

**CHAPTER 5  
PERSONNEL**

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**CHAPTER 5  
PERSONNEL**

**ARTICLE I: INTRODUCTION**

**5-101 Establishment of Rules.** The following rules and regulations, and other administrative provisions for personnel administration are hereby declared to constitute the personnel rules and regulations of Bryan County.

**5-102 County Personnel System.** The Bryan County Personnel Ordinance creates a system of employment which recognizes that the County employees covered by the system should be selected and promoted according to their skills, knowledge, and abilities, and that employees who perform satisfactorily should be retained in their positions as long as the position exists and regardless of factors extraneous to their performance and conduct.

**5-103 Establishment.** The Civil Service Personnel Ordinance has been established by the County Board of Commissioners, and participating Constitutional Officers that have included their employees under the system to provide a fair, equitable, and productive work environment for those employees covered by the system. The system and these policies have been enabled by the signatures of the participating Constitutional Officers and by an ordinance adopted by the governing body of the County.

**5-104 Purpose.** The purpose of the Civil Service Personnel Ordinance is to articulate policies which shall provide for the fair and equitable treatment of all employed by Bryan County or who make application for employment with Bryan County. This ordinance further establishes a system of employment that implements and perpetuates the six recognized merit principles of public employment. Those principles are:

1. Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;
2. Providing equitable and adequate compensation;
3. Training employees, as needed, to assure high-quality performance;
4. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;

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5. Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, age, or handicap and with proper regard for their privacy and constitutional rights as citizens; and
6. Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using official authority for the purpose of interfering with or affecting the results of an election or a nomination for office.

**5-105 Administration.** In general, the Constitutional Officers, Elected Officials and Department Heads are responsible for administering these policies in their respective departments. The County Administrator is the designated Chief Personnel Officer with overall responsibility for personnel management. The Commissioners through the County Administrator will give administrative support to the Department in administering the policies, and in certain instances when budget and funding are concerned, will become directly involved in advising the Constitutional Officers, Elected Officials and Department Heads.

**5-106 Coverage.** These policies apply to the covered employees in all Departments under the administration of the County Commission and the participating Constitutional Officers. Federal equal employment law recognizes that neither elected officials nor members of their personal staffs should be covered by legislation creating permanent positions, and Georgia Code 36-1-21 exempts elected officials or persons appointed to positions for specified terms from civil service coverage.

**5-107 Personnel Records.** It shall be the policy of Bryan county to ensure that personnel files are maintained in such a way as to comply with State and Federal laws. Personnel files maintained by the County are subject to inspection and may be disclosed only as provided by applicable law and in accordance with County procedure.

1. All matters dealing with personnel shall be routed through the County Administrator to the Personnel Clerk, who shall maintain a complete system of personnel files and records.
2. No public official may destroy, sell, loan or otherwise dispose of any public record except as provided for in local, State or other applicable laws.

**5-108 Policy Changes.** The Board of Commissioners reserves the right to change these policies at any time, by resolution, if the change does not adversely affect a property interest of the employees.

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**5-109 Employee Affected.** The provisions of this ordinance shall be applicable to all employees except as provided below:

1. Exempted from this Ordinance as "employee", except in designated benefit sections where specifically included, are members of the Board of Commissioners, Elected Officials, Constitutional Officers, designated personal staff of Constitutional Officers, County Officials appointed by the Board of Commissioners and/or other governing boards and the County Attorney.

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## ARTICLE II: DEFINITIONS

- 5-201 Adverse Action.** An action taken for cause that results in a disciplinary suspension without pay, disciplinary salary reduction, disciplinary demotion, or disciplinary dismissal.
- 5-202 Adverse Affect.** The results of an action or decision that is not an adverse action but which deprives the employee of income or the opportunity to earn more income.
- 5-203 County Commissioners.** The persons who have, among other authorities, the authority to appoint and discharge all covered employees. The County Commission is the appointing authority in the County.
- 5-204 County Administrator.** The County Administrator is the Chief Administrative Officer of the County. He has the authority to administer all personnel matters.
- 5-205 Covered Employees.** Employees who work for the appointing authority who are not members of their personal staff nor policy makers, and whose positions are included in the classification plan.
- 5-206 Days.** When the word "day" is used as a method of counting, it means calendar days unless stated otherwise.
- 5-207 Department.** This term refers to (1) the different departments under the Board of Commissioners, (2) the offices of Constitutional Officers, and (3) the offices of Elected Officials.
- 5-208 Department Head.** This term refers to the head of a department under the Board of Commissioners, all Constitutional Officers, and Elected Officials.
- 5-209 Designee.** The person or persons to whom the appointing authorities delegate certain authority to for the administration of the County Departments.
- 5-210 Employee Status.**
1. Constitutional Officer - An official whose office was created by the constitution of the State of Georgia.

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2. Exempt Service shall include the following:
  - a. All Constitutional Officers, Elected Officials and member of citizens boards and committees.
  - b. Positions involving seasonal or part time employment.
  - c. Volunteer personnel and personnel appointed to serve without compensation.
  - d. Consultants and counsel rendering temporary professional service.
  - e. County Attorney
3. Permanent Employee - An employee who has completed all employment requirements including the probationary period. The term "permanent" is not intended to imply a contract of employment with the County.
4. Probationary Employee - A new employee or an employee who has changed positions, who is within the probationary period for his/her position.
5. Temporary Employee - An employee selected to fill a position for a period of 180 days or less shall be considered temporary in nature.

**5-211 Handicapped.** Any person who has a physical or mental impairment that substantially limits one or more major life activities, who has a record of such an impairment, or who is regarded as having such an impairment.

**5-212 Hearing Attorney.** The attorney retained by the County to conduct appeal hearings and make recommendations to the appointing authority.

**5-213 Hearing Officer.** The individual who will hear an employee grievance and make a recommendation to the appointing authority.

**5-214 Illegal Drugs.** Any drug (a) which is not legally obtainable or (b) which is legally obtainable, but has not been legally obtained. All substances listed in the Federal Controlled Substance Act or so-called "designer drugs" that have not been included in the Federal Controlled Substance Act or the misuse of other non-drug substances such as glues are covered by this definition. The term also includes prescribed drugs, legally obtained but not being used for prescriber purposes or as prescribed.

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- 5-215 Immediate Family.** Included are the employee's spouse, child, parent, brother and sister. The definition is extended to spouse's child, parent, brother, sister, or any other person who resides in the employee's household or who is recognized by law as a dependent of the employee. (Revised - 2/1/05)
- 5-216 Legal Drug.** Includes prescribed drugs and over the counter drugs which have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.
- 5-217 May.** The word may is conditional, and implies there is discretion as to whether a condition exists or an act or action will take place.
- 5-218 Ordered Military Duty.** Any military duty performed in the service of the state or of the United States including but not limited to attendance at any service school or schools conducted by the armed forces of the United States by a public officer or employee as a voluntary member of any force of the organized militia or any reserve force or reserve component of the armed forces of the United States pursuant to orders issued by competent state and federal authority without the consent of such public officer or employee.
- 5-219 Permanent Employee.** A full-time covered employee who has achieved permanent status by completing all employment requirements including the probationary period.
- 5-220 Public Officer or Employee.** Every person, by whatever title, description, or designation known, who receives any pay, salary, or compensation of any kind from the state, a county municipal corporation, or any other political subdivision or who is in any department of the state, but shall not include persons employed by the state, a county, municipal corporation, or any other political subdivision on a temporary basis.
- 5-221 Sexual Harassment.** Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes sexual harassment when: 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive working environment. Examples of sexual harassment include, but are not limited to, the following:

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1. Sexual comments of a provocative or suggestive nature;
2. Sexual jokes or innuendos intended for and directed to another employee;
3. Suggestive or demeaning looks or leering;
4. Creating an intimidating, hostile or offensive working environment;
5. Making acceptance of unwelcomed sexual conduct or advances or requests for sexual favors or any nature a condition of employment, employment decisions or continued employment; and
6. Conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an individual's work performance.

**5-222 Shall/Will.** These terms are unconditional and imply that a condition exists or an act or action will take place.

**5-223 Under the Influence.** For the purpose of this policy, that the employee is affected by a drug or alcoholic substance or the combination of a drug and alcohol substance in any detectable manner. The symptoms of the influence are not confined to those of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of influence can be established by a professional opinion, a scientifically valid test, and in some cases such as alcohol, by a lay person's opinion.

**5-224 Unlawful Discrimination.** Employment practices which are prohibited by state and federal laws, and which include discrimination because of race, color, sex, religion, national origin, age, mental or physical handicap, or political affiliation.

**5-225 Probationary Period.** A period of time, usually one hundred and eighty (180) days, during which a new employee or an employee who has changed positions is being evaluated on job capability and performance.

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### ARTICLE III: CONDITIONS OF EMPLOYMENT

**5-301 Prohibited Activities.** Because public employees are in positions created for the public and funded by the public, the public has the right to expect that the incumbents in the positions will not abuse the trust placed in them by the public. The employees of Bryan County are expected to observe and honor the laws of the State of Georgia and the ordinances of Bryan County. The following are some of the activities that are specifically prohibited.

1. **Political Activities.** Because the employees are protected from political patronage by these policies, the governing authority expects the covered employees to avoid public political activities. Neither their position nor county time should be used for political purposes, nor should the employee actively campaign for any bipartisan candidate
2. **Outside Employment.** The individual departments will administer the outside employment policy for their departments. Any covered employee must receive permission from the appropriate appointing authority before accepting outside employment.
3. **Gifts and Gratuities.** No covered employee should accept any gifts or gratuities from anyone who might expect to receive return favors from Bryan County.
4. **Conflict of Interest.** No Department Head shall hire a relative in positions where direct or indirect supervision is required. No relative shall be employed in positions where their family interests could conflict with the interest of the County Offices.
5. **Use of Intoxicants.** Employees shall neither possess, consume or distribute any illegal intoxicating drug or consume alcohol during work hours, while conducting county business, or while using county vehicles.
6. **Garnishments.** Employee indebtedness is a personal concern of the employee, but multiple garnishments of an employee's salary create administrative difficulties that may lead to disciplinary action.
7. **Abuse and Misuse of Equipment or Supplies.** Employees are entrusted with the use of public equipment and supplies. The abuse or misuse of county equipment and supplies shall lead to disciplinary action.

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**5-302 Sexual Harassment.** Sexual harassment will not be permitted in any department of the county, and a claim of sexual harassment may bypass the normal grievance procedure. If anyone feels that unwelcome sexual advances or language is interfering with their productivity or comfort at the work place, or if they feel that any terms or conditions of employment depends on sexual favors, the employee should report that to the County Administrator immediately. If the claimant feels that he or she would be adversely affected by reporting to the County Administrator, they may report the claim in writing to the County Attorney, or the County Clerk.

**1. Reporting Procedures:**

- a. An employee who believes he or she has been sexually harassed shall contact either the immediate supervisor, county clerk, county administrator, county attorney, or member of the appointing authority. A report will be prepared and forwarded to the County Administrator.
- b. Allegations of sexual harassment shall be reported immediately by the offended employee.
- c. Until the complaint is validated, the identities of the involved personnel shall be kept confidential.

**2. Supervisory Personnel:**

- a. Be responsible for reporting instances of sexual harassment in writing.
- b. Be responsible for initiating immediate disciplinary action if the situation warrants; and
- c. Take immediate action to limit the affected employees from any further work contact.

**5-303 Drug Free Workplace/County Drug and Alcohol Policy.** All employees shall be notified in writing of this policy, and as a condition of employment, agree to abide by the policy on County premises, while conducting county business or while using county vehicles. Any violation by an employee of the policy will result in termination of employment from the county. If a county employee voluntarily admits he/she has a substance abuse problem, the County will allow the employee to use accrued sick leave and regular leave to seek assistance and rehabilitation. Any evaluation or treatment shall be at the employee's expense and completion of a treatment program will not of itself guarantee continued employment. Any

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waiver or deviation from the approved Bryan County Drug and Alcohol Policy shall be approved by the Bryan County Board of Commissioners.

**5-304 Violence in the Workplace**

The county has a zero tolerance to violence of any type in the workplace. Violence shall include any physical act or verbal abuse. Any violation by an employee of this policy will result in immediate termination of employment.

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## **ARTICLE IV: EMPLOYMENT PRACTICES**

**5-401 Objectives.** The objectives of establishing the following employment practices are (1) to comply with the accepted merit principles of civil service systems listed in Paragraph 5-102, and to (2) enhance the employment conditions in Bryan County with the belief that fair and equitable employment practices lead to greater job satisfaction and productivity.

**5-402 Affirmative Action.**

1. It shall be the policy of Bryan county to select, develop and promote employees based on the individual's ability and job performance. It has been, and shall continue to be, the policy of Bryan County to provide Equal Employment Opportunity to all people in all aspects of employer/employee relations without discrimination because of race, color, religion, creed, sex, national origin, age or physical handicap. This policy affects decisions including but not limited to, an employee's compensation, benefits, terms and conditions of employment, opportunities for promotion, training and development, transfer, and other privileges of employment. It is the policy of the County to ensure equality of opportunity through special programs of Affirmative Action. It is further the policy of the County to comply with the letter and spirit of applicable local, State and Federal statutes concerning Equal Employment Opportunity and Affirmative Action. If voluntary affirmative action is needed in any department in the county, the appointing authority will develop an affirmative action plan and administer the plan for the particular department.
  
2. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline, salary increase, or any other aspect of personnel administration because of race, creed, color, sex, age, national origin, religion, mental or physical handicap, or any other factor not related to requirements of the position is hereby prohibited.

**5-403 Security Clearance.** In employment areas such as public safety and finance where the public has a compelling interest in the security of property and life, applicants for employment, promotion, and transfer will be asked to supply personal information that would not be needed in other employment areas.

**5-404 Type of Appointments.** The County recognizes two (2) types of appointments that apply to both original appointments and to promotions. They are non-competitive and competitive appointments.

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1. **Non-Competitive Appointments** - It will be the County's policy to promote from within whenever possible. Non-competitive promotions shall be consistent with fair employment practices. This type of appointment applies to temporary and part-time employees who are not covered by these policies.
2. **Competitive appointments** - Competitive appointments are the normal practices of the County. When a vacancy occurs, a recruitment plan will be developed and implemented by the County Administrator. An applicant must be considered qualified for the job to be employed and when affirmative action goals have been met, the best qualified applicant will be employed.

**5-405 Probationary Period.** All employees appointed to or promoted to permanent positions shall serve a minimum probationary period of one hundred and eighty (180) days. Employees serving the minimum probationary period following initial employment in a permanent position shall receive all benefits provided in accordance with this personnel policy with the following exceptions or as otherwise provided:

1. A full-time employee may accumulate personal leave but shall not be permitted to take vacation leave during the probationary period unless the denial of such leave shall create an unusual hardship. Vacation leave may be granted to such employees only with the approval of the Department Head.
2. The employee, if dismissed during the probationary period shall not be entitled to exercise the right to appeal the dismissal.
3. New employees may be dismissed at any time and without any rights of appeal during the probationary period if the Department Head determines that the employee is incapable of satisfactorily performing the assigned duties satisfactorily.
4. Before the end of the probationary period, the Department Head shall indicate in writing to the County Administrator the following:
  1. That he/she has discussed with the employee, the employee's accomplishments, failures, strengths, and weaknesses;
  2. Whether the employee is performing satisfactory work;
  3. Whether the employee should be retained in the position;

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4. Whether the employee, if a new employee should be discharged; and or
5. Any other information as required by the County Administrator.

**5-406 Job Mobility.** It is possible for employees to voluntarily move upward, downward, or laterally in the organization. It is also possible for the employee to be involuntarily moved in all three directions.

**5-407 Transfers.** If a position is open at an equivalent pay grade, an employee may request transfer to that position. If the knowledge, skill, and abilities required for that job are not the same as for the present job, the employee will be tested and interviewed for the new position. The County Administrator may transfer an employee to a position, at the same pay grade, if the employee is qualified to do the work and if the salary is not changed. The County Administrator may temporarily transfer an employee to a higher or lower position without a change in salary. A temporary transfer to a higher position may be made for up to one hundred eighty (180) days without giving a salary increase.

**5-408 Procedure for Filling Vacant Positions.** Recruitment notices to publicize vacancies and to assist in locating qualified candidates for vacant positions shall be prepared by the County Administrator or his Designee. A copy of the notice will be sent to each local newspaper. When recruiting Department Heads, a copy may be sent to larger metropolitan areas, depending on the appointing authorities desires.

1. The Department Head is to request in writing and submit to the Personnel Department, the position to be advertised. The Department Head request and the announcement for the position shall specify the title, duties, responsibilities, minimum qualification requirements, manner of making application, and final date on which applications will be accepted. All job announcements will state that the County is an "Equal Opportunity Employer". The advertisement must be run for a minimum of fourteen (14) days. (Revised 2/14/06)
2. Applications may be obtained from the County Commissioners Office and must be returned to said office within the time specified in the notice. Otherwise, the application will be taken but placed in a six (6) month holding file. The application will require information covering training, experience, and other job related information. All applications must be signed by the applicant.
3. Current county employees who wish to be considered for another classified position will notify the County Administrator or his Designee and his/her application will be reviewed along with all other applications for said position. When vacancies occur,

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applications on file in the Commissioner's Office will be reviewed along with all new applications for said position. The County Administrator may modify the application form at his discretion.

4. It shall be the policy of the County to promote from within when possible. The promotions will be consistent with fair employment practices, and candidates for promotion will be tested and interviewed for the open position.
5. It is the policy of the County to employ according to job related qualifications. It is the policy of Bryan County to use all appropriate means to attract qualified candidates for employment, and to make such investigations and examinations as are deemed appropriate to assess fairly the aptitude, education, and experience, knowledge, and skills, character, physical fitness, and other qualities required for the position in the service of the County.

**5-409 Disqualification of Applicants.** After the job application closing date, the County Administrator may disqualify any applicant who does not meet the requirements for the position, who practices or attempts to practice fraud or deception in completion of the application or who has an unsatisfactory past record of employment. The applicant may be required to submit proof of education, military service, necessary licenses, or any other such documentation.

**5-410 Selection Process.** The Department Head has responsibility for hiring employees for his/her department, and shall not interview less than three qualified applicants (provided applications from three qualified individuals have been received). If no qualified applicants apply for the advertised position, the Department Head cannot hire an applicant for a different position without first advertising the different position for a minimum of fourteen (14) days. Upon reaching a determination as to the best qualified candidate, the Department Head shall notify the County Administrator, no candidate can be offered in excess of the Minimum Starting Pay Rate, unless justified by the Department Head and approved by the County Administrator. Upon receipt of the required paperwork from the County Administrator, the Personnel Department shall issue a Conditional Offer of Employment Letter pending required employment screenings. Once notified of satisfactory screening results, the Personnel Department shall notify the Department Head and the Department Head shall issue a Verbal Offer of Employment. The Employee then must provide to the Personnel Department a Letter of Acceptance acknowledging the Position Title, Salary and Start Date. Once Letter of Acceptance is received, the Personnel Department shall issue the Final Offer of Employment Letter, at which time the selected candidate may begin work on date specified in the Final Offer of Employment Letter providing all paperwork has been completed with the Personnel Department. (Revised 2/14/06)

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**5-411 Selection Process for Department Head.** The process will be principally the same procedures outlined in paragraph 5-408. The County Administrator will screen all applicants and provide a list of the most qualified for interview. The appointing authority will interview at least three (3) qualified individuals (provided three qualified applicants apply). Upon reaching a determination the appointing authority will notify the County Administrator to offer the job to the selected individual pending medical evaluation and drug/alcohol screen.

**5-412 Performance Appraisal.** Reserved. (Revised 4/4/06)

**5-413 Separations.** Any employee may voluntarily resign, abandon the job, be separated in a reduction-in-force, or be dismissed for disciplinary reasons as described in Article XII.

1. **Job Abandonment** - Employees who are absent from work for two (2) or more consecutive days without having received leave approval or without having called in to report the absence will be considered as having voluntarily abandoned their job. The separation will not be in good standing, and shall affect the receipt of accrued benefits.
2. **Reduction-in-Force** - A reduction-in-force may be necessary when a position or group of positions must be closed because of lack of work or funds. Employees who are separated in a reduction-in-force will be treated as if they were on leave-of-absence for one (1) year and will receive preference in rehiring should a position for which they are qualified opens within that year.
3. **Individuals Seeking Re-employment by the County** - All employees previously employed by the county, where involuntary separation occurred, that are seeking re-employment must be reviewed and approved by the appointing authority before rehiring.

**5-414 Establishment.** A classification plan has been established and is maintained and filed in the Office of the County Clerk. The plan is available for review by county employees.

**5-415 Basis for Position Classification.** Each position shall be assigned or allocated to an appropriate job classification on the basis of the kind and level of its duties and responsibilities to the end that all positions in the same classification shall be sufficiently alike to permit the use of a single descriptive title, the same tests of competence and the same salary range, thus carrying out the basic principle of classification, which is equal pay for equal work. A job classification may contain one position or a number of positions. The County Administrator shall from time to time review the job classifications and submit a

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report thereof to the Commission.

**5-416 Changes in Classification Plan.**

1. The classification plan may be amended from time to time by the County Commission. Such changes may result from the need of creating new positions, changes in organization or changes in assigned duties and responsibilities.
2. The County Administrator shall review all requests for creation of new positions, the abolition or consolidation of present positions, reclassification of positions to different job classes, or the reallocation of positions to new salary range. In such reviews, the County Administrator shall study the current duties and responsibilities of the position concerned and recommend to the Commission appropriate action necessary to ensure the correct classification and allocation of the position.
3. Each Department Head shall report to the County Administrator any changes in the organization or assignment of duties and responsibilities to a given employee which results in changes in the position-classification plan or in the classification of any of the positions within the department.

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## ARTICLE V: PAY FOR EMPLOYEES

**5-501 Pay Plan.** The pay for all employees is established by the pay plan for the class of position in which they are employed. The pay plan will be amended from time to time at the discretion of the Commission.

**5-502 Pay Scale.** For each class of position, a pay range is assigned, and for each class of position within that range there is a low, median, and high scale. Initial employment is normally at the lower end of the pay range but depending on the employees experience and the recommendation of the Department Head and concurrence of the County Administrator, the employee may be placed higher within the range specified for the position.

**5-503 Notice to Employees of Pay and Salary Range; Basis for Further Increase.** After each class or position has been assigned to a salary range and the pay plan and rules for its administration have been adopted by the commission, each employee shall be advised of the applicable pay range and the salary grade to which the position title has been assigned. When an employee attains the maximum pay within the salary range for his position, said employee shall not receive further salary increases, unless:

1. The position is reclassified;
2. The employee is promoted to another position having a higher salary grade;
3. A general salary increase is granted to all employees;

**5-504 New Appointments.** Generally, a new employee will be paid the minimum of the approved salary range for the position to which the new employee is appointed. Based on experience and a recommendation from the Department Head and the concurrence of the County Administrator, a higher salary within the range can be approved.

**5-505 Promotions.** When an employee is promoted to a position in a higher class, the employee's salary shall be increased to the minimum rate for the higher class. In the case of overlapping ranges, the promoted employee shall be increased to a salary above the employee's previous salary.

**5-506 Reinstated Employees.** A reinstated employee shall be paid at a salary within the approved salary range for the position in which the employee is reinstated.

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Donna M. Waters, Clerk

**5-507 Transfers.** The pay of an employee transferred to another position of the same pay classification shall remain unchanged

**5-508 Demotions.** An employee demoted to a position of lower range shall be reduced to a salary within the new range to which the employee was demoted.

Adopted: December 19, 1996 Signed: \_\_\_\_\_  
Donna M. Waters, Clerk

## ARTICLE VI: APPOINTMENTS

**5-601 Vacancies.** The Personnel Clerk shall publicize vacancies to be filled, encourage qualified county employees to apply for upward classification, and seek new applicants.

**5-602 Application for Appointment; Form and Design.** Department Heads shall examine applications of applicants for employment and recommend applicants for appointment vacancies existing within their departments. Appointments shall be made on the basis of ability, training, and experience without regard to age, race, creed, national origin, sex, religion, or handicapped status.

**5-603 Types of Appointments.**

1. **Permanent Appointment** - Appointment to permanent positions shall be made only when a vacancy in a permanent classification exists and such appointments shall be subject to a probationary period.
2. **Temporary Appointment** - In the absence of an appropriate list for filling vacancies, temporary appointments may be made for a period not to exceed twelve (12) months. No temporary appointment shall be construed to confer tenure of office by the employee and any temporary appointments may be terminated at any time.
3. **Emergency Appointment** - When an emergency exists and in order to prevent stoppage of public service or inconvenience to the public, appointments may be made for a period not to exceed thirty (30) days.
4. **Exempt Appointments** - Appointment to positions identified by elected County Officials as personal staff.

**5-604 Pre-Employment Medical Examination and Drug/Alcohol Screening.** Prospective employees shall be required to complete a drug/alcohol screening as a condition for employment. Any prospective employee applying for any position of a "safety-sensitive" nature, including, but not limited to Fire, EMS, Deputy, CDL Holder, Jailer, Detention Officer, Communication Officer and Transit Driver will be required to complete a pre-employment medical examination, as well as the drug/alcohol screening. The physician to conduct the examination(s) shall be selected by the county and expenses for the examination(s) assumed by the same.

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**ARTICLE VII: TYPES OF EMPLOYMENT**

**5-701 Full-Time Employment.** Full-Time employees shall be defined as personnel who regularly work forty (40) hours or more per week for not less than six (6) consecutive months. Personal leave and holidays count as time worked for this purpose.

**5-702 Part-Time Employment.** Part-Time employees are those employees who work thirty-six (36) hours or less per week.

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Donna M. Waters, Clerk

## ARTICLE VIII: LEAVE

**5-801 Personal Leave.** Personal leave is based on years of service to the County and is computed as follows:

1. All regular full-time employees can earn ten (10) days or 80 hours of personal leave for the first year of employment; fourteen (14) days or 112 hours of personal leave during the second through fifth year of employment; eighteen (18) days or 144 hours of personal leave during the sixth through tenth years of employment; twenty-four (24) days or 192 hours of personal leave during the eleventh through fifteenth year of employment; twenty-seven (27) days or 216 hours of personal leave during the sixteenth through twentieth year of employment; and thirty (30) days or 240 hours of personal leave after twenty years of service. The maximum personal leave which may be earned is thirty (30) days or 240 hours per calendar year. If more than 30 days are needed during any calendar year, it must be approved by the Department Head and the County Administrator. The maximum personal leave hours which may be carried over to a new calendar year is 720 hours. Zero (0) hours will be banked. Leave accumulated over 720 hours during a calendar year must be taken by the employee, or the employee will forfeit any accumulated personal leave over 720 hours. Any full time employee resigning from service of Bryan County voluntarily and in good standing, will be paid for all accumulated personal leave, up to the maximum of 720 hours. Any full time employee retiring from county service can be paid lump sum for accumulated personal leave up to the maximum of 720 hours, or the employee may take terminal leave to use the accumulated personal leave. (Revised-6/01/04)
2. When a regularly scheduled holiday occurs during the period of an employee's leave, an additional day of leave shall be granted.
3. Employees resigning voluntarily and in good standing from county service will be paid for earned but unused leave. Employees dismissed or not resigning in good standing will not be paid for earned but unused leave.
4. Leave shall be scheduled with particular regard to seniority of employees, department operational requirements and insofar as possible, the request of employees. Employees shall submit in writing a request for vacation to their department head at least two (2) weeks prior to the desired leave date. Department Heads shall meet the same requirement with requests submitted to the County Administrator.

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5. If an employee does not report to work because of illness, the employee must, at the earliest possible convenience on that date, notify the appropriate Department Head. Leave may be withheld unless such a report has been made. A physician's statement will be required for absences of three (3) or more consecutive days. A physician's statement may at any time be required when absence occurs frequently or habitually, provided the employee has been warned in writing.
6. A leave form must be signed by the employee giving the date(s) the employee was absent from work. This must be completed promptly upon the employee's return to work. The Department Head is charged with the responsibility of reporting the necessary information to the Personnel Clerk.

**5-802 Bereavement Leave.** A maximum of three (3) days leave may be used at any one time for the bereavement of an immediate family member. This leave WILL NOT be deducted from employee's Personal Leave. (Revised - 6/01/04)

**5-803 Civil Leave.** An employee will be granted civil leave when it is necessary for the employee to answer subpoena, perform emergency civilian duty for national defense, or serve on a jury. The employee will be paid for the difference between the regular salary and the fee received for the services performed upon submission of pay vouchers. In the event the employee's civil leave exceeds usual county pay, there shall be no compensation.

**5-804 Military Leave.** Georgia law requires that paid leave be granted to members of the Reserve and National Guard under certain conditions, and leave-of-absence is required under other conditions. These policies are in compliance with the law.

1. **Ordered Duty** - In compliance with O.C.G.A. 38-2-279, any employee ordered to military duty shall be placed on military leave with pay for a period of time not exceeding a total of eighteen (18) days in any one calendar year and not exceeding 18 days in any one continuous period of absence.
2. **Declared Emergency** - According to O.C.G.A. 38-2-279, in the event the Governor declares an emergency and orders any employee to State active duty as a member of the National Guard, the employee shall receive pay for a period not exceeding thirty (30) days in any one calendar year and not exceeding thirty (30) days in any one continuous period of active duty service.
3. **Leave-of-Absence** - According to O.C.G.A. 38-2-279, any voluntary member of the Reserve or National Guard shall be entitled to absent himself and shall be deemed to have a leave-of-absence as an employee while in attendance at any service school

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conducted by the Armed Forces of the United States for a period up to six (6) months during any four (4) year period. Leave-of-Absence may be granted in cases of temporary disability and other emergency situations. A leave-of-absence prevents a break in service, but no benefits such as leave or time toward retirement shall accrue during leave-of-absence.

4. **Leave-of-Absence while engaged in performance of ordered military duty -** According to O.C.G.A. 38-2-279(b), every public officer or employee shall be entitled to absent himself and shall be deemed to have a leave of absence from duties or service as a public officer or employer while engaged in the performance of ordered military duty and while going to and returning from such duty. (Revised 8/3/04)

**5-805 Maternity Leave.** Maternity leave is to be charged to leave to the extent available, or may, at the option of the employee, be taken without pay. Employees who desire to work beyond the sixth (6th) month of pregnancy shall submit a physician's certificate stating the employee is capable of performing her duties and that continued employment will not adversely affect the health of the employee and/or unborn child. An employee shall be reinstated in her current position, providing she returns to work within ninety (90) days following the termination of pregnancy.

**5-806 Leave Without Pay.** Upon recommendation of the employee's Department Head, the County Commission may grant leave without pay for a period not to exceed ninety (90) days when it is in the best interest of the County and the employee. When the leave without pay expires, the employee has the right to be reinstated to the position vacated if the position still exists, or to some other vacant position in the same class if the position no longer exists. Leave without pay may be requested for (1) illness when the employee does not have sufficient accumulated leave, (2) for vacation when the employee does not have sufficient accumulated leave, or (3) when the employee prefers to take leave without pay to avoid taking accumulated leave. In addition, an employee may be placed on leave without pay when leave is requested without prior approval or when an employee is absent without notification.

**5-807 Holiday Leave.**

1. The County observes the following paid holidays each year:  
 New Years Day (January 1)  
 Martin Luther King Day (January - Third Monday)  
 All Presidents Day (February - Third Monday)  
 National Memorial Day (May - Last Monday)

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Independence Day (July 4)  
 Labor Day (September - First Monday)  
 Thanksgiving Day and the following Friday  
 Christmas Eve and Christmas Day

2. When a holiday falls on Saturday, it is observed on the Friday before. If it falls on a Sunday, it is observed on the following Monday.
3. Uninterrupted continuation of services is required of some County Departments. Consequently, the work schedule of some employees in these departments sometimes necessitates they work on authorized holidays. Holiday leave for these employees shall be as follows:
  - A. Employees who work on authorized holidays shall be granted a workday of leave with pay at a later date. No employee will be authorized to save more than 5 holidays in a given year and the holidays must be used in the year earned, they can not be carried over to the new year.
  - B. Employees whose scheduled day off falls on an authorized holiday shall be granted a workday of leave with pay at a later date. No employee will be authorized to save more than 5 holidays in a given year and the holidays must be taken in the year earned, they cannot be carried over to the new year.
  - C. Employees who are required to work on an authorized holiday shall elect to be paid straight time for the holiday, in addition to their regular pay for that day, or they may take a day off at a later time. Employees who fall under this category are 911, Sheriff's Department, Jailers, or any employee who may be required to work in an emergency situation.

**5-808 Temporary Disability.** A disabled employee may exhaust all accrued leave. When paid leave is exhausted, the employee may be placed on leave-of-absence without pay (see paragraph 5-806), depending on the duration of the absence and the need to fill the position. A doctor's statement will be required to determine the length of leave necessary. Maternity and other temporarily disabling conditions associated with pregnancy will be treated as any other disability.

**5-809 Family and Medical Leave Act 1993.** As provided by the 1993 Family and Medical Leave Act (FMLA), all eligible employees shall be entitled to take up to twelve (12) weeks of unpaid, job-protected leave during any twelve (12) month period for specified family and medical reasons.

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1. **Family Leave Eligibility:** The FMLA provides up to twelve (12) weeks of unpaid, job-protected leave every twelve (12) months to eligible male and female employees for certain family and medical reasons. To be eligible, you must have worked for the County for at least one (1) year, and for 1,250 hours over the previous twelve (12) months. There also must be at least fifty (50) employees working for the County at the time of leave request.
  
2. **Covered Family and Medical Reasons:** An eligible employee shall be entitled to twelve (12) weeks of unpaid leave during a twelve (12) month period for one or more of the following reasons:
  - (a) the birth or placement of a child for adoption or foster care;
  - (b) to care for an immediate family member (spouse, child or parent) with a serious health condition;
  - (c) to take medical leave when the employee is unable to work because of a serious health condition;
  - (d) a serious health condition, which shall be defined as an illness of a serious and long-term nature resulting in recurring or lengthy absences. Treatment of such an illness would occur in an inpatient situation at a hospital, hospice or residential medical care facility, or would consist of continuing care provided by a licensed health care provider.
  - (e) A family member who has been called to or is on active duty in the armed forces may take up to 12 weeks of FMLA leave when they experience a “qualifying exigency”. **Qualifying Exigency** is defined as: A situation(s) in which the employee is needed to fulfill family and childcare responsibilities for covered service members who have been called to active duty. (Revised - 3/4/08)
  - (f) Employees who have a family member injured in the line of duty are entitled to injured service member leave if they’re the “spouse, son, daughter, parent, or next of kin” of a covered service member who has a serious injury or illness. Qualifying employees are entitled to a combined total of 26 weeks of leave (including traditional FMLA leave) in a 12 month period, as opposed to the usual 12 weeks. (Revised - 3/4/08)

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An employee may take leave if a serious health condition makes the employee unable to perform the functions of his/her position. Employees with questions about whether specific illnesses are covered under this policy or under the County's sick leave policy are encouraged to meet with a representative from the Personnel Department.

3. **Calculation of Leave:** Eligible employees can use up to twelve (12) weeks of leave during any twelve (12) month period. The County will use a rolling twelve (12) month period measured backward from the date an employee uses any FMLA leave. Each time an employee uses leave, the County computes the amount of leave the employee has taken under this policy, subtracts it from the twelve (12) weeks, and the balance remaining is the amount the employee is entitled to take at that time. For example, if an employee has taken five (5) weeks of leave in the past twelve (12) months, he or she could take an additional seven (7) weeks under this policy.
  - (a) Employees who request injured service member leave must meet the same eligibility requirements as employees who seek leave for other purposes, see 3 above. (Revised - 3/4/08)
4. **Maintenance of Benefit:** An employee shall be entitled to maintain group health insurance coverage on the same basis as if he/she had continued to work at the County. To maintain uninterrupted coverage, the employee will have to continue to pay their share of insurance premium payments. This payment shall be made either in person or by mail to the County Clerk's Office by the 1<sup>st</sup> day of each month. If the employee's payment is more than thirty (30) days overdue, then the insurance coverage will be terminated by the County.

If an employee informs the county that he/she does not intend to return to work at the end of the leave period, the County's obligation to provide health benefits ends immediately. If the employee chooses not to return to work for reasons other than a continued serious health condition, the County will require the employee to reimburse the County the full amount of insurance premiums that the County contributed towards the employee's health insurance during the leave period.

If the employee contributes to a life insurance or disability plan, the County will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the County will request that the employee continue to make those payments, along with the health insurance payments. If the employee does not continue these payments, the County will recover all payments from the employee at the end of the leave period, in a manner consistent with the law.

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Other benefits such as the accrual of seniority will not continue during leave. However, the use of family or medical leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

5. **Periodic Reporting:** If an employee takes leave for more than two weeks, we require that the employee reports to us at least every two weeks on the status and intent to return to work. **Health Insurance:** If you are covered by our group health plan, we will continue to provide paid health insurance during FMLA leave on the same basis as during regular employment. If the employee does not return to work after the leave, the employee will be required to pay back all portions of the insurance premiums that the County paid during the leave, unless your failure to return to work is beyond the employee's control.
6. **Job Restoration:** An employee who utilizes family or medical leave under this policy will be restored the same job or a job with equivalent status, pay, benefits and other employment terms.

The County may choose to exempt certain highly compensated "KEY" employees from this job restoration requirement and not return them to the same or similar position at the completion of FMLA leave. Employees who may be exempted will be informed of this status at the time FMLA is requested. If the County deems it necessary to deny job restoration for a key employee on FMLA leave, the County will inform the employee of its intention and will offer the employee the opportunity to return to work immediately.

7. **Use of Paid and Unpaid Leave:** If an employee has accrued paid leave of less than twelve (12) weeks, the employee will use paid leave first and take the remainder of the twelve (12) weeks as unpaid leave.

If an employee uses leave because of his/her own serious medical condition or the serious health condition of an immediate family member, the employee will first use all paid vacation, personal or sick leave, and then will be eligible for unpaid leave.

An employee using leave for the birth of a child will use paid sick leave for physical recovery after childbirth. The amount of sick leave utilized after this point will be decided on a case by case basis. The employee then may use all paid vacation, personal or family leave, and then will be eligible for unpaid leave for the remainder of the twelve (12) weeks.

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 Donna M. Waters, Clerk

An employee using leave for the adoption or foster care of a child will use all paid vacation, personal or family leave first, and then will be eligible for unpaid leave for the remainder of the twelve (12) weeks.

8. **Intermittent Leave and Reduced Work Schedules:** In certain cases, intermittent use of the twelve (12) weeks of family or medical leave or a part of a reduced work week may be allowed by the County. Employees wishing to use leave intermittently or to utilize a reduced work week for birth or adoption purposes will need to discuss and gain approval for such use from the employee's department head and the Personnel Department.

Employees may also use family or medical leave intermittently or as part of a reduced work week whenever it is medically necessary. If the need to use leave is foreseeable and based on preplanned and prescheduled medical treatment, then the employee is responsible to schedule the treatment in a manner that does not unduly disrupt the County's operations. This provision is subject to the approval of the health care provider.

In some cases, the County may temporarily transfer an employee using intermittent or a reduced work week to a different job with equivalent pay and benefits if another position would better accommodate the intermittent or reduced schedule.

9. **Procedure for Requesting Leave:** All employees requesting leave under this policy must complete the Family/Medical leave for available from the Personnel Department. When an employee plans to take leave under this policy, the employee must give the County thirty (30) days notice. If it is not possible to give thirty (30) days notice, the employee must give as much notice as is possible. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the County's operations.

While on leave, employees are requested to report periodically to the County regarding the status of the medical condition, and their intent to return to work.

10. **Procedure for Notice and Certification of Serious Health Condition:** On occasion, the County may require the employee to provide notice of the need to utilize leave (where it is possible to know beforehand) and/or may require the employee to provide certification of an employee's or immediate family member's serious health condition by a qualified health care provider. The employee should try to respond to such a request within fifteen (15) days of the request, or provide a reasonable explanation for the delay.

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Qualified health care providers include: doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, and chiropractors, nurse practitioners and nurse-midwives authorized to practice under State Law and performing within the scope of their practice under State Law; and Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts.

When seeking certification of a serious medical condition, an employee should ensure that the certification contains the following:

- (a) Date when the condition began; expected duration; diagnosis; and a brief statement of treatment.
- (b) If employee is seeking medical leave for his/her own medical condition, certification should also include a statement that the employee is unable to perform the essential functions of the employee's position.
- (c) For a seriously ill family member, the certification should include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.
- (d) If taking intermittent leave or working a reduced schedule, certification should include dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

If deemed necessary, the County may ask for a second opinion. The County will pay for the employee to get a certification from a second doctor, which the County will select. If there is a conflict between the original certification and the second opinion, the County may require the opinion of a third doctor. The County and the employee will jointly select the third doctor, and the County will pay for the opinion. The third opinion will be considered final.

**5-810 Personal Leave Donation:** (Revised - 6/01/04) A Leave Bank shall be sanctioned by the Bryan County Board of Commissioners. Leave Bank days shall be established from employees' voluntary contribution of accumulated leave. Employees may withdraw only within the guidelines established by the Leave Bank Governing Committee for use only after their own personal leave has been exhausted, and only in the event of major illness.

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Donna M. Waters, Clerk

1. **Purpose** - The purpose of the Leave Bank is to allow donations to employees after their own accumulated leave has been exhausted.
2. **Administration of the Leave Bank** -
  - a. The Leave Bank shall be administered by a Leave Bank Committee consisting of five (5) employees on a three-year staggered term rotation; the County Administrator, one Elected Official, two Department Heads, and one hourly employee. The payroll clerk will also be in attendance of committee meetings, as an ex-officio member. The committee members shall be appointed by the Chairman of the County Commissioners with the approve of the Bryan County Board of Commissioners. Reappointment and vacancies will be handled in the same manner.
  - b. The committee shall have the responsibility of receiving, verifying, and approving or denying request for Leave Bank withdrawals. The committee shall elect a chairperson, a vice-chairperson, and a secretary.
    - (1) The committee shall render a decision on all applications within ten (10) working days after receiving the request.
    - (2) The decision must reflect a majority of the entire committee, that is, at least three (3) votes.
    - (3) A group of four (4) committee members shall be present to conduct the official business of the Leave Bank.
    - (4) The committee members shall use the following criteria in administering the Leave Bank and in rendering their decisions;
 

Medical evidence of serious illness  
Must use all accumulated leave  
History of use of leave
    - (5) The committee chairperson shall prepare an annual report to be presented to the Commissioners at the February meeting.
    - (6) The Board of Commissioners in no way obligates itself or assumes responsibility should the Leave Bank find itself inadequate to respond to the needs of the county employees.

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Donna M. Waters, Clerk

- c. All records of the Leave Bank shall be maintained by the Payroll Department. The committee shall inform the Payroll Clerk of all applications they approve and the amount of additional leave granted by any employee.

**3. Procedures for Application for Leave Bank Withdrawals -**

- a. All full-time employees shall be eligible to make application to the Bank provided that:

(1) He/she has been absent from work, due to catastrophic illness, including but not limited to injury, emergency surgery, or temporary disability, at least ten (10) consecutive workdays immediately prior to the day Leave Bank days begin. The Leave Bank days will commence after all other leave has been exhausted. Other considerations will be made as needed. Elective surgery and/or pregnancy will not be included.

(2) He/she has exhausted his/her own accumulated leave. Leave must be applied for within ten (10) working days of the time all other leave has been used.

- b. In the event that an employee is physically or mentally unable to make a request to the Personnel Committee, a family member or agent may file the request on the member's behalf.
- c. All requests to withdraw days from the Leave Bank shall be filed in the payroll office at the Bryan County Board of Commissioners. The Leave Bank Committee will review up to two (2) times the same request by an employee.
- d. The Leave Bank Withdrawal Form shall be accompanied by a physician's statement verifying illness and attesting to the individual's incapacity to perform assigned duties.
- e. An applicant may be required to undergo at his/her own expense a medical review by a physician approved by the Committee.
- f. Leave days must be used for personal illness, temporary disability, and/or the illness of an immediate family member (see below).

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- g. Leave grants from the Bank shall be in units of up to twenty (20) consecutive workdays.
- h. Applicants may submit requests for extensions of leave before their prior grant expires.
- i. The maximum number of donated days any member may receive in any twelve (12) month period is sixty (60) days.
- j. All donated leave granted, but no used by the employee, must be returned to the donating employee(s) according to percentage given.
- k. Substance abuse will be considered as an illness provided ongoing intensive treatment is occurring.
- l. Each employee shall sign an Authorization Form stating that he/she is aware of the provisions of the Leave Bank and also that he/she relieves the Committee and the Bryan County Board of Commissioners from any liability as a result of actions taken by the Committee.
- m. Any fraudulent or misinformation will automatically render application to the Leave Bank null and void.
- n. Additions and/or revisions to the current Leave Bank Policy will be made by the Committee as the need arises.
- o. Application to the Leave Bank due to personal illness requiring hospitalization will be reviewed on an individual basis. Consecutive days absent from work may not always necessary due to personal illness, therefore, each case will be carefully reviewed as to individual need.

4. **Procedures for Application to the Leave Bank Due to Immediate Family Illness -**

Procedures will be the same as listed for personal use with the following exceptions:

- a. The maximum number of days any member may receive in any twelve (12) month period is ten (10) days.
- b. Application to the Leave Bank as a result of immediate family illness requiring hospitalization will be reviewed on an individual basis.

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Consecutive days absent from work may not always be necessary due to immediate family illness; therefore, each case will be carefully reviewed as to individual need.

**5-811 Declared Mandatory Evacuation.** (Revised 10/04/05) In the event the Governor of the State of Georgia or the Chairman of the Bryan County Board of Commissioners deems it necessary to call for a mandatory evacuation of Bryan County, Georgia, certain departmental employees will be required to remain for disaster relief efforts. The following departments will be put on stand-by and housed in county facilities, when necessary:

Sheriff's Department (As deemed by the Sheriff)  
 EMA  
 EMS  
 Fire Department  
 Public Works Department (As deemed by the Director)  
 Tax Assessor's Department (Chief Appraiser & Field Appraisers)  
 Planning and Zoning/Engineering and Inspections (Director, Zoning Administrators,  
 Building Inspectors).

The employees required to be on stand-by will be paid for all hours worked at their normal pay structure in accord with the Federal Wage and Hour Laws & Regulations.

Employees not required by their supervisors to be on stand-by should evacuate as requested and will be deemed to use their personal leave for all time absent from work. If an employee does not have accumulated leave, then the employee will not be compensated during such absence.

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 Donna M. Waters, Clerk

## ARTICLE IX: HOURS OF WORK

**5-901 Authority of Established Hours of Work.** The County Commission shall set forth the hours of work for each Department, with all offices being open a minimum of forty (40) hours per week.

**5-902 Overtime/Compensatory Time - Approval and Designation.** Occasionally, employees may be called on to work overtime. Employees may be allowed compensatory time off for the period worked, or they will be paid at one and one-half the regular rate for all hours worked over forty (40) hours per week. Law Enforcement employees will receive over-time at a rate equivalent to half the regular hourly rate, for all hours worked over 171 hours in the twenty-eight (28) day work period or 86 hours during the fourteen (14) day work period. Department Heads and Salaried employees will receive their normal salary for any work period.

Compensation for salaried personnel shall be paid regardless of attendance to selected employees, which includes employees and department heads. Due to the added responsibilities required of a supervisor, in addition to ensuring that the necessary work is performed in each department, variations and additions of work hours may be required without the benefit of overtime. Any salaried employee will still be required to account for their personal leave and report used leave to the personnel office. Any salaried employee that abuses this policy and does not correctly report their personal leave, will be subject to reprimand by the County Administrator. Ultimately, dismissal may result from repeated violations of this breach of conduct. Compensatory time may be given to hourly-waged employees for hours worked over the minimum number of hours required for a particular job. Employee may choose compensatory time in lieu of over-time pay.

**5-903 Authorization and Conditions Required to Accept Outside Employment.** Employees are expected to devote primary attention to the requirements of their county jobs. It is permissible to obtain outside employment if the employee first gains written approval from the appropriate Department Head and if :

1. there is no conflict in the working hours;
2. the employee's job efficiency is not reduced; and
3. there is no conflict of interests that could cause embarrassment to the county by employee.

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Donna M. Waters, Clerk

## **ARTICLE X: RULES AND REGULATIONS**

### **5-1001 Political Activity.**

No county employee in the classified service shall actively advocate or oppose the candidacy of any individual for nomination or election to any county office. Employees are encouraged to exercise their right to vote in county elections; and may engage in or participate in political activities at other levels of government (other than actual candidacy for office), provided that such participation is at no time engaged in during working hours and provided such participation does not adversely affect performance as a county employee.

Any employee who qualifies for elective office at the local, state, or federal level shall resign in writing from the county service effective the date of qualification.

Nothing in this section shall be construed to prevent employees from becoming or continuing to be members of any political party, club, or organization; attending political meetings, expressing their views in private or political matters outside working hours and off county premises; or voting with complete freedom in any election.

**5-1002 Employment of Relatives.** A Department Head shall not hire or supervise an immediate relative. The "immediate relative" shall include: spouse, child, parent, brother, sister. The definition is extended to spouse's child, parent, brother, sister or any other person who resides in the employee's household or who is recognized by law as a dependent of the employee. (Revised - 2/1/05)

### **5-1003 Travel: Reimbursement, Records, and Authorization Required.**

On occasion, county employees are required to travel out of the immediate area. Out-of-area travel must have prior approval in writing of the appropriate Department Head, County Administrator or Commission Chairperson. Employees traveling outside the area shall notify the commission office of their itinerary. When possible, county vehicles will be used. In the event an employee has to use his personal vehicle to travel, the employee will be reimbursed on a floating scale of: The base reimbursement rate of \$.48 per gallon with a cost of fuel rate of \$3.00 per gallon and a rate structure change for each \$.10 per gallon for cost of fuel, a \$.01 increase or decrease of the reimbursement rate. This rate will be reviewed monthly by the County Administrator and the figures will be based on the previous months fuel cost. Accurate records of mileage should be kept by the employees and submitted to the Department Head for approval. (Revised 10/4/05)

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Transportation other than by passenger vehicle will be reimbursed on an actual cost basis upon presentation of receipts and shall require approval from the County Administrator.

An employee required to remain out of the county overnight or for an extended period on official business will be reimbursed for hotel or motel accommodation expenses on actual cost basis upon presentation of receipts. Employees should make every effort to arrange accommodations in hotels or motels with moderate rates. Reimbursements for meals will be limited to actual cost of meals. Reimbursements will be made upon presentation of receipts.

Miscellaneous expenses such as taxi fare, parking charges, etc., will be reimbursed on an actual cost basis. Receipts are not generally required.

**5-1004 Central Personnel File.** A central file of records on all personnel will be maintained by the Payroll Clerk. The file will contain for all employees the following:

1. Job application (for those employees on the payroll at the time of adoption of these rules, a similar form will be completed for informational purposes).
2. Copies of all positions or pay rate changes.
3. Attendance records, including all leave.
4. Other personnel action notices and personnel data required for the proper administration of the personnel program.

**5-1005 Personnel Record Changes.** If at any time, an employee's address, name, phone number, or other pertinent information changes, the changes should be immediately reported to the Personnel Department.

**5-1006 Inter-Department Labor Assistance Request.** If a situation arises in which the work load of a particular department necessitates the utilization of employee labor from other county departments, a request for such assistance shall be made at the Department Head level. Under no circumstances shall the Department Head of a department request or order an employee of another department to perform work duties outside the employees normal assigned duties without Department Head approval.

**5-1007 Punctuality and Attendance.** Regular attendance and punctuality are essential to accomplishing the objective of providing efficient services to the public. Sometimes there will be a good reason for non-attendance and tardiness. In these situations, however, there

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are procedures that should be observed. An employee who is unable to arrive at work on time must either notify the supervisor or make arrangements for someone else to contact the supervisor as early in the workday as possible. This will allow the time to rearrange the work schedule with minimum possible inconvenience.

**5-1008 Care of Equipment and Supplies.** Equipment and supplies necessary for the proper performance of work are provided by the County. Misuse of equipment or waste of supplies result in high cost of governmental services. The serviceable life of most equipment can be greatly extended through use and preventive maintenance. It is the operators responsibility to perform preventative maintenance and to operate equipment in a safe responsible manner. Additionally, no government equipment may be utilized for other than authorized county work and under no circumstances may county equipment be utilized for private purposes.

**5-1009 Attitude and Appearance.** All county employees shall treat the public with courtesy and respect, and to the extent possible, will be cooperative and responsive to legitimate requests for assistance from the public. All county employees will dress in a manner appropriate to their position as determined by the department head.

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**ARTICLE XI: SEPARATION OF EMPLOYEES****5-1101 Types of Separation.**

1. **Dismissal** - An involuntary separation, except by expiration of term specified by law, suspension, layoff, or retirement.
2. **Suspension** - Involuntary separation during a limited period of time for disciplinary purposes.
3. **Resignation** - Voluntary separation.
4. **Layoff** - Involuntary separation through no fault of the employee, as by reason of lack of funds, organizational changes, completion of temporary or restricted employment, or similar reason will have no adverse effect on the employee's eligibility for further employment.
5. **Retirement**

**5-1102 Resignation Procedures.** The County Administrator, County Clerk and Department Heads are required to submit notices in writing to the County Commission at least thirty (30) days in advance of their intent to resign in order to leave the county service in good standing. All other employees are required to notify their Department Heads in writing two (2) weeks in advance of their intent to resign in order to leave the county service in good standing.

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## ARTICLE XII: DISCIPLINARY ACTION

### 5-1201 Types of Discipline.

1. **Reprimands** - An oral or written advisement to the employee that some phase of the employee's work performance is not satisfactory and must be corrected to prevent the employee from exposure to more severe disciplinary action. Reprimands may be given by the Department Heads.
2. **Suspension** - Temporary separation from service for disciplinary purposes where the case is not sufficiently grave to merit dismissal. An employee may be suspended by the appropriate Department Head for a period not to exceed thirty (30) days within one (1) calendar year.
3. **Demotions** - Demotions are necessary in order that employees whose work has not been satisfactory, but who do not deserve dismissal, may be retained and assigned less difficult work. An employee may be demoted by the appropriate Department Head.
1. **Dismissals** - Dismissals may be made for inefficiency, insubordination, misconduct, drug/alcohol use on the job, or other just causes. A Department Head may dismiss a regular full-time employee within said Department Head's jurisdiction with concurrence of the County Administrator or County Commission.

### 5-1202 Cause for Reprimand, Suspension, Demotion, or Dismissal. An employee may be Reprimanded, Suspended, Demoted or Dismissed for the following reasons:

- (a) Incompetence or inefficiency in the performance of the duties of the position.
- (b) Violation of any lawful official regulation or order, and failure to obey any proper direction made and given by a superior.
- (c) Misappropriation, destruction, theft, or conversion of county property.
- (d) Falsification of any information required by the county.
- (e) Negligence or carelessness resulting in damage to county property or equipment.
- (f) Offensive conduct or language in public or toward the public, county officials, or fellow employees either on or off duty.

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- (g) Habitual tardiness and /or absenteeism.
- (h) Takes for personal use from any person, any fee, gift, or other valuable thing given in the hope or expectation of receiving a favor or better treatment than that accorded other persons, nor shall the employee accept any bribe, monies or other things of value intended as inducement to perform or refrain from performing any official act.
- (i) Employee subsequently becomes physically or mentally unfit for the performance of duties.
- (j) Absence without leave or failure to give proper notice of absences.
- (k) Conviction of a felony or other crime involving moral turpitude.
- (l) Willful violation of any provision of this policy

An employee will be dismissed for violation of any conditions or standards on the Bryan County Drug and Alcohol Policy.

Disciplinary action against an employee based on sex, age, creed, national origin, race, religion, handicap status, or for partisan reasons, shall be considered a violation of these rules.

**5-1203 Appeals Procedure.** A written notice shall be given to each employee stating the reasons for the disciplinary action and the date it is to take effect. The notice is to be given to the employee at the time such action is taken and in any event not later than three (3) working days from the date of action.

All regular full-time employees are granted the right of appeal. The appeal must be filed within ten (10) days of the effective date of disciplinary action. The employee must file the written appeal with the County Administrator.

The County Attorney, or a licensed Attorney designated by the County Attorney, shall hear appeals submitted by any regular full-time employee relative to any suspension, demotion or dismissal. The County Attorney or his designee, shall consider all available facts and findings and render a recommendation to the Board of Commissioners. The County Commission shall make a decision based on the information gathered and such attorney's findings and recommendations. The action shall be the action of the Board of Commissioners and considered final. Any person aggrieved by such a decision of the Board of Commissioners with regards to this Article may appeal to the Superior Court of Bryan

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County, except, however, that said appeal must be filed within 30 days of the decision being appealed. Said appeal shall be based on the record. No party shall be entitled to a de-novo appeal. Upon failure to file said appeal within 30 days of the decision being appealed, the decision shall be binding and final upon all parties.

No employee shall be further disciplined or discriminated against in any way for proper use of the appeals system.

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**ARTICLE XIII: SUPPLEMENTS AND AMENDMENTS.**

**5-1301 Supplements.** The County Commission or Department Heads, with approval from the Commission, may establish additional personnel rules and regulation deemed necessary for the efficient operation of a particular office or department.

**5-1302 Amendments.** These rules may be amended from time to time as deemed necessary. All changes shall be approved by the County Commission.

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**ARTICLE XIV: INTERNET USAGE**  
**Adopted 7/11/06**

**Internet Usage:** Internet access to global electronic information resources on the World Wide Web is provided by the Bryan County Board of Commissioners to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive Internet usage. While Internet usage is intended for job-related activities, incidental and occasional brief personal use is permitted within reasonable limits.

**5-1401 Data Ownership.**

- (a) All Internet data that is composed, transmitted, or received via our computer communications systems is considered to be part of the official records of the Bryan County Board of Commissioners and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees should always ensure that the business information contained in Internet email messages and other transmission is accurate, appropriate, ethical, and lawful.
- (b) The equipment, services, and technology provided to access the Internet remains at all times the property of the Bryan County Board of Commissioners. As such, the Bryan County Board of Commissioners reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer system.
- (c) Data that are composed, transmitted, accessed, or received via the Internet must not contain content that would be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law.
- (d) The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not gotten authorization for its use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights.

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- (e) Internet users should take the necessary anti-virus precautions before downloading or copying any file from the Internet. All downloaded files are to be checked for viruses; all compressed files are to be checked before and after decompression.
- (f) Abuse of the Internet access provided by the Bryan County Board of Commissioners in violation of law or the Bryan County Board of Commissioners policies will result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy. The following behaviors are examples of previously state or additional disciplinary action:
1. Sending or posting discriminatory, harassing, or threatening messages or images.
  2. Using the organization's time and resources for personal gain.
  3. Stealing, using, or disclosing someone else's code or password without authorization.
  4. Copying, pirating, or downloading software and electronic files without permission.
  5. Sending or posting confidential material, trade secrets, or proprietary information outside of the organization.
  6. Violating copyright law.
  7. Failing to observe licensing agreements.
  8. Engaging in unauthorized transactions that may incur a cost to the organization or initiate unwanted Internet services and transmissions.
  9. Sending or posting messages or material that could damage the organization's image or reputation.
  10. Participating in the viewing or exchange of pornography or obscene materials.
  11. Sending or posting messages that defame or slander other individuals.
  12. Attempting to break into the computer system of another organization or person(s).
  13. Refusing to cooperate with a security investigation.
  14. Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities.
  15. Using the Internet for political causes or activities, religious activities, or any sort of gambling.
  16. Jeopardizing the security of the organization's electronic communications system.
  17. Sending or posting messages that disparage another organization's products or services.
  18. Passing off personal views as representing those of the organization.

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19. Sending anonymous email messages.
20. Engaging in any other illegal activities.

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