and documents of all alcohol and drug test results, schedules for follow-up tests and records relating to evaluation and referrals. These records shall be maintained for a period of at least five (5) years. The Human Resources Manager or her/his authorized designee shall provide test result information or other pertinent information relating to an applicant or existing employee alcohol or controlled substance tests upon the applicant or existing employee's written request, and shall do so within five (5) working days of being notified of the applicant or employee's request.

### **14. COUNTY FINANCIAL ASSISTANCE**

The County will pay for all conducted tests as described in this policy except for a second controlled substance test (if requested by the employee) when that test confirms the initial test to be positive. Employees may utilize all service benefits available through the County's Employee Assistance Program (EAP) as described elsewhere in this policy. However, any other services that may be required by a Substance Abuse Professional which are not covered through the EAP will be at the expense of the employee being treated.

### **15. DRUG FREE WORKPLACE POLICY ADMINISTRATION AND ENFORCEMENT**

It shall be the responsibility of the Daviess County Human Resources Manager or her/his authorized designee to administer and enforce this policy. This policy and its programs are not to be interpreted or modified by any other County supervisor or director.

### **16. RESPONSIBILITY**

While it is ultimately the County's legal, ethical and moral responsibility to create and maintain a safe and healthful workplace for its employees, for others who make use of the County's facilities, and for the general citizenry of Daviess County, Kentucky who may have business with the County; it is also true that safety is everyone's responsibility. Accordingly, every employee has an obligation to report violations of this policy to their immediate Supervisors, Department Directors or to the County Judge-Executive or his/her authorized designee in order to maintain a safe and healthful work environment for themselves, for their fellow employees and for the Public-at-Large. All Supervisors and Department Directors are responsible for the drug and alcohol-free operation of their respective Departments.

*NOTE: The Daviess County Fiscal Court may change, modify, amend or rescind any part of this policy at any time that deals directly with the actual administration of the policy itself. However, changes may not be to the policy that would circumvent any requirements associated with 803 KAR 25:28.*

**PERSONNEL POLICIES**  
**CHAPTER 17**  
**INSURANCE**

The Fiscal Court has a health insurance program available to all regular, full-time employees. The premium may vary on an annual basis; therefore, the employee contribution will also vary. The employee's coverage will begin on their first date of full-time employment.

Upon termination, employees have the option of continuing health insurance through the Consolidated Omnibus Budget Reconciliation Act of 1985 by paying the insurance premium in full to the Human Resource Manager's Office. If an employee resigns, he/she may continue COBRA for up to 18 months. If he/she is terminated for insubordination, no COBRA coverage is available.

**PERSONNEL POLICIES  
CHAPTER 18  
RETIREMENT PLAN**

**Section 1. General Information**

All regular employees who work an average of over 100 hours per month throughout the year are eligible to participate in the County Employee Retirement System (CERS). The Daviess County Fiscal Court and the employees contribute in accordance with plan schedules which are periodically modified by the Kentucky General Assembly. Employees are vested members in the CERS after five (5) years of service. For information regarding retirement, employees may contact the Human Resource Manager (685-8424) or the Kentucky Retirement Systems (1-800-928-4646).

**Section 2. Sick Benefits at Retirement**

The Daviess County Fiscal Court adopted the Kentucky County Employee Retirement System's Standard Unused Sick Leave Program, KRS 78.616 (1)(2)(3)(4) on November 11, 1998. This program entitles employees who are eligible for retirement or whose position has been eliminated to use their accrued sick time as a service credit for retirement purposes. The employee may receive no more than six (6) months service credit towards retirement. This policy is not offered to employees who are terminated for disciplinary reasons or employees who are not eligible to retire.

An employee can receive credit for the entire month of service if he/she has accumulated at least eleven (11) days or more of sick leave. An accumulation of ten (10) sick days or fewer will be rounded downward and may not be used for service credit. The following conversion table, as approved by the CERS, will be used to determine the number of days/months which an employee may be credited.

<u>Number of Sick Days</u>	<u>Months Service Credit</u>
11-21	1
32-42	2
53-63	3
74-84	4
95-105	5
116-126	6

At the time an employee retires, the Human Resource Manager shall certify the number of sick days which the employee has accumulated as per records currently maintained by the Human Resource Manager. The Fiscal Court shall pay the cost for participation.

**PERSONNEL POLICIES**  
**CHAPTER 19**  
**EMPLOYEE ASSISTANCE PROGRAM**

This program allows full time employees and their families to receive free counseling sessions, as defined in the contract, for many types of concerns. Counseling programs include, but are not limited to, stress management and various personal issues.

For further information, please contact the Human Resource Manager.

**PERSONNEL POLICIES**  
**CHAPTER 20**  
**EDUCATIONAL ASSISTANCE PROGRAM**

**Section 1. Purpose**

Daviess County recognizes 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.

**Section 2. Eligibility**

Daviess County will provide educational assistance to all regular full time employees. To maintain eligibility, employees must remain on the active payroll and be performing their job satisfactorily through completion of each course.

**Section 3. Utilization of Benefit**

To be considered for approval by the Department Head and County/Judge Executive, the course must be provided by an accredited technical school, 2 or 4 year college, or university and the course must be work related.

Daviess County Fiscal Court will reimburse 70% of the tuition cost up to \$1,500 per calendar year, per employee upon successful completion of the course(s).

Cost of books, 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 Department Head for approval. The Department Head, after assuring availability of budgeted funds, shall obtain the Judge/Executive's authorization and then submit to Human Resource Department. Within 60 days of 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. Employees will not be reimbursed retroactively for courses from previous semesters. For further information, contact the Human Resource Department.

**Section 4. Employee Reimbursement**

Daviess County Fiscal Court invests in educational assistance to employees with the expectation that the investment be returned through enhanced job performance. However, if an employee voluntarily separates from the County employment within one year of any educational assistance payment, the amount of the tuition payment will be considered a loan. Accordingly, the employee will be required to repay up to 100% of the original educational assistance payment.

Upon enrolling for this benefit, an employee will be required to sign a contract giving the County the right to payroll deduct such cost, if possible, in accordance with wage and hour laws.

### **Section 5. Certification Reimbursement**

- A. The County will reimburse annual registration or licensing fees required to maintain state, regulatory certification such as the certified public accountant, professional engineer, etc. With their supervisors approval, employees are allowed paid time off to sit for professional certificate and/or licensing examinations. Any time taken in excess of the allowed time shall be reported as vacation.
  
- B. The County will reimburse the Commercial Drivers license (CDL) portion if required as a condition of the employee's position. Employees requiring a CDL must obtain their medical certification at the medical facility designated by the County. The County will reimburse the required periodic medical certification fee if required as a condition of the employee's position. Employees are allowed paid time off to obtain their CDL and medical certification. (Effective 10/2/2012)



**PERSONNEL POLICIES**  
**CHAPTER 21**  
**EXERCISE AND PHYSICAL FITNESS CENTER MEMBERSHIP**

To promote wellness and assist employees in maintaining a healthy lifestyle, the County will reimburse the employee for a regular single membership at an approved local fitness center or reimburse the employee the sum of \$40 per month towards said membership, whichever amount is less. The County will not pay for additional costs, such as initiation fees, fitness center privileges, lockers, etc.

Employees can sign up for this benefit during annual benefit enrollment, which will be effective January the following year, or employees may sign up in June, which will be effective July 1st. This benefit will not be pro-rated for periods of less than a month. Employees who drop their membership will not be allowed to enroll again until the next enrollment period.

All employees who take advantage of the fitness center membership are required to attend the fitness center eight (8) times per month. The County must receive confirmation that the employee attended 8 times/month. Absent a reasonable excuse, the employees' membership dues may not be reimbursed if the employee fails to attend the fitness center eight (8) times/month. If special circumstances arise during a given month, the employee may request a waiver of the eight (8) times/month minimum requirement and still be reimbursed.

After an employee attends an approved local fitness center eight (8) times per month for six consecutive months, the employee may request reimbursement of 50% of any initiation or joining fee.

**PERSONNEL POLICIES  
CHAPTER 22  
SAFETY REGULATIONS**

**Section 1. Introduction and Scope**

Daviess County Fiscal Court recognizes that our people are an integral part of County Government and its operation. As the most critical resource, employees will be safeguarded through training, provision of appropriate work surroundings, and procedures that foster protection of health and safety. All work conducted by Daviess County Fiscal Court's employees will take into account the intent of this policy. No duty, no matter what its perceived result, will be deemed more important than employee health and safety.

Daviess County Fiscal Court is firmly committed to the safety of our employees. We will work diligently to prevent workplace accidents, and we are committed to providing a safe working environment for all employees.

We value our employees as human beings, critical to the success of their family, the local community, and Daviess County Fiscal Court.

Employees are encouraged to report any unsafe work practices or safety hazards encountered on the job. All accidents/incidents (no matter how slight) are to be immediately reported to the supervisor on duty.

A key factor in implementing this policy will be the strict compliance to all applicable federal, state, local, and company policies and procedures. Failure to comply with these policies may result in disciplinary actions.

Respecting this, Daviess County Fiscal Court will make every reasonable effort to provide a safe and healthful workplace that is free from any recognized or known potential hazards. Additionally, Daviess County Fiscal Court subscribes to these principles:

- A. All accidents are preventable through implementation of effective Safety and Health Control policies and programs.
- B. Safety and Health controls are a major part of our work every day.
- C. Accident prevention is good business. It minimizes human suffering, promotes better working conditions for everyone, holds Daviess County Fiscal Court in higher regard with customers, and increases productivity. This is why Daviess County Fiscal Court will comply with all safety and health regulations which apply to the course and scope of operations.
- D. Management is responsible for providing the safest possible workplace for employees. Consequently, management of Daviess County Fiscal Court is committed to allocating and providing all of the resources needed to promote and effectively implement this safety policy.

- E. Employees are responsible for following safe work practices and company rules, and for preventing accidents and injuries. Management will establish lines of communication to solicit and receive comments, information, suggestions and assistance from employees where safety and health are concerned.
- F. Management and supervisors of Daviess County Fiscal Court will set an exemplary example with good attitudes and strong commitment to safety and health in the workplace. Toward this end, Management must monitor company safety and health performance, working environment and conditions to ensure that program objectives are achieved.
- G. Our safety program applies to all employees and persons affected or associated in any way by the scope of this business. Everyone's goal must be to constantly improve safety awareness and to prevent accidents and injuries.

Everyone at Daviess County Fiscal Court must be involved and committed to safety. This must be a team effort. Together, we can prevent accidents and injuries. Together, we can keep each other safe and healthy in the work that provides our livelihood.

### **Section 2. Employee Safety Responsibilities**

The primary responsibility of the employees of Daviess County Fiscal Court is to perform his or her duties in a safe manner in order to prevent injury to themselves and others.

As a condition of employment, employees **MUST** become familiar with, observe, and obey Daviess County Fiscal Court's rules and established policies for health, safety, and preventing injuries while at work. Additionally, employees **MUST** learn the approved safe practices and procedures that apply to their work.

Before beginning special work or new assignments, an employee should review applicable and appropriate safety rules.

If an employee has any questions about how a task should be done safely, he or she is under instruction *NOT* to begin the task until he or she discusses the situation with his or her supervisor. Together, they will determine the safe way to do the job.

If, after discussing a safety situation with his or her supervisor, an employee still has questions or concerns, he or she is required to contact the Safety Coordinator in the Human Resources Department.

***NO EMPLOYEE IS EVER REQUIRED*** to perform work that he or she believes is unsafe or that he or she thinks is likely to cause injury or a health risk to themselves or others.

### **Section 3. Employee Safety Rules**

- A. Conduct: Horseplay, 'practical jokes,' etc. is forbidden. Employees are required to work in an injury free manner displaying accepted levels of behavior. Conduct which places the employee or others at risk, or which threatens or intimidates others is forbidden.

- B. Drugs and Alcohol: Use and/or possession of illegal drugs or alcohol on company property or on company time are forbidden. Reporting for work while under the influence of illegal drugs or alcohol is forbidden.
- C. Housekeeping: The following areas must remain clear of obstructions:
  - 1. Aisles/exits
  - 2. Fire extinguishers and emergency equipment
  - 3. All electrical breakers, controls, and switches
  - 4. Eye wash/safety showers

You are responsible to keep your work area clean and safe. Clean-up several times throughout the day disposing of trash and waste in approved containers, wiping up any drips/spills immediately, and putting equipment and tools away as you are finished with them.

- D. Injury Reporting: All work related injuries must be reported to your supervisor immediately. Failure to immediately report injuries can result in loss of Worker's Compensation benefits. After all medical appointments resulting from a work related injury, you must contact your supervisor to discuss your progress. You must also give your supervisor any paperwork that you received at the appointment.

Daviess County Fiscal Court provides Transitional Return to Work (light duty) jobs for persons injured at work. Transitional work is meant to allow the injured employee to heal under a doctor's care while she/he remains productive. Employees are required to return to work immediately upon release.

- E. Personal Protective Equipment (PPE): Inspect PPE prior to each use. Do not use damaged PPE. You are required to maintain and keep PPE clean.
  - 1. Safety Glasses - must be worn at all times in designated areas in this facility.
  - 2. Hard Hats - must be worn at all times in designated areas.
  - 3. Gloves - work gloves must be worn at all times when handling sharp or rough stock, welding, or performing other jobs, which could cause hand injuries. Synthetic gloves must be worn when handling chemicals.
  - 4. Welding - appropriate filter lens, welding helmet, gloves, and sleeves are required for welders at all times.
  - 5. Respirators - only employees trained and authorized to use respirators are allowed to do so.
  - 6. Hearing Protection - is required in areas where noise exposure is more than 90dBA. (85dBA if you already have experienced a hearing loss).

F. **Equipment Operation:** You must specifically be trained and authorized by your supervisor to operate the following:

1. Company vehicles,
2. Forklifts,
3. Machine and power tools,
4. Paint sprayers,
5. Welders, and
6. Cranes/hoists.

When operating machines, do not wear loose clothing, long hair should be tied up and back, remove jewelry, and sleeves should either be rolled all the way up or all the way down.

Never operate damaged or defective equipment. Turn the machine off and report it to your supervisor immediately.

Never tamper with, remove, or deactivate machine guards or controls designed to ensure safe operations.

Never reach into an operating machine or moving machine part.

1. Ladders:

- a. Inspect all ladders prior to each use;
- b. Ladders must be placed on secure footing;
- c. Only one person is allowed on a ladder at one time;
- d. Never stand on the top two steps of a stepladder;
- e. Always maintain 3 point contact when working on ladders;
- f. Never reach beyond arm length when working off of a ladder; and
- g. Never use metal ladders when working on or around electrical equipment.

2. Cranes/Hoists/Lifting Devices:

- h. Inspect all cranes, hoists and lifting devices (slings, hooks, etc.) prior to each use. Never use damaged equipment.
- i. Never walk under a load suspended from a hoist or crane.
- j. Keep all personnel clear of the 'fall zone' of the crane/hoist.
- k. Know the weight of material being lifted. Never overload a crane/hoist.

G. **Lockout/Tagout** - prior to working on any machinery when guards are removed, every energy source (electrical, hydraulic, chemical, mechanical, etc.) must be deactivated, stored energy dissipated, and the control locked in the off (safe) position. Never remove or tamper with a lockout performed by another employee or contractor. A lockout could consist of a lock applied to a control such as a switch, breaker, or valve. A tag containing words such as "DANGER DO NOT OPERATE" may also be used for lockout. If you see the lock, the tag, or both applied to an energy control device it means, "keep your hands off."

## H. Hazard Communication:

1. All chemical containers must be labeled to identify contents and hazards. Most labels use numbers to rank the hazard level in three important areas:
  - FIRE (red background color) will the material burn?
  - HEALTH (blue background) is the material dangerous to my body?
  - REACTIVITY (yellow background) is the material dangerously unstable?

After each hazard (Fire, Health, Reactivity) a number from 1-4 will be assigned. The numbers reflects the degree (or amount) of hazard:

- 0 Minimal
- 1 Slight
- 2 Moderate
- 3 Serious
- 4 Severe

2. A Material Safety Data Sheet (MSDS) must be secured for all chemicals purchased or brought on site. You have a right to access MSDSs - ask your supervisor.
  3. Follow all label and MSDS instructions - including amount instructions.
  4. Do not mix chemicals unless authorized to do so.
  5. Keep all chemicals in closed containers.
  6. Store all flammable liquids in safety cabinets or safety cans. Never use flammable chemicals around ignition sources such as smokers, pilot lights, or arcing/sparking electrical equipment.
  7. Wear required Personal Protective Equipment and minimize contact with the chemical.
  8. Do not eat, drink, or smoke while using chemicals. Always wash your hands after handling chemicals.
- I. Confined Space Entry - only trained and authorized employees are permitted to enter confined spaces. If you believe that your job requires confined space entry, contact your supervisor prior to undertaking the work. (Confined spaces are areas not meant for human occupancy, have limited means of entry/exit, and have electrical, chemical, thermal, atmosphere, or entrapment hazards).

## J. Emergencies:

1. In the event of any serious injury or fire, call 911. Send someone to the facility entrance to meet the Fire Department. If in doubt, call 911.

2. Upon discovering a fire, alert others in immediate danger and initiate facility wide fire alarm.
3. When the evacuation signal is given, all employees should immediately turn off equipment, close doors, and evacuate to their designated evacuation areas. Attendance will be taken to account for all personnel. Stay together in the group until further instructions are received.
4. Do not attempt to fight any fire which is uncontained, too hot, too smoky, or if you are too frightened.
5. To use a fire extinguisher, remember PASS:
  - P = Pull (the safety pin)
  - A = Aim (at the base of the fire)
  - S = Squeeze (the lever)
  - S = Sweep (side to side)

If you use a fire extinguisher, remember:

- Stay low,
- Keep yourself between the fire and an exit,
- Do not turn your back on a fire, and
- Immediately report the use to your supervisor.

Do not touch blood or any other bodily fluid during or following an incident. If you are trained to administer first aid, gloves and other barriers are located with the first aid equipment. If you think that you have been exposed to bodily fluid, notify your supervisor immediately.

#### K. Company Vehicles and Driver Safety:

1. Only employees authorized by Daviess County Fiscal Court are permitted to operate Daviess County Fiscal Court vehicles.
2. No 'side trips' or personal use of company vehicles are permitted.
3. Seat belts/shoulder harnesses must be worn whenever the vehicle is in motion.
4. All local and state traffic regulations and signs must be followed.
5. No unauthorized riders (hitchhikers, etc.) are allowed.
6. All moving violations resulting in points being assigned to your license must be reported to your supervisor.
7. Driving while under the influence of alcohol or other drugs is forbidden.

- Employees driving their personal vehicles on company business must follow 3 through 7 above.
8. No driver shall use a hand-held mobile telephone while driving a commercial motor vehicle.

#### L. Electrical Safety:

1. Never operate or tamper with the electrical main switch or breakers. You are authorized only to operate switches/disconnects on/for individual machines.
2. Report all electrical problems and suspected problems to your supervisor.
3. All junction boxes, control boxes, connections, and other wiring must have covers securely installed to prevent accidental contact.
4. Inspect all plugs, cords, and portable equipment prior to use.
5. Report any damaged electrical equipment to your supervisor. Only authorized personnel are permitted to make repairs.
6. Extension cords are to be used only for temporary applications. Never stretch cords across aisles or areas where others may trip over them. Do not attach extension cords to the building or run them under rugs/mats or through walls.
7. Any personal electrical devices must be approved by Daviess County Fiscal Court prior to use.

#### M. Lifting:

1. If you need help moving material, ask for it.
2. When you lift, use your leg muscles by squatting close to the load, preserving the curve in your back, spreading your feet, and lifting with your legs, keeping the load close to your body.
3. When you turn holding an object, move your feet, do not twist.

- N. Staying Safe - Report any unsafe conditions or situations to your supervisor. If you have suggestions on improving any aspect of safety in the facility, discuss it. If you are ever unsure of how to operate a piece of equipment or complete an assignment, ask for help. Asking for help when you are unsure reduces the chance of being injured.

These rules have been established to help you stay safe and injury free. Violation of the above rules, or conduct that does not meet minimum accepted work standards, will result in discipline up to and including discharge.



When working at a customer location, employees are required to follow the above rules as well as all customer rules and procedures and work in a manner which reflects positively on the Court. Before operating any equipment at a customer location, permission must be secured from the customer contact.

#### **Section 4. Reporting Injuries**

- A. Any work related injury or suspected injury must be reported immediately to your supervisor and to Human Resources. A Report of Injury form must be completed. Failure to promptly report an injury can result in disciplinary actions.
- B. Human Resources will issue a form for the injured employee to take to the treating medical practitioner. The employee must return this form to Human Resources by the next business day.
- C. After each appointment, the employee must report to his/her supervisor and Human Resources to review progress.
- D. Daviess County Fiscal Court may provide light duty work, if available, for employees recovering from work related injury. If light duty work is available, employees are required to return to light duty work immediately upon release.
- E. An accident investigation will be conducted to determine the root cause of the accident. The injured employee will be asked to participate in the investigation.
- F. Employees are urged to report hazardous conditions and “near miss” incidents to their supervisors before injuries result.
- G. Any attempt to defraud Daviess County Fiscal Court with a false workers’ compensation claim will result in disciplinary action. The case can also be referred to the district attorney for possible prosecution.

#### **Section 5. Return to Work Program**

It is our goal to prevent work-related injuries from happening. We are always concerned when one of our employees is injured or ill due to a work-related condition. We believe that such absences cost both Daviess County Fiscal Court and its employee. We want our injured employees to get the best possible medical treatment immediately to assure the earliest possible recovery and return to work.

Daviess County Fiscal Court has a workers’ compensation program available for employees who have suffered work-related injuries. The program’s administrator will determine, based upon their guidelines, whether you are eligible for wage loss or medical expenses under that program.

Daviess County Fiscal Court wants to provide meaningful work activity for eligible employees who become unable to perform all or portions of their regular work assignment. Thus, we have implemented a Transitional Duty program (light duty). Transitional Duty, when available, is a temporary program, not to exceed six months.

## **Section 6. Employee Procedures**

- A. All work-related injuries should always be reported immediately to your supervisor no later than the end of the shift on which the injury occurs.
- B. If a post accident drug screen is not performed the same day as the injury, the employee will only be paid up to one hour while taking time out to have the drug screen sample collected.
- C. You must complete and sign an Injury Report.
- D. When medical treatment is sought, the injured employee must advise their supervisor that they are seeking treatment and obtain a Transitional Duty Evaluation form. Regardless of their choice of physicians, the Transitional Duty Evaluation form must be completed for each practitioner visit. Daviess County Fiscal Court will not accept a general note stating that you are only to be off of work.
- E. Under this program, temporary transitional work is available for up to sixty (60) days (with a review of your progress every 30 days) while you are temporarily unable to work in your regular job capacity. Transitional duty beyond sixty (60) days, up to a maximum of six (6) months, will be evaluated on a case-by-case basis.

## **Section 7. Return to Work Procedures**

- A. If you are unable to return to your regular job, but are capable of performing transitional duty, you must return to transitional duty. Failure to do so will result in your not being eligible for full disability benefits under the worker's compensation program and may result in disqualification for certain employee benefits and in some cases be a basis for termination.
- B. Employees who are unable to work and whose absences Daviess County Fiscal Court approves must keep us informed on a weekly basis of their status. Failure to do so will result in a reduction in benefits available and discipline up to and including termination from employment.
- C. If you are unable to return to your regular job or transitional duty, your absence must be approved under the Family Medical Leave program. For this purpose, you need to complete a Family Medical Leave Request form and submit it to the Human Resources Department. You must also have your practitioner complete both the Transitional Duty Evaluation and Medical Certification form.
- D. Employees who are not eligible for leave under the Family Medical Leave Act (FMLA) must return to transitional duty or regular work if at all possible. If you are unable to return to any available work, your job position may be filled after a reasonable time. When able to do so, you will be entitled to return to a suitable position, if available and consistent with any limitations. However, you must keep us regularly informed of your status and any changes in your condition.

- E. Employees must provide a Transitional Duty Evaluation form indicating they are capable of returning to full duty. Permanent restrictions will be evaluated on a case-by-case basis and relate to the performance of essential job functions. No permanent light duty positions will be created.
- F. Cooperate with our third party administrator and provide accurate and complete information as soon as possible so that you receive all benefits to which you are entitled. If you have problems or concerns, please contact the Human Resources Department.

**PERSONNEL POLICIES**  
**CHAPTER 23**  
**HARASSMENT POLICY**

It is Daviess County Fiscal Court's policy to provide and maintain a work environment which is free of discrimination and harassment. 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 supervisor, co-worker, vendor, client, or citizen will not be tolerated.

**Section 1. Definition of Harassment**

Harassment is defined as discrimination on the basis of race, color, religion, gender, national origin, age, or disability. It constitutes discrimination on the terms, conditions, and privileges of employment. Harassment is verbal, physical, or visual conduct that denigrates 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 relatives, friends and associates and that:

- A. Has the purpose or effect of creating an intimidating, hostile or offensive work environment
- B. Has the purpose or effect of unreasonably interfering with an individual's work 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, intimidating 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.

**Section 2. Harassment Complaint Procedures**

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. In addition, the employee shall notify his or her supervisor of harassment and appropriate investigative and disciplinary measures may be initiated.

### **Section 3. Definition of Sexual Harassment**

Inappropriate sexual advances, requests for sexual favors, and other physical, verbal or visual conduct based on sex constitutes sexual harassment when:

- A. Submission to 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

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, sexual oriented kidding or teasing, practical jokes, jokes about gender specific traits, foul or obscene printed or visual material, and physical contact, such as patting, pinching, or brushing against another person's body.

### **Section 4. Sexual Harassment Complaint Procedures**

All employees are responsible for helping to assure we avoid harassment and have the responsibility for reporting any occurrence of harassment or sexual harassment. Employees who feel that they have experienced or witnessed harassment must notify either the immediate supervisor, the Human Resource Manager or the County Judge/Executive. Reports are to be made as soon as practicable within 24 hours and preferably in writing. Oral reports, however, will also be taken in the case of unusually sensitive circumstances.

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

The Human Resource Manager shall review the findings of the investigation with the complainant at the conclusion of the investigation. Any employee found guilty of harassing another employee will be subject to disciplinary action in accordance with Daviess County Fiscal Court's Employee Disciplinary Actions, Chapter 8.

The Daviess County Fiscal Court recognizes that false accusations of harassment and sexual harassment can have a serious effect on innocent people. Individuals falsely accusing another of harassment or sexual harassment will be disciplined in accordance with the nature and extent of his/her false accusation.

**PERSONNEL POLICIES**  
**CHAPTER 24**  
**CREDIT UNION**

Employees of the Daviess County Fiscal Court have the privilege to become members of the Owensboro Federal Employees Credit Union. The OFECU has the capabilities to handle savings accounts, checking accounts, and to make loans of all kinds, all which can be paid through payroll deductions.

To become a member of the Credit Union or for more information, contact the Human Resource Manager or the manager of the OFECU.

**PERSONNEL POLICIES**  
**CHAPTER 25**  
**POLITICAL ACTIVITIES**

Employees of the Daviess County Fiscal Court and all its entities shall not be appointed or retained on the basis of their political activity.

Employees of the Daviess County Fiscal Court shall not be ordered to take part in political campaigns, to solicit votes, to levy, contribute, or solicit funds, or support for the purpose of supporting or opposing the appointment or election of candidates for any office.

No Fiscal Court employee shall actively advocate or oppose the candidacy of any individual for nomination or election to any office during working hours or performance on behalf and for the County of Daviess, but an employee may and should participate in the political affairs of our community as long as such participation does not adversely affect performance as a Fiscal Court employee. No signs or stickers advocating the political candidacy of an individual or office are to be placed on county vehicles or county property. Employees of Daviess County Fiscal Court may not park personal vehicles on county property displaying signs and other propaganda beyond bumper stickers advocating the political candidacy of an individual or office at any time nor shall any county employee drive their personal vehicle displaying signs and other propaganda beyond bumper stickers advocating the political candidacy of any individual or office while conducting county business. (Effective 06/04/2015) Employees are prohibited from wearing political buttons or any other material advocating the political candidacy of any political party or individual while on official county business or while wearing a county uniform.

Failure to comply with these provisions is grounds for disciplinary action and/or dismissal.

**PERSONNEL POLICIES**  
**CHAPTER 26**  
**CIVIL RIGHTS COMPLIANCE**

The Daviess County Fiscal Court shall operate in compliance with the regulations issued by the U.S. Department of Commerce implementing the Civil Rights Act of 1964 and all requirements attendant thereto, and designated as Part 8 of Subtitle A of Title 15 of the Code of Federal Regulations, which prohibits discrimination on the basis of race, religion, color, sex, age, national origin, or disability.

The Civil Rights Act of 1991, in terms of coverage, amended Section 1981 to provide all types of employment decisions or practices claimed to be racially biased are actionable under Section 1981. Such decisions or practices include discharges, impositions of discipline, furnishing of unequal benefits, or claims of racial harassment, as well as refusals to hire or promote.

The Act of 1991 amends the coverage of Title VU to make it unlawful in connection with the selection of applicants for employment or promotion, to adjust the scores of, use different cutoff scores for, or alter the results of employment related tests based on the race, color, religion, sex, or national origin of the test taker. This outlaws the practice of treating the test scores of minority applicants differently (i.e., race naming) in order to increase the pool of minority candidates.

The 1991 Act also amends both Title VE and the Americans with Disabilities Act to cover U.S. citizens employed overseas by U.S. controlled companies, unless such coverage would violate the law of the foreign country.

The 1991 Act extends anti-discrimination protection to, and provides varying procedural remedies for employees of the U. S. House of Representatives, the U.S. Senate, various agencies set up by Congress, appointees of the President, and appointees of State or locally elected officials.

The Act also is not to be considered to affect court-ordered remedies, affirmation-native action, or conciliation agreements that are in accordance with the law.

Additionally, it is a fundamental policy of the Daviess County Fiscal Court to provide equal opportunity to all its employees and applicants for employment and to assure that there will not be discrimination against any persons on grounds of color, religion, sex, national origin, age, physical or mental disability or any other characteristic protected by law.



**PERSONNEL POLICIES**  
**CHAPTER 27**  
**WEAPONS POLICY**

The Daviess County Fiscal Court wishes to maintain a safe working environment. Therefore, employees on duty (excluding law enforcement officers) are prohibited from possessing any firearm or deadly weapon on or about their person.

Employees not on duty are prohibited from possessing firearms or deadly weapons on or about their person in any building owned by Daviess County with the exception of the Daviess County Gun Club.

Violation of this policy may result in disciplinary actions up to or including dismissal.

**PERSONNEL POLICIES**  
**CHAPTER 28**  
**COMPUTER USE POLICY**

This policy establishes guidelines for the appropriate use of computer equipment, software, and networks owned or operated by the Daviess County Fiscal Court. Access to the Court's information systems is granted to all Court employees with the stipulation that they follow these guidelines and abide by local, state, and federal laws.

**Section 1. Using Computer Resources**

- A. Daviess County Fiscal Court resources are provided to employees for the purpose of research, service, and other work-related activities. All computer users are responsible for assuring that use of computer resources is related to the purposes established herein.
1. Computer accounts, passwords, and equipment should be used only for official county business.
  2. Computer accounts, passwords, and equipment should be protected against unauthorized use. Employees should never share accounts. They are responsible for all activities initiated under their account. Under special circumstances, accounts may be shared with employees working on the same project. The employee's direct supervisor or the Information Services Specialist will determine such exceptions.
  3. Employees should not share accounts with friends or family.
  4. Computer users should not acquire extra accounts or other resources and should surrender any accounts or equipment when it no longer serves the purpose for which it was originally assigned.

**Section 2. Protecting Computer Resources and County Data**

- A. All computer users should assume the responsibility to keep the computing system running and its resources unaltered and protected from damage and illegal use.
1. No employee should use knowledge of the computer system to destroy or alter accounts, files, software, hardware, obtain extra resources, or deprive others of computer resources.
  2. All computer users who possess this sort of knowledge or knowledge of bugs or other flaws in the system have the responsibility to share that knowledge with the Information Services Specialist.
  3. No employee should make copies of software for which permission to copy is not explicitly given. Employees who have been granted access to county data, reports, and data screens must maintain the appropriate confidentiality of the resulting information. Furthermore, the information should be obtained only for activities directly related to the individual's job assignments.

### **Section 3. Restrictions on Privacy**

- A. There are legitimate restrictions on the privacy of employee programs, data, text files, and electronic mail. The following are some legitimate reasons for accessing computer accounts and computer equipment without the employee's permission:
1. Technical personnel may access accounts for the purpose of maintaining computer systems.
  2. Accounts may be monitored for the purpose of detecting violations of this code.
  3. Accounts may be monitored for the purpose of maintenance of the network.
  4. Some electronic documents and data may be required by the public record law to be accessible to the public.
  5. Other reasons as deemed appropriate by the Information Services Specialist, his/her supervisor, or the Judge/Executive.

### **Section 4. Sharing Information and Communication through Computers**

- A. Employees should not use the Daviess County Fiscal Court's computer equipment or network to do the following:
1. Decode passwords or access-controlled information.
  2. Engage in any activity that might be harmful to systems or to any information stored therein, such as creating or propagating viruses, disrupting services, or damaging files.
  3. Use mail or message services to harass, intimidate, or otherwise annoy another person.
  4. Use mail or message services to make racially or sexually harassing remarks to groups or individuals.
  5. Use the EVERYONE group or any other public e-mail group for socializing, personal comments, distributing chain letters, etc. Individual addresses should be used for personal message and communications.
  6. Use e-mail, message services, or system resources to promote a commercial enterprise or product.

**Section 5. Disclaimers**

The Daviess County Fiscal Court reserves the right to limit, restrict or extend computing privileges and access to its information resources. It also reserves the right to examine files allegedly related to inappropriate use.

**Section 6. Enforcement**

Any violation of these guidelines may result in immediate loss of e-mail, network, and computer access privileges and possible disciplinary action as outlined herein. Reviews of usage patterns will be performed if violations of this policy are suspected.

**PERSONNEL POLICIES**  
**CHAPTER 29**  
**UNIFORM POLICY**

Daviess County Fiscal Court shall furnish uniforms for specified positions. A copy of all uniform orders will be kept on file in the Purchasing Department. It will be the responsibility of each department to provide copies of any items purchased as part of the uniform allowance.

**Section 1. Uniform allowance**

The uniform allowance schedule for employees is as follows:

DEPARTMENT	ALLOWANCE	
	<i>New</i>	<i>Existing</i>
Fire Rescue Employees	\$500.00	\$400.00
Public Works Employees	\$300.00	\$200.00
Transfer Station Employees	\$300.00	\$200.00
Animal Control Officers	\$300.00	\$200.00
Animal Control Employees	\$200.00	\$200.00
Landfill Administrative Staff	\$200.00	\$200.00
EMA Director & Deputy	\$200.00	\$150.00
Scale House Employees	\$150.00	\$100.00
Seasonal, Event & Utility Employees	\$ 50.00	\$ 50.00
Administrative Staff (Any Department)	\$ 50.00	\$ 50.00

\*Uniform allowance will be prorated in the second year based on the hire date of new employees in relation to the fiscal year. For example, a new employee hired in December would only receive ½ of the annual allowance in the second fiscal year.

For any employee, administrative, seasonal or otherwise, to receive a uniform whose position does not currently require a uniform, requires authorization from their immediate supervisor, Department Head and the Daviess County Purchasing Manager.

**Section 2. Uniform Guidelines**

Each employee in a classification requiring outside work will be provided with pants, shirts, sweatshirts, jacket, coat and/or overalls. The uniforms will be standard color. Uniforms, including coats and overalls, should be worn only for county-related business. Mandatory emblems or embroidery identifying the department will be applied to shirts and jackets; employee name will be optional at the employee's direct supervisor or Department Head's discretion.

All uniforms ordered shall be for the employee only. Orders will be reviewed at time of order to ensure that appropriate sizes and quantities of items have been ordered.

Employees who are furnished uniforms must wear the uniform while performing work for the County except when special circumstances or work conditions exist.

Employees who are not required to wear uniforms, but choose to wear clothing with the Daviess County or Department insignia must purchase the clothing at their own expense. The insignia must be approved by the Daviess County Purchasing Manager.

### **Section 3. Disposition of Uniforms upon Employee's Departure**

If an employee leaves the employment during any six (6) month period after receiving a new uniform, the employee shall return the uniform. If the uniform is not returned, the cost shall be deducted from the final paycheck the employee is to receive.

### **Section 4. Safety Shoes**

Employees who are required to wear steel-toed safety shoes will receive an annual shoe voucher of up to \$100.00 issued from the Purchasing Department. Shoes purchased with these vouchers must meet the following guidelines:

- Meet OSHA Standard 1910.136
- Meet ANSI Standard Z41-1991

Safety shoes shall only be purchased from vendors on the approved list. It is the Supervisor's responsibility to make sure that all safety shoes purchased meet all safety requirements and standards.

It is the responsibility of each Department to keep a log containing each employee's Uniform and Safety Shoe Balance. Any amount in excess of any voucher distributed is to be collected from the employee at the time of sale.

Department Heads with temporary labor (to include inmates) requiring steel-toed boots will contact the Purchasing Department to secure vouchers for purchase. Upon completion of temporary assignment, boots shall be returned to the Department.

### **Section 5. Safety Glasses- Prescription Correction Lenses**

Employees who are required to wear safety glasses and require the use of prescription correction lenses will receive an annual reimbursement of up to \$100.00 for prescription safety glasses.

### **Section 6. Headwear**

If an employee wears a cap/hat during work hours, the cap/hat must be issued by the Daviess County Fiscal Court and the expense of which must come from the respective employee's allowance schedule.

### **Section 7. Color and Inventory of Uniforms**

All uniforms will be of standard color. The County's current acceptable colors are:

- Animal Control:           Officers – Tan Shirt / Brown Pants  
  Employees – Logo Shirt / Tan Pants / Jeans

- Parks Maintenance: Blue Shirt / Tan Pants / Jeans
- Public Works: Road - Light Blue Shirt / Navy Pants / Jeans  
Fleet Maintenance – Tan Shirt / Brown Pants  
Building & Grounds Maintenance – Blue Shirt / Tan Pants / Navy  
Pants / Jeans  
Supervisors – Blue Shirt / Tan Pants / Navy Pants / Jeans
- Solid Waste: Light Blue Shirt / Navy Pants / Jeans

Any alteration of combinations of acceptable colors or units for uniforms requires the authorization of both the Department Head and Purchasing Manager.

### **Section 8. Solid Waste: Landfill Employees**

Landfill employees, with exception to administrative staff, will be required to wear rented uniforms that are serviced by the vendor. The standard uniform will be: light blue shirt & navy pants for all employees. Any employee who uses a welder will be in navy 100% cotton shirts and pants. All landfill employees will receive 12 shirts, 12 pants and 2 jackets that match the color of the pants. Supervisors at the landfill who are required to be in uniform will wear light blue oxford shirts and khaki pants, and receive 12 shirts, 12 pants and 2 jackets. Some employees may be on a six-day per week schedule – these employees will receive an additional shirt and pair of pants.

**PERSONNEL POLICIES  
CHAPTER 30  
SOCIAL MEDIA**

**Section 1. Management Guidelines**

A. Social media includes all means of communicating or posting information or content of any sort on the internet, including to your own or someone else's web log or blog journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with Daviess County Fiscal Court, as well as any other form of electronic communication.

B. The principles contained in the Daviess County Fiscal Court Administrative Code and policies apply to employees' activities online:

1. Employees are responsible for what they post online.
2. Before creating online content, consider the risks and rewards involved.
3. Employee conduct adversely affecting job performance, the performance of other Daviess County Fiscal Court employees or otherwise adversely affecting the public, or others who work on behalf of or for Daviess County Fiscal Court's legitimate business interests may result in disciplinary action up to and including termination.

C. Conduct adversely affecting job performance includes harassment, as defined in this Code and includes, but is not limited to:

1. Epithets, slurs, negative stereotyping or threatening, intimidating or hostile acts relating to race, color, religion, gender, national origin, age or disability.
2. 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.

D. Employees posting discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct are subject to disciplinary action up to and including termination.

E. Employees shall treat other employees, the public, suppliers and others fairly and courteously at all times including online postings.

F. Posting complaints or criticisms of other Daviess County Fiscal Court employees, using statements, photographs, videos, or audios reasonably viewed as malicious, obscene, threatening or intimidating, disparaging of other employees, the general public using Daviess County Fiscal Court facilities, or suppliers may constitute harassment and subject the employee to disciplinary action up to and including termination.



G. Employees shall post only honest and accurate information or news concerning Daviess County Fiscal Court, its employees, policies and business activities.

H. Employees shall correct any mistaken information concerning Daviess County Fiscal Court employees, policies and business activities in an online posting immediately upon discovery.

I. Employees shall acknowledge their alteration of any previous posts.

J. Employees shall not post false information or rumors about Daviess County Fiscal Court employees, members of the public using Daviess County Fiscal Court facilities, Daviess County Fiscal Court policies or business activities.

K. Employees shall post only appropriate and respectful content.

L. Employees shall maintain the confidentiality of private or confidential information of other employees.

M. Employees shall not post internal reports, policies, procedures or other internal business-related confidential communication until and unless permitted by an authorized Daviess County Fiscal Court employee.

N. Employees shall not create a link from an employee's blog, website or other social networking site to a Daviess County Fiscal Court website.

O. Employees may never represent themselves as a spokesperson for Daviess County Fiscal Court.

P. If Daviess County Fiscal Court is a subject of the content employee creates, employee must clearly and openly state that they are an employee and clearly state that the views stated do not represent those of Daviess County Fiscal Court, other employees, suppliers or people working on behalf of Daviess County Fiscal Court. If an employee publishes a blog or posts online content related to the work or subjects associated with Daviess County Fiscal Court, the employee must state clearly that they are not speaking on behalf of Daviess County Fiscal Court. Employee shall include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of Daviess County Fiscal Court."

## **Section 2. Using Social Media at Work**

A. Employees shall refrain from using social media while on work time or on equipment provided by Daviess County Fiscal Court, unless work-related and authorized by the employee's supervisor, manager or consistent with the policies contained in this code.

B. Employees shall not use Daviess County Fiscal Court email addresses to register on social networks, blogs or other online tools utilized for personal use.

**Section 3. Retaliation is Prohibited**

A. Daviess County Fiscal Court employees shall not take negative action against any other Daviess County Fiscal Court employee for reporting a possible deviation from this policy or for cooperating in an investigation.

B. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

**Section 4. Media Contacts**

Employees should not speak to the media on Daviess County Fiscal Court's behalf without contacting the County Judge/Executive or designated representative.

If you have questions or need further guidance, please contact the Human Resources Department.

**PERSONNEL POLICIES**  
**CHAPTER 31**  
**PROTECTION OF PERSONAL INFORMATION**  
**Security and Incident Investigation Procedures and Practices**

**Section 1. Introduction**

**Definitions:**

“Computer security incident” or “incident” means a violation or imminent threat of violation of computer security policies, acceptable use policies, or standard security practices.

“COT” means the Commonwealth Office of Technology.

“Digital media” means physical, electronic media used to store information, including, but not limited to: diskettes, magnetic tapes, desktop computers, laptops, hard drives, random access memory, read only memory, compact discs, network equipment, other forms of optical and magnetic media, and any other electronic media on which information may be stored. This definition includes forms of media existing at the time these regulations are promulgated and also any such forms or formats as may be invented.

“Nonaffiliated third party” means any person that (a) has a contract or agreement with the Daviess County Fiscal Court; and (b) receives personal information from the Daviess County Fiscal Court pursuant to the contract or agreement.

“Non-digital media” means a hard copy or physical representation of information, including, but not limited to, paper copies, printer ribbons, drums, microfilm, platens, and other forms of preserved or preservable information.

“Personal information” means an individual’s first name or first initial and last name; personal mark; or unique biometric or genetic print or image, in combination with one (1) or more of the following data elements:

- (a) An account number, credit card number, or debit card number that, in combination with any required security code, access code or password would permit access to an account;
- (b) A social security number;
- © A taxpayer identification number, state identification card number, or other individual identification number issued by any agency;
- (e) A passport number or other identification number issued by the United States government; or
- (f) Individually identifiable health information as defined in 45 C.F.R. sec. 160.103 except for education records covered by the Family Educational Rights and Privacy Act.

“Portable computing device” means electronic devices on which personal information is stored, or may be stored, designed, used or intended to be used in multiple physical locations or capable of being used while traveling, such as laptops, tablet computers, personal digital assistants (PDAs), digital cameras, portable telephones, and similar devices.

For purposes of this policy, all terms not otherwise defined are used consistent with the definitions set forth in KRS 61.932.

**Policy Statement:** The purpose of this policy is to minimize the risk of disclosing personal information and setting practical guidelines for effectively responding to security incidents. This policy promotes consistent response procedures to make sure appropriate actions are taken. This policy sets forth the procedures and practices pursuant to KRS 61.932 for Daviess County Fiscal Court to follow in order to:

- 1) Identify vulnerabilities;
- 2) Eliminate or mitigate those vulnerabilities;
- 3) Recognize when an incident has occurred;
- 4) Notify appropriate personnel in the event of an incident;
- 5) Respond to information security threats; and
- 6) Recognize events that require special handling due to their potential impact or special reporting due to legal or other concerns.

In addition, this policy requires Daviess County Fiscal Court to enact appropriate measures to protect information stored on media, both digital and non-digital, during the entire term of its use, until its destruction.

**Policy Maintenance:** This policy shall be reviewed annually by Human Resources, Information Services and Treasurer's Offices.

**Applicability:** This policy shall be followed by all Daviess County Fiscal Court personnel with access to personal information and also by any and all persons or entities with access to such information in the possession or control of Daviess County Fiscal Court. Such persons or entities include, but are not limited to, employees, contractors, consultants, nonaffiliated third parties, temporary employees, volunteers and other workers with access to personal information whether printed, electronic or other format.

**Responsibility for Compliance:** The Daviess County Fiscal Court is responsible for ensuring that employees and others with permissive access to, or who may access, personal information are familiar with the policy and all such persons or entities shall be aware of what constitutes an incident. Daviess County Fiscal Court shall ensure that employees are aware that compliance with this policy is mandatory. Daviess County Fiscal Court is responsible for enforcing this policy.

## **Section 2. Policy**

Non-digital media containing personal information shall be physically controlled and securely stored in a manner meant to ensure that the media cannot be accessed by unauthorized individuals. This may require storing media in locked containers such as cabinets, drawers, rooms, or similar locations if unauthorized individuals have unescorted access to areas where personal information is stored. If personal information is stored in an electronic format, it shall be protected from access by unauthorized individuals. Such information must be protected by

software that prevents unauthorized access. If personal information is transmitted via e-mail or other electronic means, it must be sent using appropriate encryption mechanisms.

### **Section 3. Point of Contact**

The Point of Contact ("POC") for this policy is the County Treasurer. The POC shall serve the following functions:

- 1) Maintain the Daviess County Fiscal Court's adopted Information Security Policy and be familiar with its requirements;
- 2) Ensure the Daviess County Fiscal Court employees and others with access to personal information are aware of and understand the Information Security Policy;
- 3) Serve as contact for inquiries from other agencies regarding its Information Security Policy and any incidents;
- 4) Be responsible for ensuring compliance with the Information Security Policy; and
- 5) Be responsible for responding to any incidents.

### **Section 4. Software**

Security software used to protect personal information must provide user identification, authentication, data access controls, integrity, and audit controls.

Security software should be adequately tested to confirm functionality and to ensure that it is minimally disruptive to all associated operating systems, communications, applications, and other associated software systems. Contractual provisions must also ensure that the supplier's software, by design or configuration, will not introduce any security exposures.

The level of protection afforded by security software should be commensurate with the sensitivity of the data. For example, if data resides in a database that is deemed highly confidential, stringent access controls to the database should be employed. The level of protection along with the methods to implement that protection should be addressed before any personal information is stored on a device.

Systems, networks and application software used to process personal information must adhere to the highest level of protection reasonably practical. Daviess County Fiscal Court shall use Intrusion Detection and Prevention software approved by COT. A list of approved software is available on the COT website. As an alternative, Daviess County Fiscal Court may use software not approved by COT, provided that such software provides comparable, or superior, protection.

### **Section 5. Encryption**

Information stored on digital media shall be encrypted in accordance with contemporary standards.

## **Section 6. Access Control**

Only authorized individuals are permitted access to media containing personal information. In addition to controlling physical access, user authentication should provide audit access information. Any access must comply with applicable regulatory requirements.

## **Section 7. Portable Computing Devices**

This policy prohibits the unnecessary placement (download or input) of personal information on portable computing devices. However, users who in the course of Daviess County Fiscal Court business must place personal information on portable computing devices must be made aware of the risks involved and impact to the affected person/entities in the event of actual or suspected loss or disclosure of personal information. If personal information is placed on a portable computing device, reasonable efforts must be taken, including physical controls and encryption, to protect the information from unauthorized access. Additionally, each person using the portable computing device must sign a form approved by the Daviess County Fiscal Court indicating acceptance of the information and acknowledging his/her understanding of the responsibility to protect the information. In the event the portable computing device is lost or stolen, the Daviess County Fiscal Court should be able to accurately recreate the personal information and must be able to provide notification to all affected persons/entities.

When it is determined that personal information must be placed on a portable computing device, every effort should be taken to minimize the amount of information required. If possible, information should be abbreviated to limit exposure (e.g., last 4 digits of the social security number).

## **Section 8. Physical Security Procedures**

Given the broad variety of sizes and types of LGUs, each will have different security challenges and resources available to address those challenges. This policy does not specifically address physical security needs and threats, such as natural disasters, electrical outages, fire, or other physical threats to personnel or information resources. LGUs are responsible for establishing and maintaining their own physical security procedures.

The Information Security Policy adopted by an LGU shall include provisions calculated to ensure that its information resources are protected by physical security measures that address physical tampering, damage, theft, or unauthorized physical access. Where applicable, the Information Security Policy should address the circumstances under which identification badges must be worn and establish parameters for access to restricted areas containing information technology resources or other sources of personal information.

When feasible, information technology equipment should be marked with some form of identification that clearly indicates it is the property of the Daviess County Fiscal Court. During transport, media shall be protected and controlled outside of secured areas and activities associated with transport of such media restricted to authorized personnel. Tracking methods shall be developed and deployed to ensure media reaches its intended destination.

## **Section 9. Protection of Personal Information**

Daviess County Fiscal Court shall secure and, when applicable, appropriately dispose of non-digital media. Non-digital media containing personal information must be properly stored and secured from view by unauthorized persons.

Secure measures must be employed by the Daviess County Fiscal Court and all permissive users to safeguard personal information contained on all Daviess County Fiscal Court technology resources.

Daviess County Fiscal Court shall ensure that all authorized personnel are familiar with and comply with the Information Security Policy. Daviess County Fiscal Court shall ensure that only authorized personnel may hold and have access to personal information.

## **Section 10. Types of Incidents**

Threats to the security of personal information arise in many different ways. Employees of Daviess County Fiscal Court are encouraged to be aware of the different types of threats and to enact reasonable measures to protect against each. Attacks on personal information may arise from:

- External/Removable Media—an attack executed from removable media (e.g. flash drive, CD) or a peripheral device.
- Attrition—An attack that employs brute force methods to compromise, degrade, or destroy systems, networks, or services.
- Web—An attack executed from a website or web-based application.
- Email—An attack executed via an email message or attachment.
- Improper usage—Any incident resulting from violation of Daviess County Fiscal Court’s acceptable usage policies by an authorized user, excluding the above categories.
- Loss or Theft of Equipment—The loss or theft of a computing device or media used by the Daviess County Fiscal Court, such as a laptop or smartphone.
- Other—an attack that does not fit into any of the other categories.

## **Section 11. Destruction of Records Containing Personal Information**

A media retention schedule shall be defined for all media in accordance with regulatory requirements. Daviess County Fiscal Court adopts the retention schedule consistent with the Kentucky Department of Libraries and Archives General Records Retention

Daviess County Fiscal Court shall have a document/ information retention policy. When records containing personal or confidential information are ready for destruction, Daviess County Fiscal Court shall destroy the information completely to ensure that the information cannot be recognized or reconstructed. In addition, any personal or confidential data contained on the computer media must be obliterated and/or made indecipherable before disposing of the tape, diskette, CD-ROM, zip disk, or other type of medium.

The Daviess County Fiscal Court must provide appropriate methods and equipment to routinely destroy personal or confidential information. The methods set forth below are listed in priority order with the most highly recommended safeguard listed first. One of the following safeguards must be implemented:

- Hire a document disposal contractor to dispose of the material. The contractor should be certified by a recognized trade association and should use disk sanitizing software and/or equipment approved by the United States Department of Defense. The Daviess County Fiscal Court should review and evaluate the disposal company's information security policies and procedures. The LOU should review an independent audit of a disposal company's operations and/or its compliance with nationally recognized standards.
- Secure and utilize shredding equipment that performs cross-cut or confetti patterns.
- Secure and utilize disk sanitizing or erasing software or equipment approved by the United States Department of Defense.
- Modify the information to make it unreadable, unusable or indecipherable through any means

### **Section 12. Reporting of Incidents Involving Personal Information**

The Daviess Fiscal Court must disclose a security breach in which personal information is disclosed to, or obtained by, an unauthorized person. Notification of the incident must be made in the most prompt and expedient manner after the incident has been discovered. Within thirty-five days, a letter notifying affected individuals of actual or suspected loss or disclosure of personal information must be sent by the Daviess County Fiscal Court describing the types of information lost and recommended actions to be taken to mitigate the potential misuse of their information.

When the Daviess County Fiscal Court identifies that a security breach has occurred in which personal information has been disclosed to, or obtained by, an unauthorized person, within three business days (72 hours) it shall notify Kentucky State Police, the Auditor of Public Accounts, the Attorney General and the Commissioner of the Department for Local Governments and complete form COT-F012. The Daviess County Fiscal Court shall document the following:

- 1) Preliminary Reporting and description of the incident;
- 2) Response, including evidence gathered;
- 3) Final Assessment and corrective action taken; and
- 4) Final Reporting

Incident Response procedures can be a reaction to security activities such as:

- 1) Unauthorized access to Personnel, Data, or Resources;
- 2) Denial of Service Attacks;
- 3) Actual or Anticipated Widespread Malware Infections;
- 4) Data Breaches;
- 5) Loss/Theft of Equipment;
- 6) Significant Disruption of Services



7) Significant Level of Unauthorized Scanning Activity to or from Hosts on the Network

**Section 13. Investigation:** Daviess County Fiscal Court shall make reasonable efforts to investigate any security breaches in which personal information is disclosed to, or obtained by, an unauthorized person and shall take appropriate corrective action.

**Section 14. Disclosure Communications:** Daviess County Fiscal Court must comply with all federal and state laws and policies for information disclosure to media or the public. In some circumstances, communication about an incident is necessary, such as contacting law enforcement. Daviess County Fiscal Court should use discretion in disclosing information about an incident. Such information includes network information, type of incident, specific infection type (if applicable), number of assets affected, specific detail about applications affected, applications used to employ corrective action/investigate, etc. Daviess County Fiscal Court may proactively share relevant incident indicator information with peers to improve detection and analysis of incidents. Within the parameters of the law, minimal disclosure regarding incidents is preferred to prevent unauthorized persons from acquiring sensitive information regarding the incident, security protocols and similar matters, in an effort to avoid additional disruption and financial loss.

## **APPENDIX OF FORMS**

1. Budget Request Form - (DCFC Form BRF-01 (08/99))
2. Disciplinary Notice - (DCFC Form DN-01 (3/05))
3. Educational Assistance Application - (DCFC Form EAA-01 (3/05))
4. Employee Benefit/Deduction Form - (DCFC Pers-00001 (12/99))
5. Fixed Asset Record - (DCFC Form FA-01 (08/99))
6. Project Information Form - (DCFC Form PIF - 01 (08/99))
7. Expense Voucher
8. KOC C.3 An Ordinance of the Daviess County Fiscal Court and the City of Owensboro  
Jointly Authorizing Creation of an IntraCounty Code of Ethics
9. Probationary Review Form
10. FMLA Forms
11. Incident/Near Miss Form