

**RESOLUTION 2017-07**  
**COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND**  
**KENT COUNTY EMPLOYEE HANDBOOK**

**WHEREAS**, The County Commissioners of Kent County, Maryland, have previously adopted a Personnel System for the employees of the Kent County Government under the provisions of Article 25, § 3, of the Annotated Code of Maryland, 1957 Edition, as amended; and

**WHEREAS**, the County Commissioners of Kent County, Maryland, have determined that the Kent County Personnel Policies and Procedures Manual adopted on April 10, 2001, are outdated and need to be revised; and

**WHEREAS**, the Human Resources Department of Kent County has developed and proposed on this date a replacement set of Kent County Policies and Procedures, entitled "Employee Handbook," and the County Commissioners of Kent County have reviewed the replacement set;

**NOW THEREFORE**, Be It Resolved by the County Commissioners of Kent County, Maryland, that the Kent County Personnel Policies and Procedures originally adopted on December 2, 1986, and revised January 2, 1990, August 29, 1995, and April 10, 2001, be now rescinded and that any past practices under said policies and procedures be hereby declared null and void, except that any history of disciplinary problems of any employee may be considered in future disciplinary action.

**BE IT FURTHER** resolved that the Kent County Employee Handbook proposed on this date by the Human Resources Department is hereby approved and effective on November 1, 2017, and that such Employee Handbook be administered by the Human Resources Director.

**ADOPTED** this 17<sup>th</sup> day of October, 2017.

ATTEST:

THE COUNTY COMMISSIONERS  
OF KENT COUNTY, MARYLAND



Sondra M. Blackiston, Clerk



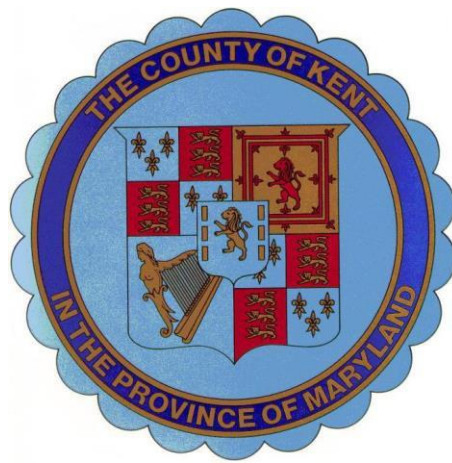
William W. Pickrum, President



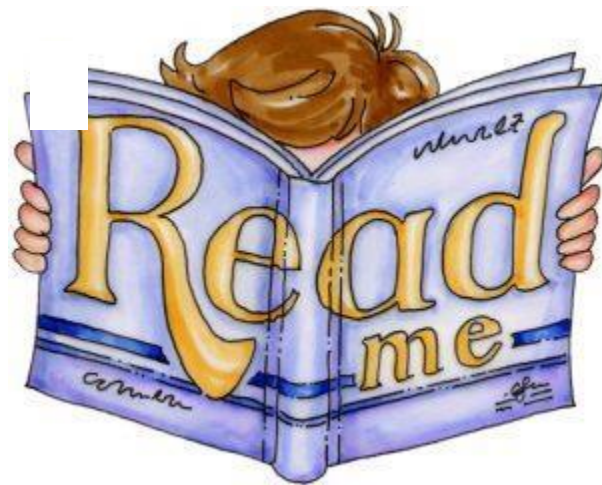
Ronald H. Fithian, Member



William A. Short, Member



# The County Commissioners of Kent County, MD



## Employee Handbook

November 1, 2017

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**EMPLOYEE ACKNOWLEDGEMENT FORM**

*The Kent County Employee Handbook* describes important information about Kent County Government employment. I understand that I should consult the Human Resources Department if I have any questions that are not answered in the handbook.

I became an employee for The County Commissioners of Kent County, MD (herein after “Kent County”, “the County”, “our,” or “we”) voluntarily. I understand and acknowledge that there is no specified length to my employment with Kent County and that my employment is at will. I understand and acknowledge that "at will" means that I may terminate my employment at any time, with or without cause or advance notice. I also understand and acknowledge that "at will" means that Kent County may terminate my employment at any time, with or without cause or advance notice, as long as they do not violate federal or state laws.

I understand and acknowledge that there may be changes to the information, policies, and benefits in the handbook. The only exception is that Kent County will not change or cancel its employment-at-will policy. I understand that Kent County may add new policies to the handbook as well as replace, amend, or delete existing policies. I understand that I will be told about any handbook changes and I understand that handbook changes can only be authorized by The Board of County Commissioners of Kent County, or their designee. I understand that the County reserves the right to deviate from these policies in emergency situations, in order to achieve its primary mission of providing orderly and cost efficient services to its citizens.

**I understand and acknowledge that this handbook is not a contract of employment or a legal document. I have received the handbook and I understand that it is my responsibility to read and follow the policies contained in this handbook and any changes made to it. I also understand that failure to comply with these policies may result in disciplinary action.**

EMPLOYEE'S NAME (printed): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

## **COUNTY COMMISSIONERS OF KENT COUNTY, MD**

### **EMPLOYEE HANDBOOK**

#### **INTRODUCTION**

Kent County, Maryland, was founded in 1642. It is Maryland's smallest county by population, with just under 20,000 residents (census estimate as of 7/1/16), and the second smallest in terms of land mass.

Kent County is governed by a three -person Board of Commissioners, which oversees twelve departments and approximately 210 full time employees. Services are provided to our citizens by a combination of the following county departments, offices, and agency staffs: Alcoholic Beverage & Tobacco Inspection; Commissioners' Office; Detention Center; Economic Development; Emergency Services; Finance; Human Resources; Information Technology; Parks and Recreation; Planning, Housing, & Zoning; Public Works (which includes Buildings & Grounds Maintenance, Environmental Operations, County Roads, and Water & Waste Water Services); Sheriff's Office; Tourism; Local Management Board; and the Kent Family Center.

The mission of Kent County Government is to deliver services to protect and improve the health, safety, education, welfare, environment, economy, and unique quality of life of its citizens consistent with the County's values and priorities in a fiscally responsible manner.

The vision is to ensure accountability to the County's citizens for the delivery of essential services consistent with our mission statement.

We believe that you are an integral part of our team and you will work with us to make our team successful. We hope and believe that your experience here will be challenging, enjoyable, and rewarding.

This handbook describes many of the policies and outlines the programs and benefits available to eligible employees. This handbook will answer many questions you may have about your employment with the Kent County Commissioners.

This handbook supersedes all previous county employee handbooks and the 2001 Policies & Procedures Manual for Kent County, MD, including all addendums.

While this handbook refers to rules, it is also important to note that technical assistance can provide additional guidance in many human resources areas. Copies of these publications may be reviewed in the Human Resources office.

This handbook has been prepared to provide our employees with a general understanding of our personnel policies, work rules, and benefits. All employees are responsible for becoming familiar with our policies and procedures. If you have any questions regarding the material in the handbook, please contact your supervisor or the Human Resources Department (HR) for clarification. However, this

employee handbook cannot cover every situation or answer every question about policies and benefits for Kent County employees. Kent County has the right to add new policies, amend policies, or cancel policies at any time. If we make changes to the handbook, we will tell you about the changes.

The only policy we will never change or cancel is our employment-at-will policy. The employment-at-will policy allows you or Kent County to terminate your employment at any time for any reason. The employment-at-will policy is further described in the policy titled *Employment at Will*.

The handbook should not be construed as an employment contract or an agreement for employment for any specified period of time.

With the exception of the grievance procedures and disciplinary actions, these policies and procedures apply to all positions and employees. The grievance procedures and disciplinary actions do not apply to the County Administrator, county employees working under employment contracts, and employees of other agencies created under state law and over which the Board of County Commissioners has no supervisory control over staff, including all employees and positions in the Kent County State's Attorney's Office, the Circuit Court, and all sworn officers in the Kent County Sheriff's Office.

All department heads and supervisors are responsible for adherence, implementation, enforcement, and monitoring of these policies and procedures.

The Director of Human Resources is responsible for the administration of these policies. All questions regarding this manual should be directed to the Human Resources Department.

## **SECTION 1: GENERAL POLICIES**

### **Employment at Will**

The Kent County Commissioners do not offer tenured or guaranteed employment. Unless the Commissioners have otherwise expressly agreed in writing, your employment is at will and may be terminated by you or by the County at any time, including after the probationary period.

This handbook is not a contract of employment. Any individual may voluntarily leave the employment of the Kent County Commissioners upon proper notice or may be terminated at any time and for any reason as long as there is not a violation of federal, state, or local law.

### **Customer Relations**

Customers are vital to the success of all organizations. As public servants, every employee represents Kent County Government to the public. One of the highest priorities of the County is to help the citizens of Kent County and the public. Your contacts with the public, your telephone manners, and any communications you send to others reflect not only on you, but also the professionalism of our Kent County Government.

If someone wants to make a specific comment or complaint, you should direct the person to your Supervisor or Department Head for appropriate action.

### **Equal Employment Opportunity**

We adhere to all federal, state and local laws regarding equal employment opportunity. We provide equal opportunities for all employees and applicants for employment without regard to sex, age, race, religion, national origin, citizenship status, physical or mental disability, or any service, past, present, or future, in the uniformed services of the United States.

It is the responsibility of everyone in management to ensure that equal consideration be given to all applicants and employees in personnel actions, which include recruiting and hiring, selection for training, promotion, demotion, discipline, rates of pay or other compensation, transfer, layoff, recalls, terminations, and general treatment of employees.

If you believe that the County has violated this policy, a grievance may be filed in accordance with the procedures established in the Grievance Policy.

### **Immigration Control & Enforcement**

It is our policy to fully comply with the regulations of the Immigration Reform and Control Act of 1986 (as amended) enforced by the Department of Homeland Security. We will hire only American citizens and aliens who are authorized to work in the United States.

The law requires us to do five things:

1. All new employees must complete Section 1 of the I-9 form within three business days of hire.
2. Check documents establishing employees' identity and eligibility to work. (Note: we are not allowed to tell the employee which documents to present and cannot ask for more than is required.)
3. The person examining the documents must complete Section 2 of the I-9 Form and the Certification Section.
4. Retain the form for at least three years. (If you are employed for more than three years, we must retain the form until one year after you leave employment.)
5. Present the form for inspection to the Department of Homeland Security or Department of Labor officer upon request. (At least three days advance notice will be given.)

If an employee is hired for less than three days, Form I-9 still must be completed before the end of the employee's first working day. If an employee leaves our employment and is rehired, they must complete another I-9 form if their previous I-9 is more than three years old, if the original one is not accurate, or if the County no longer has the original I-9.

Contact the Human Resources Department if you have questions or want information on the immigration laws. Retaliation of any form is against the law and if you ask questions or want to complain about the immigration law compliance policy, you will not be punished in any way. I-9 Forms are kept separate from all other personnel records.

### **Anti-Harassment Policy**

The Kent County Commissioners provide equal employment opportunity to all employees and applicants. This means that all employment decisions, including hiring, placement, discipline, promotion, leave of absence, job assignment, compensation, transfer, layoff, recall, termination, and access to benefits and training, are made without regard to race, color, creed, religion, sex, sexual orientation, alienage, citizenship status, marital status, status as a Vietnam era veteran, national origin, age, handicap, disability, or any other characteristic protected by federal, state, and/or local law.

Equal employment opportunity also encompasses the Kent County Commissioners' commitment to maintaining a work environment that is free of unlawful discrimination and harassment. In furtherance of this commitment, employees are not to display or electronically send pictures, cartoons, posters, e-mail, or jokes that may reasonably be deemed offensive because of race, color, religion, sex, sexual orientation, alienage, citizenship status, marital status, status as a Vietnam era veteran, national origin, age, handicap, disability or any other characteristic covered or protected by federal, state, and/or local law. Similarly, employees are not to make comments, jokes, epithets, pranks, innuendos, gestures, touchings, nor to engage in any other form of conduct, that may be reasonably deemed offensive because of race, color, religion, sex, sexual orientation, alienage, citizenship status, marital status, status as a Vietnam era veteran, national origin, age, handicap, disability or any other characteristic protected by federal, state and/or local law.

Sexual harassment is a form of unlawful harassment that is based on an individual's sex or is of a sexual nature. It includes, but is not limited to, the types of harassment identified above, as well as



unwelcomed sexual advances, requests for sexual favors, and/or other verbal or physical conduct. Such conduct constitutes sexual harassment when any of the following occur or are present: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submitting to or rejection of such conduct is used as the basis for employment decisions; and/or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment. All unlawful harassment, including sexual harassment, is strictly prohibited.

The prohibitions above include discrimination and harassment in any workplace context, including conferences, meetings, social events, and work-related activities and trips. These prohibitions include unlawful harassment and discrimination from or towards managers, co-workers and other employees as well as non-employees with whom Kent County Government has a business or professional relationship, including but not limited to vendors, visitors, customers, clients, etc.

If you believe that you have been subjected to or witnessed offensive, hostile or any other conduct in violation of this policy, or if you believe that you have been subjected to unlawful discrimination in the terms or conditions of your employment, you must immediately report the matter as follows:

#### REPORTING COMPLAINTS OF DISCRIMINATION OR HARASSMENT

Kent County Government encourages and expects every employee to report incidents of discrimination or harassment, whether they are directly involved or are merely a witness. If any employee believes that he or she is being discriminated against or harassed or has been subjected to discrimination or harassment by a co-worker, supervisor, manager or other individual at the workplace, or believes that his or her employment is being or has been adversely affected by such conduct, or believes that he or she has witnessed such conduct, the employee should report the concerns (orally or in writing) IMMEDIATELY to his or her supervisor or department head, or the Human Resources department.

Once the matter has been reported, a prompt investigation will be conducted and, to the extent that it does not compromise the integrity of the investigation, confidentiality will be maintained concerning allegations. Should the investigation establish that an individual has engaged in conduct prohibited under this Policy, disciplinary action warranted by the results of the investigation will be taken against the offending employee(s). To be clear, any employee found to be engaging in conduct prohibited under this Policy will be subject to discipline.

Employees who fail to cooperate with an investigation, or who knowingly provide false information in connection with a complaint or an investigation, will be subject to discipline as well.

#### PROHIBITION AGAINST RETALIATION

The Kent County Commissioners prohibit and will not tolerate any form of retaliation against an employee who has filed a complaint in good faith or an employee who, in good faith, has cooperated or participated in an investigation of a complaint. If you have filed a complaint, or have participated in an

investigation, and believe that you are being or have been retaliated against, you MUST immediately report this matter to your supervisor, department head, or the Human Resources Department.

If you believe that you have been subjected to discrimination because of your race, color, religion, sex, sexual orientation, alienage, citizenship status, marital status, status as a Vietnam era veteran, national origin, age, handicap, disability, or any other characteristic protected by federal, state and /or local law, or if you believe that you have been retaliated against for complaining about discrimination or participating in an investigation, it is your responsibility as an employee to utilize the complaint procedure established in this Policy for the purpose of preventing and correcting this unacceptable workplace behavior.

### **Ethics Policy**

Kent County Government conducts its business fairly, impartially, in an ethical and proper manner, and in compliance with all laws and regulation. We are committed to conducting business with integrity underlying all relationships, including those with customers, suppliers and communities, and among employees. The highest standards of ethical business conduct are required of our employees in performance of their responsibilities.

Employees will not engage in conduct or activity that may raise questions as to the organization's honesty, impartiality or reputation or otherwise cause embarrassment to the organization. Employees will avoid any action, whether or not specifically prohibited in the personnel policies, which might result in or reasonably be expected to create an appearance of:

- Using your position for private gain.
- Giving preferential treatment to any person or entity.
- Adversely affecting the confidence of the public in the integrity of the organization.

The provisions of Chapter 24, Ethics of the Code of Public Local Laws of Kent County, apply to all Kent County employees. You shall not:

- a. Participate on behalf of the County in any manner which would, to your knowledge, have direct financial impact on you, your spouse or dependent children, or a business entity with which you are affiliated, as distinguished from financial impact on the public generally.
- b. Hold or acquire any interest of five percent (5%) or five thousand dollars (\$5000.), whichever is greater, in a business entity that has or is negotiating a contract of five thousand dollars (\$5000.) or more with the County or is regulated by your agency.
- c. Hold any outside employment relationship that would impair your impartiality or independence of judgment in the exercise of his/her job responsibilities.
- d. Represent any party, for a contingent fee, before any county body.
- e. Within one (1) year following the termination of County service, act as a compensated representative of another in connection with any specific matter in which you participated substantially as a County official or employee.

- f. Solicit a gift or accept a gift from any person that has or is negotiating a contract with the County or is regulated by your agency. Unless a gift of any of the following would tend to impair the impartiality and the independence of judgement of your receiving it or, if of significant value, would give the appearance of doing so or, if of significant value, you believe or have reason to believe that it is designed to do so, this subsection does not apply to:
  - 1. Meals and beverages.
  - 2. Ceremonial gifts or awards which have insignificant monetary value.
  - 3. Unsolicited gifts of nominal value or trivial items of informational value.
  - 4. Reasonable expenses for food, travel, lodging and scheduled entertainment of the employee for a meeting which is given in return for participation in a panel or speaking engagement at the meeting.
  - 5. Gifts from a person related by blood or marriage or a member of his/her household.
  - 6. Honoraria.
- g. Improperly use the prestige of your office for your own benefit or that of another.
- h. Improperly use confidential information acquired in your official County position for your own benefit or that of another.

You shall disclose the receipt of a gift(s) in accordance with Chapter 29 of the Code of Public Local Laws of Kent County.

Every employee has the responsibility to ask questions, seek guidance, report suspected violations, and express concern regarding compliance with this policy. Retaliation against employees who raise genuine concerns will not be tolerated. The HR Department is responsible for providing policy guidance and issuing procedures to assist employees in complying with Kent County Government ethics law.

Employees who ignore or do not comply with this standard of business ethics and conduct may be subject to disciplinary action, up to and including possible termination of employment.

### **Conflict of Interest**

We have guidelines to avoid real or potential conflicts of interest. It is your duty as an employee of Kent County to follow these guidelines about conflicts of interest. If you have questions about what constitutes conflicts of interest, contact the HR Department.

When conducting business with another organization, you must work within the guidelines set up and controlled by the policies of the Kent County Commissioners. Business dealings with other organizations or companies should not result in unusual gains for any party. "Unusual gains" is defined as bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls that will benefit either party or an employee at the other organization or company.

What is a conflict of interest? An actual or potential conflict of interest is when you are in a position to influence a decision or have business dealings on behalf of the Kent County Commissioners that might result in a personal gain for you or for one of your relatives. For conflicts of interest, a relative is any

person who is related to you by blood or marriage, or whose relationship with you is similar to being a relative even though they are not related by blood or marriage.

We do not automatically assume that there is a conflict of interest if you have a relationship with another organization. However, if you have any influence on transactions involving purchases, contracts, or leases, you must notify the Human Resources Department as soon as possible. By telling us that there is the possibility of an actual or potential conflict of interest, we can set up safeguards to protect everyone involved.

The possibility for personal gain is not limited to situations where you or your relative has a significant ownership in a firm with which Kent County Government does business. Personal gains can also result from situations where you or your relative receives a kickback, bribe, substantial gift, or special consideration because of a transaction or business dealing involving the Kent County Commissioners.

### **Benefits Continuation (COBRA)**

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) allows employees and their dependents to continue their health insurance even if they are no longer eligible under our health plan.

COBRA allows an eligible employee and dependents to choose to continue their health insurance when a “qualifying event” happens. Qualifying events include the employee’s resignation, termination, shorter work hours, divorce, legal separation, death, or dependents ceasing to be eligible for coverage under your health insurance.

If you continue your coverage under COBRA, you will pay the full cost of the insurance at Kent County’s group rates plus an administration fee, if applicable. When you become eligible for our health insurance plan, you will be provided a written notice describing your COBRA rights. Because the notice contains important information about your rights and what to do if you need COBRA, be sure to read it carefully and maintain it with your insurance documents. You will also receive another notice should you become eligible to receive COBRA.

If you have any questions regarding COBRA, please contact the HR Department.

### **HIPAA**

Kent County Government is covered by the requirements of the Health Insurance Portability and Accountability Act (HIPAA).

Protected Health Information (PHI) is individually identifiable health information including demographic data that relates to the individual’s past, present or future physical or mental health or condition, the provision of health care to the individual, or the past, present, or future payment for the provision of health care to the individual.

Individually identifiable health information includes many common identifiers (e.g., name, birth date, Social Security Number). Because the County is self-insured and we retain your enrollment forms (which

contain these identifiers), we must follow the HIPAA guidelines. **We do not have access to your personal medical information unless you allow us.**

All employees who have access to PHI will receive the appropriate training relating to the HIPAA regulations. Any breach of privacy or confidentiality will be subject to disciplinary action.

The HR Department is designated as the HIPAA Compliance Officer (HCO). Any questions or concerns regarding the HIPAA regulations should be referred to the HCO.

Further details regarding our HIPAA policy can be found in the Kent County Privacy Policy and the Kent County Notice of Privacy Practices.

### **Pregnancy, Parental Leave, & Lactation**

If a pregnant employee is temporarily unable to perform her job because of pregnancy, she will be treated the same as any other temporarily disabled employee.

Pregnant employees are permitted to work as long as they are able to perform their jobs. If an employee has been absent from work as a result of a pregnancy-related condition and recovers, she will be able to return to work. We will hold the position open for a pregnancy-related absence the same length of time jobs are held open for other employees on sick or disability leave.

Maryland law provides that disabilities caused or contributed to by pregnancy or childbirth, are temporary disabilities for all job-related purposes, and are to be treated as such under any employer-provided health or temporary disability insurance or sick leave plan.

The County offers paid parental leave to eligible employees, both male and female, following the birth of a child, the adoption of a child, or the placement of a child for foster care. You may use up to eighty hours of parental leave immediately after you have been on continuous leave for four weeks, either paid or unpaid, directly following the date of the event. Documentation of the event must be provided. Parental leave will run concurrent with FMLA leave and will end if you exhaust your FMLA leave.

The County may recover the amount of paid parental leave if you fail to return to work after the period of leave to which you are entitled has expired for a reason other than the continuation, recurrence, or onset of a serious health condition, or other circumstances determined by the County to be beyond your control.

The County provides unpaid time off for employees who need to express breast milk during working hours. Contact HR about setting up the necessary accommodations.

### **Blood Borne Pathogens Policy**

The Occupational Safety and Health Administration (OSHA) requires that anyone who, in the course of their job, has an expectation of exposure to blood borne pathogens, to have initial training and annual retraining in exposure control and prevention. Those positions have been identified in the County's Blood Borne Pathogen Exposure Control Plan. Refer to this policy for more information.

## **Family Medical Leave Act (FMLA)**

We are covered by the federal Family Medical Leave Act (FMLA) and will comply with the requirements of the Act. Under the provisions of the FMLA, eligible employees are entitled to take a leave of absence for the following reasons:

- Birth of a child or in order to care for a child (must be taken within twelve months of birth);
- The adoption or foster care of a child (must be taken within twelve months of the adoption or placement in foster care).
- The need to care for an employee's spouse, child, or parent (but not a parent "in-law") who has a serious health condition; or
- The employee's own serious health condition.
- For qualifying exigencies arising out of the employee's spouse, son, daughter, or parent on covered active duty or call to covered active duty status as a member of the National Guard, Reserves, or Regular Armed Forces.

An employee is entitled to a total of twelve weeks (480 hours) of FMLA leave within a rolling twelve month period, measured backward from the date of the most recent request for a covered leave of absence. This means that each time an employee requests leave under the provisions of this policy, the available time for a leave of absence will be the balance of the total twelve weeks that has not been used during the twelve month period immediately preceding the commencement of leave. The County reserves the right to extend FMLA leave up to an additional four weeks (160 hours) on a case by case basis, after considering departmental needs and past employee performance.

Employees may be eligible for additional leave if he/she has a spouse, son, daughter, or parent of a current member of the Armed Forces, including members of the National Guard or Reserves, with a serious injury or illness. Employees may take up to twenty-six weeks of leave in a single twelve month period to care for the service member. This leave is not in addition to the twelve weeks available for other FMLA reasons.

**Eligibility:** To be eligible for leave, an employee must have been employed for at least twelve months and have worked for at least 1,250 hours during the twelve month period immediately preceding the commencement of leave. The twelve months need not be consecutive; however, employment prior to a continuous break in service of 7 years or more will not be counted unless the break is due to an employee's fulfillment of military obligations.

### **Serious Health Condition**

Serious health conditions include 1. conditions requiring an overnight stay in a hospital or other medical care facility, 2. conditions that incapacitate you or your family member (for example, unable to work or attend school) for three or more consecutive days and have ongoing medical treatment (either multiple appointments with a health care provider or a single appointment and following care such as prescription medication), 3. Chronic conditions that cause occasional periods when you or your family member are incapacitated and require treatment by a health care provider at least twice a year, and

4. pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest). Please contact Human Resources if you have any questions regarding what qualifies as a serious health condition.

Notice Requirements: Anyone requesting a leave of absence under this policy must contact the Director of Human Resources and complete the appropriate paperwork. Where the need for leave is known in advance, the request must be submitted at least thirty days prior to the desired beginning of the leave of absence. Failure to give at least thirty days' notice of foreseeable need for a leave of absence may delay the start of such leave until thirty days after the date the notice is received by the County. If the request is less than thirty days, the employee may be required to give an explanation of why advance notice was not feasible. If timely notice is not given, the period of delay counts as a non- FMLA absence.

If the need for a leave is not foreseeable or is in an emergency situation, the employee must provide at least verbal notification to their immediate supervisor as soon as possible and must follow our call in procedures. Employees must supply sufficient information to enable the HR Director to determine if the leave qualifies for FMLA and the duration and timing of the leave.

Certification of the Need for Leave: Any employee who needs to have an FMLA covered Medical Leave of Absence must present certification of the need for a leave of absence along with the leave request form. This certification must be provided within fifteen days of the request unless it is not feasible under the circumstances. The HR Department has forms available for an employee to have completed by his/her health care provider. Failure to provide certification may result in the employee's leave being delayed, denied, or revoked. Note: We reserve the right to a second or third medical certification at our expense.

If applicable, the County also reserves the right to require recertification of the continuance of a serious health condition every six months. Recertification may also be required if:

1. An employee requests an extension of leave;
2. Circumstances described by the original certification have changed significantly;
3. We receive information that casts doubt upon the continuing validity of the certification; or
4. An employee is unable to return to work because of the continuation, recurrence, or on-set of a serious health condition.

#### Intermittent Leave

Generally, FMLA leave must be taken in a single block. Under certain circumstances, however, FMLA leave may be taken on an intermittent or reduced work schedule basis. A Parental Leave of Absence may be taken intermittently or on a reduced work schedule basis if you and the County can agree on the schedule requested by you.

A Medical Leave of Absence may be taken intermittently or on a reduced work schedule basis if you produce the required certification that there is a medical need for a leave of absence and that the medical need is best accommodated through an intermittent leave or reduced work schedule.

NOTE: We reserve the right to require a second or third medical opinion in appropriate cases where authorized to do so by the FMLA.

If medical leave is requested on an intermittent or reduced work schedule basis, the HR Director may transfer you temporarily to an available alternative position for which you are qualified and which better accommodates recurring periods of leave than does your regular position. Any such transfer will be to a job that offers pay and benefits that are equivalent to those available in your regular job. Employees on unforeseeable intermittent leave will not be required to transfer to an alternative job.

A fitness for duty certification may be required every thirty days in the case of intermittent or reduced schedule leaves if reasonable safety concerns exist. The employee has fifteen days to provide this certification.

FMLA Leave is unpaid leave. Employees on approved FMLA leaves of absence will be required to use all appropriate accrued leave prior to going on an unpaid leave status during the absence, with the exception of an employee's work related injury or illness that is compensated by workers' compensation insurance. You must follow the same terms and conditions of our leave policy as those employees not on FMLA. Leave benefit accruals, such as annual leave, sick leave, and holiday pay, will continue during the leave until you reach an unpaid status. Once you are on an unpaid leave status, the benefit accruals will terminate until you return to a paid status. If the absence is due to your own work related injury or illness, you will continue to accrue benefits until you would have run out of them if not for the workers compensation benefits.

Spouse Aggregation: In the case where both you and your spouse are employed by Kent County Government, the aggregate number of weeks to which both employees are entitled because of the birth or placement of a child or to care for a parent with a serious health condition will be limited to twelve work weeks during any twelve month period. This limitation does not apply in instances where leave is taken because of your own serious health condition or to care for a spouse or child with a serious health condition.

Health Insurance: An employee away from work due to FMLA leave may continue medical insurance coverage while on leave. The HR staff will review with you the process for paying premiums for health insurance coverage.

Your failure to pay premiums within thirty days of the due date for such premiums will result in the loss of your insurance coverage. If you do not return to work at the end of an approved FMLA leave, you may be required to repay the County for the insurance premiums it paid.

Return To Work: You will be required to provide a fitness for duty certificate prior to returning to work if the absence was due to your own illness or injury.

When you return from family or medical leave, you will go back to the same position if it is still available. If that position is no longer available, you will be placed in a position with equal benefits, pay, and other terms and conditions of employment. Under limited circumstances, certain highly paid, salaried "key



employees” may not be reinstated. We will notify those employees in writing of their status as a “key employee” (as defined by FMLA) when they give notice of the need for FMLA leave or as soon as practical after being notified. This notice will also include the reason for denying job restoration and provide them with a reasonable opportunity to return to work after so notifying them.

If you are unable to return to work following the FMLA approved leave, you may be terminated. If you are terminated and recover from a serious medical condition or are again able to work, we will consider you for rehire based on the needs of the County and your record during your employment with the County. If you do not return to work for reasons that are not out of your control, we may recover from you the cost of any premium payments we made to maintain your coverage during the leave.

If you do not come back to work promptly at the end of a family leave, we will assume that you have resigned.

### **Military Leave**

It is our policy to comply with the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) and applicable state laws regarding military leave of absence. USERRA protects the reemployment rights and health care benefits of uniformed service members who leave their civilian jobs for military service.

We will grant a military leave of absence if you are absent from work because you are serving in the U.S. uniformed services in accordance with USERRA. You must give your Department Head advance notice of upcoming military service, unless military necessity prevents advance notice or it is otherwise impossible or unreasonable.

You will not be paid for military leave. However, you may use any available accrued paid time off, such as annual leave or comp leave, if you choose. Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions, and limitations of the applicable plans for which you are otherwise eligible. You are also entitled under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) to continue the health care coverage you had (if any). Your 24 months of continuation coverage under USERRA runs concurrently with continuation coverage provided under COBRA.

Your benefits, such as annual leave, sick leave, or holiday benefits, will not accrue during a military leave. When you return from leave, the benefits will start accruing again.

If you are on military leave for up to thirty days, you must return to work on the first regularly scheduled work period after your service ends (allowing for reasonable travel time). If you are on military leave for more than thirty days, you must apply for reinstatement in accordance with USERRA and applicable state laws. If you do not return to work or notify Kent County of your intent to return to work, you will lose your right to continuation coverage under USERRA. You will also be required to reimburse the cost of the premiums paid by Kent County to maintain coverage during your military leave of absence.

When you return from military leave (depending on the length of your military service in accordance with USERRA), you will be placed either in the position you would have attained if you had stayed continuously employed or in a comparable position. For the purpose of determining benefits that are based on length of service, you will be treated as if you had been continuously employed.

For training assignments, you may receive partial pay, for up to three weeks per year, if your military pay is less than your County pay. This can be done by either endorsing your military paycheck and turning it in to HR to receive your regular pay through the County or providing HR with proof of your military pay (excluding expense pay) and the County will pay you the difference between it and your regular County pay. Either way, you must reimburse the County for your cost of employee benefits, such as dependent health costs and voluntary policies.

You will lose your reemployment rights if discharged from military service for dishonorable or other conduct.

If you have questions about military leave, contact the Director of Human Resources for more information.

### **Military Family and Caregiver Leave**

Kent County complies with the Military Family Leave entitlements under the Family and Medical Leave Act (FMLA). Eligibility requirements are identical to those required under FMLA:

- Employee must have completed twelve months of employment. Employment need not be consecutive; however, employment prior to a continuous break in service of 7 years or more will not be counted unless the break is due of employee's fulfillment of military obligations;
- Employee must have worked for 1,250 hours over the previous 12 months;
- Employer must have 50 employees within 75 miles.

Exigency Leave: Eligible employees with a spouse, son, daughter, or parent on active duty or call to duty status in the National Guard or Reserves in support of a contingency operation may use their 12 weeks leave entitlement to address certain qualifying exigencies. Employees may not take leave if the family member is in the regular Armed Forces. The call to duty must be federal, not state.

Qualifying exigencies include any one or more of the following non-medical, non-routine activities:

1. Short-term notice deployment activities
2. Military events and related activities
3. Childcare and school activities
4. Financial and legal arrangements
5. Counseling activities
6. Rest and recuperation activities
7. Post-deployment activities, and/or;
8. Additional activities as mutually agreed upon between the employee and the County.

Military Caregiver Leave 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 in an outpatient status, or is on the temporary disability retired list. Caregiver may be a spouse, child, parent, or next of kin of the covered service member.

Employer Notice: Employees must provide 30 days advance notice of the need to take Military Caregiver Leave. If leave is foreseeable but 30 days' notice is not possible, the employee must provide notice as soon as possible – generally, either the same or next business day. The employee must provide notice of the foreseeable absence due to a qualifying exigency as soon as feasible.

Certification: The same timing requirements for certification apply to all requests for FMLA Leave, including those for military leave. Spouses employed by the same employer are limited to a combined total of 26 workweeks in a single 12 month period if the leave is to care for a covered service member with a serious injury or illness.

FMLA Leave may only be taken intermittently whenever medically necessary to care for a covered service member. FMLA may also be taken intermittently for a qualifying exigency arising out of the active duty status or call to active duty of a covered military member. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operations.

### **Americans with Disabilities Act (ADA) Policy**

We are committed to complying fully with the ADA. We are also committed to ensuring equal opportunity for qualified persons with disabilities. We conduct all of our employment practices and activities on a non-discriminatory basis.

Reasonable accommodation is available to an employee with a disability when the disability affects the performance of job functions. We make our employment decisions based on the merits of the situation in accordance with defined criteria, not the disability of the individual. You must contact the Human Resources Director if you believe you need a reasonable accommodation to perform your job functions.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as job assignments, classifications, organizational structures, position descriptions, lines of progression, and seniority lists. We make all types of leaves of absence available to all employees on an equal basis.

We are committed to not discriminating against any qualified employee or applicant because the person is related to or associated with a person with a disability. We follow all state or local laws that give more protection to a person with a disability than the ADA gives.

We are committed to taking all other actions that are necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and any other applicable federal, state and local laws.

### **Workplace Monitoring**

Kent County may conduct workplace monitoring to help ensure quality control, employee safety, security, and customer satisfaction.

Employees who regularly communicate with customers may have their telephone conversations monitored or recorded. Telephone monitoring helps us to identify training needs and performance problems.

All computer equipment, services, or technology that we furnish you are the property of Kent County. We reserve the right to monitor computer activities and data that is stored in our computer systems. We also reserve the right to find and read any data that you write, send, or receive by computer.

We may utilize video surveillance of non-private workplace areas. We use video monitoring to identify safety concerns, maintain quality control, detect theft and misconduct, and discourage and prevent harassment and workplace violence.

You may ask to see information about you that was gathered by workplace monitoring if it might impact employment decisions. We will give you access unless there is an ongoing investigation or a legitimate business reason to protect confidentiality.

Because we are sensitive to employees' legitimate privacy rights, we will make every effort to ensure that workplace monitoring is always done ethically and with respect.

### **Visitors and Animals in the Workplace**

To provide for the safety and security of employees and the County facilities, only persons having business with County personnel should be in the workplace. Non-emergency or non-essential visits by friends and family members of employees are discouraged. Minor children are at particular risk of harm in some workplaces and a distraction to others on the job. Except for limited periods of time with the department head's approval, they are prohibited from visiting the workplace.

No animals are allowed in County owned or maintained buildings unless they are certified service animals.

### **Whistle Blower Provisions**

A whistleblower is an employee of Kent County Government who reports an activity that he/she considers to be illegal or dishonest. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

Examples of illegal or dishonest activities are violations of federal, state or local laws, such as, but not limited to, fraudulent financial reporting, ethics violations, or misappropriation of County property.

Whistleblower protections are provided in two important areas -- confidentiality and retaliation. Insofar as possible, your confidentiality will be maintained. However, your identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. Kent County Government will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. If you believe that you are being retaliated against, you must contact the Human Resources Director immediately. Your rights for protection against retaliation do not include immunity for any alleged wrongdoing that is personal and unrelated to County business, or your own job related deficiencies.

You must exercise sound judgment to avoid baseless allegations. If you intentionally file a false report of wrongdoing, you will be subject to disciplinary action, up to and including termination.

All reports of illegal and dishonest activities will be promptly submitted to the County Administrator, who is responsible for investigating and coordinating corrective action.

## **SECTION 2: HIRING, EMPLOYMENT, & TERMINATION**

### **Job Postings**

Except for some circumstances, such as a position that requires a skill level that we would not expect to have available in our workforce, vacancies will usually be posted internally first for a minimum of 5 days, including the weekend. The posting will contain the required qualifications and experience as well as instructions as to how to apply. Depending on the employee applicant pool, the position may then be advertised externally to the public. Vacancies will be posted on the county website and appropriate print and electronic sites. Employees who meet the job criteria are encouraged to apply or may refer external candidates who are qualified. In general, we post all vacancies, either internally or externally or both, although we reserve the right to not post a particular opening.

### **Job Descriptions**

We strive to have accurate job descriptions for all jobs. A job description may include sections such as:

- Job information;
- Job summary (gives a general overview of the job's purpose);
- Essential functions;
- Supervision;
- Required Knowledge, Skills, Abilities;
- Education and Experience; and
- Physical and Environmental Conditions

We use job descriptions to identify the requirements of a job, set up the hiring criteria, set standards for employee performance evaluations, and establish a basis for making reasonable accommodations for individuals with disabilities.

The Human Resources Department, with input from the department, will prepare a job description when a new job is created. We review existing job descriptions and update them when a job changes. Your job description does not necessarily cover every task or duty that you might be assigned. You may be assigned additional responsibilities as necessary. If you have questions or concerns about your job description, contact your immediate supervisor.

### **Employee Categories**

It is important that you understand the definitions of the employment categories for the Kent County Commissioners and know your classification(s). Your employment category helps determine your employment status and your eligibility for benefits. If you have questions or are not sure what your employment category is, talk to your Supervisor or contact the Human Resources Department.

These employment categories do not guarantee employment for any specific period. You became an employee voluntarily and your employment is at will. "At will" means that you may terminate your

employment at any time, with or without cause or advance notice. Likewise, “at will” means that we may terminate your employment at any time, with or without cause or advance notice, as long as we do not violate federal or state laws.

Depending on your job, you are either NONEXEMPT or EXEMPT from federal and state wage and hour laws. If you are a nonexempt employee, you are entitled to overtime pay under the specific provisions of federal and state laws. If you are an exempt employee, you are excluded from specific provisions of federal and state wage and hour laws. Your exempt or nonexempt status is determined by FLSA guidelines and can be found on your job description. Your exempt or nonexempt classification may be changed only with written notification from the Human Resources Department.

In addition to being a Nonexempt or Exempt employee, you also belong to one of the following employment categories:

FULL-TIME employees are employees who are not in a temporary or probationary status AND whose position is budgeted to work at least 2,080 hours annually. In most cases, full-time employees are eligible for all benefit programs, subject to the terms, conditions, and limitations of each benefit program.

PART-TIME employees are employees who are not in a temporary or probationary status AND who are regularly scheduled to work less than forty hours per week. Part-time employees receive all legally mandated benefits such as Social Security and workers’ compensation. Permanent part-time employees work in positions that are budgeted for twenty or more hours per pay week and are eligible for prorated benefits. Part-time as-needed employees are assigned work on an irregular or unpredictable basis and are not entitled to any benefits other than those legally mandated. Seasonal part-time employees are employees who are hired for programs which have a start and end date, such as, but not limited to, lifeguards, summer program staff, and after school program staff. They also are not entitled to any benefits other than those legally mandated.

PROBATIONARY employees are those who are working during a time when their performance is being evaluated to determine whether further employment in a specific position or with the Kent County Commissioners is appropriate. During this time you will be evaluated (both informally and formally at six months and one year) by your supervisor to determine that you are able to perform the duties of the job satisfactorily and general fitness for the position. The probationary period will be for one year if newly hired or transferred to a new position, or another period of time if disciplinary in nature. Employees in their initial probationary period do not have any leave benefits until they pass certain employment dates. Holiday pay is available when the holiday occurs, bereavement leave and sick leave at three months of employment, and annual and personal leave at six months of employment. Other benefits and paid leave may be available as stated in the policy. If you are absent for a significant amount of time during a probationary period, the length of the absence will automatically extend the probationary period. Probationary periods may also be extended if we decide it was not long enough to evaluate your performance, for cause due to your performance, or disciplinary action. If you are in a probationary period because of a promotion or transfer, and it appears that you are not performing satisfactorily in

your new position, you may be removed from the new position. You may be considered for a transfer to another position for which you are qualified, depending on the availability of a position. After completing the probationary period, your continued employment will be determined by your job performance and adherence to our policies and code of conduct.

TEMPORARY employees are hired for a limited time as an interim replacement, to temporarily increase the workforce, or to help finish a specific project. Even if you work longer than the original time period agreed upon when you were hired, you will remain a temporary employee until officially notified that you have been assigned to a different category. Temporary employees receive all legally mandated benefits and may or may not be eligible for other benefit programs.

Additionally, your job description may designate you as an ESSENTIAL employee. Essential employees are required to work during periods of inclement weather or other natural disasters when the County may have officially closed for normal business when it would otherwise be open. Other employees not designated as essential may also be required to work, depending on the departmental needs and the circumstances of the situation.

### **Salary Administration**

The salary administration program helps us have consistent pay practices, comply with federal and state laws, support our commitment to Equal Employment Opportunity, and offer competitive salaries within our labor market.

We are committed to paying equitable wages that are based on the requirements and responsibilities of each job, your performance in the job, and that are comparable to the wages paid to employees in similar jobs in other organizations in the area. All salaries shall be approved by the County Commissioners or their designee.

You shall be entitled to receive temporary increased pay when a supervisor authorizes you to perform the duties of a job above your classification as a result of a vacancy or the extended absence of an employee in the position. Duties must be performed for at least fifteen consecutive work days to qualify for reassignment pay. After 15 consecutive work days, the pay will be made retroactive. Increased pay shall be the amount which is the greater of the minimum salary of the pay grade of the position to which you are temporarily assigned or 5% above your current base salary.

The Human Resources Director shall be responsible for interpreting the application of the compensation plan to payroll issues which are not specifically covered by this employee handbook using the principals expressed herein as a policy guide.

If you have a question about the compensation for your job or our salary administration, talk with the Director of Human Resources.



## **Re-Employment**

Former employees who left our employment in good standing will be considered for open positions along with other applicants. Employees who were discharged for cause may not be eligible for re-hire.

If you were a full time or part time employee who earned accrued leave and are re-employed into a position which earns accrued leave, your previous employment will be considered as part of your total years of service; however, your accrual rates will be the same rates as a newly hired employee with no employment history with the County.

## **Hours of Work**

The official work week for all employees begins at 12:01 a.m. on Saturday and ends at 12:00 midnight the following Friday. Two work weeks make up one pay period. Most employees work a schedule totaling eighty hours per pay period. However, depending on scheduling needs, your normal work schedule may include mandatory hours over forty or less than forty in a pay week.

Unless the offices are officially closed by the County Commissioners or their designee, all County offices must be open to the public Monday through Friday from 8:30 to 4:30; extended hours may be offered by a department. Exceptions to these hours may be made only by the County Commissioners or their designee.

Staffing needs and work demands may require that your supervisor change the starting and ending times of work schedules. He/She may also need to change the number of work hours that are scheduled each day and week. The number of hours a full time employee is required to be on duty each week or month shall be the same for all persons occupying positions in the same class and under the same conditions unless a specific exception is made.

Flextime allows for the employee to vary the work start times and end times each day within certain time limits. Hours worked each day may be flexed through the pay week for nonexempt employees and through the pay period for exempt employees. Flex time must not adversely affect the operations of the department or service to the citizens of Kent County. Department Heads will determine if flextime is appropriate for their personnel. A flextime request may be denied if it doesn't meet the needs of the department. To use flextime, your supervisor must agree on the schedule with you. Before flextime is approved, your supervisor will consider staffing needs, your performance, and the requirements of your position.

We maintain work hours for our employees in accordance with federal and state regulations, department needs, and the maintenance of an efficient and effective schedule of work. The Fair Labor Standards Act requires employers to maintain an accurate record of hours worked and to compensate one and one-half times the regular hourly rate of pay to every non-exempt employee who works overtime.

Training Time: Any time spent in meetings, lectures, and training programs that an employee is required to attend will be considered work hours.

## **Attendance and Punctuality**

We expect you to be reliable and punctual. You must report for work on time and as scheduled. If you cannot come to work or you will be late for any reason, you must notify your immediate supervisor or other designee as soon as possible.

Unplanned absences can disrupt work, inconvenience other employees, and affect safety and productivity. If you have a poor attendance record or excessive lateness, it may affect your performance assessment and you may be subject to disciplinary action, up to and including termination of employment.

## **On Call/Call Back Duty**

On Call Duty is the seven day period of time in which an employee is expected to respond to situations that need to be addressed outside of the normal work day hours of the department or division. Call Back Duty occurs when a non-exempt employee is called to return to work outside of normal work hours. Call back duty does not include reporting early for duty before the start of the normal work day or staying later after the end of the normal work day.

In the event an employee is on call, he/she shall be compensated with a pre-determined stipend for each seven day period.

Non-exempt employees who are called back to duty either while on call or unexpectedly, shall receive a minimum of two hours of compensation. The time calculated to be compensated will begin at the time the employee receives the call and ends when the job is completed; it does not include the travel time to return to the home.

An on call employee must be reachable by phone, pager, or similar technology, and report to work within one hour of being called to duty. He/She may not consume any substance that would impair him/her from performing his/her duties in the event he/she is called to work. If, for any reason, an on call employee becomes unavailable to report to work while in an on call status, he/she shall notify his/her supervisor.

As long as an on call employee can be contacted and report to work within an hour, there are no other restrictions on what the employee does during his/her nonworking hours.

While every effort will be made to distribute on call and call back duty among all qualified employees in the department, the department head retains the right to schedule employees as necessary to meet the needs of the department. Assignment to on call status and call back duty is not subject to appeal or grievance.

## **Timekeeping**

Federal and state laws require us to keep an accurate record of time worked in order to calculate employee pay and benefits. The County has chosen to use an automated timekeeping system to

capture your time and attendance. This system was chosen to reduce payroll processing time, implement policies consistently, integrate data, and enhance reporting capabilities.

As used in this policy, the following terms shall have the meanings indicated:

**ADMINISTRATIVE NON-EXEMPT EMPLOYEES** – Employees who work in administrative departments or perform administrative duties in the public works and the public safety departments. These employees clock-out for lunch and are not compensated for this time.

**NON ADMINISTRATIVE NON-EXEMPT EMPLOYEES** - Public works employees who work away from the main worksite. Public safety employees who are considered to be working during their entire shift and do not have an unpaid meal period.

**ROUNDING** – The practice of recording time worked to the nearest fraction of an hour. Federal law allows this practice as long as the rounding works in both the employee’s and employer’s favor.

Following are the Employees’ Responsibilities:

- A. Employees shall accurately record all time worked. Employees shall clock-in during all periods they are working for their employer. Non-exempt employees cannot volunteer for their employers and will be compensated for all time worked.
- B. Employees shall not clock-in before the rounding period at the start of their workday or clock-out after the rounding period at the end their workday without the prior approval of the supervisor.
- C. Employees are prohibited from falsifying their time records. Falsifying time records will result in disciplinary action up to and including termination.
- D. Employees must provide a complete time record for all scheduled hours during the pay week. If the clock-in/clock-out records do not reflect the total number of hours the employee is normally scheduled to work (including regularly scheduled mandatory extra hours), he/she must request leave to complete the time record.

Following are the Supervisors’ Responsibilities:

- A. Supervisors shall verify that automated time records are accurate and complete for each employee.
- B. Supervisors shall approve all overtime to be paid and compensatory time earned.
- C. Supervisors shall clearly communicate and enforce the beginning and ending time of the workday including the time window employees are expected to clock-in and clock-out under the County’s time rounding rules.

Depending on your classification, rounding shall be conducted as follows:

- A. Non administrative non-exempt employees shall have each clock-in and clock-out rounded to the nearest 15 minutes.

B. Administrative non-exempt employees will be paid for their scheduled hours if their recorded hours for the pay week are within 15 minutes of their scheduled hours.

C. Exempt employees will be paid for their scheduled hours if their recorded hours for the pay period are within 15 minutes of their scheduled hours.

### **Overtime**

As a condition of employment, you are expected to work overtime and on any shift when assigned by your immediate supervisor. In the event you feel that you have a justifiable reason and are unable to work overtime, you should notify your immediate supervisor as soon as possible so that the supervisor can take appropriate action.

Our policy is that work shall be completed, whenever possible, within the regular work shift. All overtime work must be approved in advance by the Supervisor or Department Head. When overtime work must be scheduled, equal opportunity for participation will be given among the employees who are capable of performing the work to be done. Overtime hours shall be compensated as follows:

Nonexempt full-time employees and part-time employees (other than sworn deputies or correctional officers) working hours in excess of forty (40) hours per pay week shall be compensated at the rate of one and one half (1-1/2) times the employee's hourly rate. Sworn deputies and correctional officers will be paid one and one-half (1-1/2) times their regular rate of pay when their hours worked in a pay period exceed 85.5 hours.

Overtime is defined as all hours worked over forty in a workweek (85.5 in a pay period for sworn deputies and correctional officers). Hours worked do not include any paid or unpaid leave hours (including but not limited to paid holiday leave hours, sick leave, annual leave, compensatory leave, bereavement leave and leave without pay). The Fair Labor Standards Act permits exemption of certain professional, administrative, and executive positions, as defined in the statutes, from compliance with the act.

Compensatory leave (comp time) is time off in lieu of a cash payment. Depending upon one's classification and with departmental approval, an employee may be granted compensatory leave for overtime work instead of overtime pay. Nonexempt full-time employees and part-time employees (other than sworn deputies, correctional officers, or employees hired for a seasonal activity) are eligible for compensatory leave at time and one-half for all hours over forty (40) worked or their regularly scheduled hours, whichever is greater, in a pay week. Sworn deputies and correctional officers are eligible for compensatory leave at time and one-half for all hours worked over 85.5 in a pay period. Such employees may accrue up to a maximum of eighty (80) hours.

Employees not covered by the Fair Labor Standards Act or who are exempt from its overtime provisions may accrue compensatory leave on an hour off for an hour worked basis, for time worked on holidays and weekends only. Weekends begin at the end of the workday or 5:00 p.m. (whichever is later) on Friday and end at 6:00 a.m. on Monday. In the event of any emergency or other special circumstances,

as approved by the County Administrator, exempt employees may be eligible to accrue compensatory leave Monday through Friday hour for hour. The maximum accrual is eighty (80) hours.

Seasonal employees other than after school staff are not eligible for overtime pay or comp leave time. They will be paid at their regular base rate for all hours worked.

### **Pay Days**

All employees are paid bi-weekly on Thursday. If a holiday falls on a payday, payday will be on Wednesday.

### **Direct Deposit**

We encourage direct deposit of your paycheck to your bank account(s). For example, you may elect to have some money put into a checking as well as a savings account. There is no maximum on the number of accounts you may use.

You must submit the appropriate form and documentation to the Human Resources Department to initiate a direct deposit. It may take one or two pay periods before the direct deposit will be active. In the meantime, you will receive a live check.

Notify the Human Resources Department before you close any accounts to which your money is being direct deposited. Once the money has been wired to your account, you will have to wait until it is returned to the County by your financial institution before we will reimburse you.

### **Deductions from your Paycheck**

We are required by law to deduct Federal and State Withholding Tax (where applicable) from your paycheck. The amount of tax is determined by your earnings and the number of dependents you claim. At the end of the calendar year you will receive a W-2 form showing your total earnings and the amount of taxes withheld.

Deductions for Social Security and Medicare at the rate established by law are also deducted from your paycheck. The County matches your contribution to Social Security and Medicare. Social Security provides a variety of benefits, including retirement income, death benefits, disability benefits and monthly income for certain dependent survivors of covered employees. For additional information regarding Social Security eligibility and benefits, go to [www.socialsecurity.gov](http://www.socialsecurity.gov).

A court-ordered legal claim against the wages of an employee such as for non-payment of a debt and served by the constituted legal authority is called a garnishment, and it must be recognized and executed by the County. When a garnishment is received, deductions will be taken from your paycheck until either the garnishment is satisfied or the County receives notice to term the garnishment.

Child support is the court ordered payment by one parent to the other parent for the care and welfare of the child. We comply with the law regarding New Hire/Child Support Law. If you are subject to a child support order, monies will be withheld from your paycheck in accordance with Maryland regulations.

Other deductions may include premiums for insurances, voluntary deferred comp plans, and other voluntary programs. We may make adjustments to your deductions if needed.

If you believe that there has been an error in your pay, you should contact the Human Resources Department.

### **Meal Periods**

The meal period is unpaid time for you to take care of personal issues and to relax and catch your breath from the toils of business. You are not permitted to forgo the meal period to shorten the work day without permission of your supervisor. If you need extra time on your meal period, you must also receive prior approval from your supervisor.

### **Medical Examinations**

We may require that some employees have a medical examination or "Fit for Duty" exam. We may also require that an applicant who has been offered a position for certain types of jobs have a medical examination. The exam is to determine if you are able to perform your job duties. Under circumstances where a supervisor or an employee claims that he/she is unable to perform essential functions of his/her job, the County reserves the right to require the employee to undergo a job-related medical examination by a doctor of the County's choice and at the County's expense at any time in order to determine physical ability or inability to work. Any job offer or continued employment would be contingent upon successful completion of the medical exam.

All medical information is kept separate from your other personnel information to protect your privacy. Only authorized personnel who have a legitimate business need to know may review the medical information.

### **Outside Employment**

The county understands that there may be instances where an employee has other employment in addition to their employment with us. However, regardless if they have other jobs, in order to remain employed at Kent County, employees need to meet our scheduling needs and performance standards.

You may not have an outside job that is a conflict of interest to your position with Kent County. Also, you may not get paid or receive anything in return from a person not employed with Kent County in exchange for something you produce or a service you provide as part of your Kent County job.

### **Non-Disclosure/Confidential Information**

It is very important to us that we protect our confidential information. Confidential information includes personnel and legal issues or other protected information. If you have access to confidential information, you may be asked to sign a non-disclosure agreement as a condition of your employment.

Supervisors should instruct their staff coming in contact with this information as to what is confidential and how to appropriately handle it.

Confidential information should in no way be divulged in any format, which includes verbally, written, or electronically. If you improperly use or disclose confidential information, you will be subject to disciplinary action, up to and including termination of employment, and legal action.

### **Promotion/Transfer Policy**

We promote or transfer from within whenever qualified personnel are available within our employee workforce. Employees will be made aware of vacancies through email and postings on department bulletin boards. The posting will contain the required qualifications and experience as well as instructions on how to apply. Employees who meet the job criteria are encouraged to apply. We reserve the right to advertise outside Kent County Government to ensure the most qualified person is selected for the position.

When promoting from within or transferring from one position to another in a new grade, your salary shall reflect the change based on your experience, past job performance, education, and length of service, but it will be a minimum of 5% increase or the base of the grade, whichever is greater. Lateral transfers (the positions are in the same grade) may or may not result in a change in salary. Voluntary transfers to a position in a lower grade will result in the appropriate reduction to your salary for the new grade.

You may be required to complete a probationary period for the new position.

### **Training and Development**

Our policy is to ensure that employees are knowledgeable about their job and its requirements. Supervisors should ensure that training is available to all employees periodically in various fashions, such as on-the-job training, a library of electronic media, training meetings, external seminars and/or workshops, as well as personal consultation. Supervisors should also check the online webcasts that are available for a variety of skills training.

Supervisors will determine what training employees are required to have and what training courses they should attend. In the event that an employee has identified some training available to him/her related to his/her job, the employee should contact his/her supervisor to discuss the feasibility of County participation in the expense of the training.

Department/Division Heads are authorized to send employees to special training programs if the cost is within the budget and established spending authority.

Supervisors should document any special training an employee receives and should ensure that this documentation is placed in the employee's personnel file. Normally, training occurs on the job and we absorb all expenses associated with the training. If an hourly employee is required to attend a training session, the employee will be compensated for the time involved in the training. An employee who incurs any expenses associated with training must complete an expense report attaching the appropriate receipts and submit it to his/her immediate supervisor for authorization. The supervisor will

forward it through proper channels to secure reimbursement such as vehicle mileage, meals, etc., according to our standard policies.

### **Telecommuting**

Employees may be able to telecommute if it would benefit everyone. Telecommuting is the practice of working at home or at a place closer to home instead of physically traveling to a central workplace. If you think that telecommuting would improve your ability to get your job done, submit a written request to your Department Head.

The request should explain how telecommuting would be beneficial for both the County and you. Your request should explain how you would be accountable and responsible, what equipment is necessary, the parameters of your work space, and how communication barriers would be overcome.

In deciding if telecommuting will be permitted, we look at factors such as position and job duties, performance history, related work skills, and the impact on the County. In addition, your compensation, benefits, work status, work responsibilities, and the amount of time you are expected to work each day or each pay period will stay the same as before you started telecommuting (unless changes are agreed upon in writing).

You and your immediate supervisor must agree upon your schedule. If there is no written agreement about your schedule, you will work the same schedule as you did before you started telecommuting. You cannot change your schedule until the Department Head approves the change.

Telecommuting is an alternative method for meeting the business needs of Kent County Government. It is not a universal employee benefit. We have the right to refuse to make telecommuting available to an employee. We may also terminate an existing telecommuting arrangement at any time.

### **Travel Expenses**

The County will reimburse you for reasonable business travel expenses if your supervisor or Department Head approves the travel in advance. After the trip is approved, you may be responsible for making your own travel arrangements.

The County reimburses approved travel expenses such as travel, meals, lodging, and other expenses as long as they were necessary to meet the objectives of the trip. You are expected to keep expenses within reasonable limits, comparable to other similar fees and expenses in the area of travel. The County Commissioners set the limits on per meal and/or per diem reimbursement rates. Personal expenses will not be reimbursed. We will also not reimburse you for lodging or meal expenses if you stay at or eat at the home of family, friends, or other employees of the County. Unusual or extraordinary expenses may be authorized or denied at the discretion of the County Administrator.

The cost of breakfast is reimbursable when you must leave home for official County business more than 1.5 hours before the beginning of your normal commute to work. Lunch is reimbursable when you are required or authorized to attend a luncheon at which official business is conducted or an all-day meeting



at which lunch is not provided and which is not held at your normal place of work. Dinner is reimbursable when you cannot arrive home within 1.5 hours after your normal commuting time. You will not be reimbursed for any alcoholic beverages purchased or meals which are included in registration fees.

A mileage rate will be established by the County Commissioners for reimbursement when using your personal vehicle for approved County business if a County vehicle is not available for your use. If you leave from and/or return to your residence, all mileage will be calculated from the location (work site or home) which is closer to your destination. If you use a vehicle owned, leased, or rented by Kent County Government, you may not transport anyone not part of your official business or use that vehicle for personal reasons unless you have advanced approval.

Submit a complete mileage and expense reimbursement report for the travel reimbursement. If you receive a cash advance for your expenses, you must submit the documentation within ten days of your return.

There may be times when you want to have a family member or friend go with you on a business trip. There may also be times when you want to combine a business trip with personal travel. In both cases, you must first get prior approval. Since the purpose of the trip is business, the County needs to ensure that nothing interferes with that objective. You are responsible for all expenses related to the personal portion of the trip or for your companion.

If you are involved in an accident while on business travel, report the accident as soon as possible to your immediate Supervisor or Department Head.

Elected officials and the County Administrator are exempt from the limits and restrictions herein but are not exempt from documentation, receipts, or filing deadlines.

Employees who violate this policy or submit false or misleading information on expense reports may be subject to disciplinary action, up to and including termination of employment.

### **Performance Assessments**

Our policy is to informally review each employee's performance on an on-going basis to ensure that you are performing your job to the best of your abilities as well to suggest areas for improvement and development. Formal evaluations will be done periodically. The initial performance reviews are conducted during the employee's probationary period at six months and one year of employment. If you are promoted or transferred to another position, you will receive a performance review after six months. Thereafter, performance reviews should be completed on an annual basis each calendar year, unless your job performance warrants otherwise. If your initial probationary period ends October 1 through December 31, there will only be one performance appraisal conducted for the year.

Your review will be based on such factors as quality and quantity of work, knowledge of your job, initiative, attendance, personal conduct record and your attitude toward your job and other employees.

The review presents an opportunity to discuss your performance as well as to determine the areas for improvement or development.

### **Hiring of Relatives/Personal Relationships at Work**

No employee may appoint, employ, promote, or advance, or advocate for the appointment, employment, promotion, or advancement, to a County employment position over which the Employee exercises jurisdiction, supervision, or control, any individual who is related to the Employee by blood, marriage, or adoption, or other close personal relationship, including a domestic partnership, romantic or sexual relationship, or cohabitation (any of the foregoing relationships being referred to hereinafter as a "Relative").

No individual shall otherwise be appointed, employed, promoted, or advanced to a position under the supervision or control of any Relative, except on the written approval of the County Commissioners; provided, however, that if such individual is a Relative of a County Commissioner, the written approval shall be made by action of the County Administrator, and only if no other qualified candidate is available.

No Employee shall be employed in any position which employment shall create, or give the appearance of creating, a conflict of interest as to such employee or any other Employee of the County or compromise, or give the appearance of compromising, the objectivity of the County or any Employee thereof. Resolution of issues arising under this paragraph shall be resolved by advisory opinion from the Ethics Commission at the request of the County Administrator, in accordance with the procedures of the Ethics Commission.

All individuals who currently are employed in positions under the supervision or control of a Relative, may continue to serve in such position without further action required provided however, that any subsequent appointment, advancement, or promotion of such individual shall be subject to the provisions above, and provided that such employment does not create an actual conflict of interest. All relationships governed by this section shall be disclosed to the Director of Human Resources within thirty (30) days from when the relationship is created or becomes known to the Employee. These disclosures shall not be disclosed, other than to the County Administrator or County Attorney, except for valid, specific cause, such as, but not limited to, the need to investigate an allegation of a violation of this regulation or to determine whether a conflict or potential conflict exists.

If two employees become relatives, or start a dating relationship and one of them supervises the other, the one who is the supervisor is required to tell the Director of Human Resources about the relationship. We will then ask the two employees to decide which one of them is to be transferred to another available position. If they do not make the decision within thirty days, we will decide which one will be transferred, or, if necessary, terminated from employment.

## **Identification Badges**

All personnel are issued identification badges by the HR Department when they are hired. You are expected to have your employment identification in your possession during working hours. You are to return it to your department or HR when leaving County employment.

## **Searches**

Everyone is concerned about personal security and the security of the work place. Work place security is a responsibility shared by Kent County Government and all employees, and items such as briefcases, purses, bags, desks in County offices, or County vehicles, etc., are subject to search when there is cause for concern. This delicate balance between privacy and security is something important to everyone and cooperation is needed from all employees.

## **Termination of Employment**

Termination of Employment is defined as separation from employment with Kent County, whether it is voluntary (such as by resignation or retirement) or involuntary (such as a layoff or firing). Involuntary termination of employment may become necessary due to the employee's lack of ability or failure to fulfill the requirements of the job. You may be fired for insubordination, misconduct, inefficiency, or as a result of a disciplinary action. These actions are always unpleasant and costly, and the decision to terminate employment is not made lightly. Advance notice may or may not be given depending on the circumstances surrounding the termination.

Employees who choose to leave our employment voluntarily are asked to give at least two weeks' notice. Employees who do not give an appropriate notice may not be eligible for rehire. The County reserves the right to waive the two week notice requirement.

If you fail to report to work for 24 consecutive work hours or two shifts, whichever is greater, without authorized leave, you shall be separated from payroll and reported as quit without notice. You will not be eligible for reemployment and may not be paid for any accrued leave except comp time.

If it is necessary to lay off employees, employees shall be laid off on the basis of length of service in a class and length of service with the County, assuming that the relative skills of employees within the class are equal. The County reserves the right to lay off a more senior worker if a less senior worker has significantly more skill or ability. Usually, permanent part time employees will be laid off before full time employees.

All benefit accruals and holiday pay end on the last day of actual work. You may not use more than forty leave hours during the last two weeks of your employment. Sick leave will not be granted during the last two weeks of the notice period unless the termination is due to your inability to work because of the illness.

As required by law, if eligible, COBRA benefits are available upon loss of insurance.

When circumstances allow it, HR will conduct an exit interview with the terminating employee. The purpose of the interview is to be certain the reasons for the employee's termination are not founded on a misunderstanding or erroneous situation. The interview will also cover what compensation the employee will receive and when termination of benefits will occur. Employees are required to turn in all property assigned to them at the time of termination of employment.

Any indebtedness you owe to the County will be deducted from your final check and/or payout of benefits.

### **Final Paycheck**

When an employee terminates employment (whether voluntarily or involuntarily), we will continue to issue all paychecks due to you in the normal payroll cycle, with the normal deductions. When the last check is issued, we will also issue a "payout check" of accrued leave earnings owed to you (such as annual leave, comp leave, and earned holiday leave) minus any reimbursements owed to the County. Payouts of accrued leave will be at your final regular rate of pay. There is no payout of accrued sick leave or personal leave.

## **SECTION 3: BENEFITS**

Some benefits are required by law and cover all employees. Legally required benefits include Social Security, Workers' Compensation, and Unemployment Insurance. Eligible employees working for Kent County Government receive many additional benefits. There are several factors that determine if you are eligible for a benefit, including your employment classification. You received information about your benefits during your new hire orientation and at the annual open enrollment meetings. Contact HR if you have any questions regarding your benefits.

### **Workers' Compensation Benefits**

You are provided Workers' Compensation coverage from the day you begin work until your employment is terminated. You are covered by Workers' Compensation if you are incapacitated by injury or illness arising out of your employment.

This policy is not intended to supersede or replace the terms or requirements of any state or federal law. If the terms of this policy conflict with the terms of any other governing law, then the terms of that law will control over this document, unless otherwise required by law.

You must report all accidents to your supervisor immediately, regardless of how minor, and complete the appropriate forms. You are not authorized to go to a physician without first advising your supervisor or department head. Seek prompt medical attention if your injury or illness requires more than basic first aid treatment. You may select the medical provider you want to go see, however that provider must be willing to provide medical treatment and accept the rules of the Medical Fee Guide established by the Maryland Workers' Compensation Commission. Otherwise, you may be balance-billed for services. The emergency room at the hospital should be used for life threatening injuries only or unless advised by a doctor to go there.

If a work related injury requires medical attention by a physician or any other medical facility that provides a bill, a claim must be submitted the same day by the supervisor or a designee and a copy forwarded to the Risk Manager.

We will pay you for any missed time from your regular work shift on the day of the injury. After that, you may use accrued leave for any other lost work time, but only if you are not compensated by any workers compensation insurance. Otherwise, you will be placed on unpaid leave. You will not be eligible for regular compensation, annual leave, holiday pay, or any benefit accruals, in addition to any Workers' Compensation received.

If you are unable to work due to a compensable injury or illness, you are expected to avoid activities that may delay your recovery and a timely return to work, including other employment.

You will not be permitted to return to work until the County receives a health care provider's note stating that you are capable of returning to full duty and performing all of your job duties. The County reserves the right to allow you to return to duty in a reduced capacity (*i.e.*, light duty) and will evaluate

each case individually to make a determination, subject to the health care provider's report, your department's needs, and the availability of appropriate work.

If applicable, use of FMLA will be concurrent with any workers' compensation absences. Subject to the terms, conditions, and limitations of the applicable plans, we will continue to provide health insurance benefits for the full period you are unable to work, or up to a maximum of FMLA leave, whichever occurs first. You will be responsible for prompt payments of any premiums owed to the County for your health insurance and voluntary benefits. If premiums go unpaid for more than 30 days after payment is due, coverage may be terminated upon 15 days' notice to the employee.

Workers' compensation only covers work related injuries and illnesses. Neither Kent County nor its insurance carrier will pay workers' compensation benefits for injuries that occur if you voluntarily participate in an off duty recreational, social, or athletic activity that the County might sponsor.

Failure to report an injury or filing a false workers' compensation claim may result in disciplinary actions, up to and including termination.

#### **Jury Duty, Court Appearances, & Witness Duty**

Jury Duty is an important constitutional right, as well as a duty of citizenship. If you receive a jury duty summons, notify your immediate supervisor as soon as possible so that arrangements can be made to accommodate your possible absence from work. It is against the law to discriminate or discharge an employee because of a summons or service on a jury.

You are not obligated to use paid leave for jury duty. We will grant paid jury duty leave to any employee, regardless of your residency, who is scheduled to work their regular shift; extra shifts will not be compensated. The County will pay you the difference between your daily pay rate and the amount paid by the court. This can be accomplished by either forwarding the documentation of jury service and the amount of the payment you receive to the Human Resources Department to receive your full pay for the day or forwarding only the documentation of jury service and your pay for the day will be reduced by your jury duty pay. If you are called to jury duty on a scheduled day off or you choose to use leave for the day, you will not be required to surrender the jury duty pay you received from the court.

If you are scheduled for jury duty and are working an overnight shift prior to it, you will be released at midnight so you can rest before you are required to report. If you are released from jury duty with at least ½ of your regular work hours remaining, you must return to work for the remainder of your work day or you will be required to use accrued leave.

While we hope this never happens, if you are the victim of a crime or a witness to a crime, or a member of your family is a crime victim, you may request time off to go to court to attend court dates related to the crime. For purposes of this leave, a crime includes domestic violence, sexual assault, and stalking, as well as other crimes that require the victims to appear in court. A family member includes your child, parent, or spouse.

If you need to take leave for a court appearance, notify your supervisor as soon as possible and provide the written documentation of your need to be in court to HR. You may ask for leave if you need to prepare for or be in court, receive medical treatment or get medical treatment for a victim who is your child, parent, or spouse, or get services needed because of a crisis caused by domestic violence, sexual assault, stalking , or some other crime.

If you receive a subpoena to testify in court, we will give you time off to be a witness. If you have to go to court or be a witness for someone other than Kent County Government, you must use any applicable paid leave benefits you have, such as annual leave, prior to using unpaid leave. If you are summoned to be a witness for us or if we ask you to testify, we will give you the time off with pay.

If you need time off to be a witness, show the subpoena to your immediate supervisor as soon as you receive it. We expect you to report for work whenever you are not needed in court.

### **Incllement Weather**

There may be times when emergencies, such as severe weather or a power failure, disrupt the normal business operations of Kent County Government. The use of liberal leave and office closures will be addressed on a case by case basis.

Through our enhanced phone system, you may dial 410-810-2231 to hear a recorded message for employees. In the event of any question regarding whether there is a closure or delayed opening, this phone message will be the final authority. However, be aware that in the unlikely event that there is a power outage at 400 High Street, this phone message will be inaccessible.

While other radio and TV stations may also broadcast the announcements, Kent County will make all official public announcements regarding the delayed opening or closure of County offices through the 911 Center and to WMAR TV Channel 2, WBAL TV Channel 11, WJZ TV Channel 13, and WCTR Radio AM1530 (when possible).

All essential employees must report for work at their designated times, regardless of weather or emergency conditions.

If a decision is made to open late or close early the County offices or the Community Center, non-essential employees will use administrative leave for their scheduled work hours and should not be working before opening or after closing. Essential employees who were working will be granted comp time for the time between normal opening or closing (8:30; 4:30) and the time opened or closed if you were working during that time. If you were not working during this time, you will not be granted any comp time. All employees who were scheduled off using leave must use their leave for the full time off; no credit will be given for the late opening or early closing.

Nonessential employees may use liberal leave anytime there is a delayed opening. However, you must notify your supervisor of your intent to do so; it is not a given that you just do not show up when you are expected. You may use annual, comp, or personal leave hours that have already been earned. If you choose not to work on a delayed opening day, you will use leave for the full day. If you come in later

than the opening time, you must use leave for the time missed unless your supervisor allows you to flex it.

When the County government offices are officially closed for a full day (8 hours) due to emergency conditions, all essential full time employees who earn leave benefits, whether you were working or not, will be granted 8 hours of comp leave; part time employees who earn leave benefits will receive a prorated number of hours. If your comp leave balance does not allow the accrual, you will be paid for the day.

### **Holiday Leave**

We provide paid holiday leave for the following holidays to all eligible employees:

- New Year's Day (January 1)
- Martin Luther King Jr. Day (third Monday in January)
- President's Day (third Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Columbus Day (second Monday in October)
- General Election Day (biennially on Tuesday following the first Monday in November)
- Veteran's Day (November 11)
- Thanksgiving Day (fourth Thursday in November)
- Day after Thanksgiving
- Christmas Eve (December 24)
- Christmas Day (December 25)

Other days may be declared holidays by the Board of County Commissioners at its discretion.

When a holiday falls on a Sunday, the following Monday shall be observed. When a holiday falls on a Saturday, the preceding Friday will be observed.

Full time employees are eligible for holiday time off with pay at a rate of eight hours per holiday. Part time employees who earn leave benefits are eligible for holiday time off with pay at the percentage of budgeted hours compared to full time hours, not to exceed 8 hours. Holiday pay will be calculated at your straight-time hourly rate as of the holiday, multiplied by the number of holiday hours.

You will be paid for holidays on the day the holiday occurs unless you are a public safety employee. Public safety employees will be paid for holiday hours in equal increments throughout the year.

If you work on New Year's Day (1/1), Thanksgiving Day (fourth Thursday in November) , or Christmas Day (12/25), you will receive one and a half times your regular rate multiplied by the number of hours you worked on that day.



## Annual Leave

The County provides annual leave to eligible full time and permanent part time employees based on length of continuous service, increasing throughout years of service by a pre-determined accrual formula.

Full time employees accrue annual leave at the following rates:

- There is no accrual of annual leave during the first six months of your employment.
- After 6 months of eligible employment you are granted a bucket of 40 hours of annual leave. You then begin to accrue leave at the rate of 3.0769 hours per pay period, for a maximum of 80 hours per year.
- After 5 years of eligible service you accrue leave at the rate of 4.6154 hours per pay period, for a maximum of 120 hours per year.
- After 10 years of eligible service you accrue leave at the rate of 6.1538 hours per pay period, for a maximum of 160 hours per year.
- After 20 years of eligible service you accrue leave at the rate of 7.6923 hours per pay period, for a maximum of 200 hours per year.

Permanent part time employees accrue leave at the following rates:

- There is no accrual of annual leave during the first six months of your employment.
- After 6 months of eligible employment you are granted a bucket of annual leave hours equivalent to the average number of hours worked in one pay week. You then begin to accrue leave at the rate of .0385 times the average number of hours worked per pay period, for a maximum of 2 weeks per year.
- After 5 years of eligible service you accrue leave at the rate of .0577 times the average number of hours worked per pay period, for a maximum of 3 weeks per year.
- After 10 years of eligible service you accrue leave at the rate of .0769 times the average number of hours worked per pay period, for a maximum of 4 weeks per year.
- After 20 years of eligible service you accrue leave at the rate of .0962 times the average number of hours worked per pay period, for a maximum of 5 weeks per year.

The average number of hours worked per pay period is based on the annual budgeted number of hours for the position.

Employees who have been employed more than six months and transfer from a part time position in which they did not work enough hours to earn leave benefits to a position with leave benefits will begin accruing annual leave and have access to the benefit.

If you were previously employed by the County and left our employment, the length of your eligible service is calculated on the basis of your most recent hire date. Military leave does not affect the leave accrual calculation.

Every effort shall be made to give you the opportunity to use your earned leave. However, annual leave use will be approved at the discretion of your supervisor or Department Head. Each request will be reviewed based on a number of factors, including the department's staffing requirements.

You will be paid for your annual leave at your base pay rate at the time you use the annual leave.

If you do not use all of your available annual leave by the end of the calendar year, you may carry over up to a total of 400 hours of annual leave. Anything over 400 hours will be forfeited. If your employment terminates, you will be paid for any unused annual leave that has been earned through your last day of actual work, up to 400 hours. Your annual leave pay out may be decreased by deductions you owe to the County that may not have been taken from your final paycheck.

### **Sick Leave**

We provide paid sick leave benefits to eligible full time and permanent part time employees to use when you are temporarily absent due to illness or injury. Use of sick leave is subject to the County's approval.

During the first three months of employment, there are no sick leave benefits available to you. After three months of employment, the full time employees will receive a bucket of approximately 30 hours of sick leave and part time employees will receive a pro-rated amount. Full time employees will then accrue sick leave at the rate of 4.6154 hours per pay period, for a maximum of 120 hours per year. Eligible part time employees will accrue it at the rate of .0577 times the average number of hours worked per pay period for a maximum of 26 pay periods in a year.

Employees who have been employed more than three months and transfer from a part time position in which they did not work enough hours to earn leave benefits to a position with leave benefits will begin accruing sick leave and have access to the benefit.

You may use sick leave in increments approved by your supervisor or department head, dependent upon departmental needs. You may use it to be absent for wellness visits and because of an illness or injury to you or your child or step child, parent, or spouse. Sick leave may also be granted to use to care for a family member other than your child or step child, parent, or spouse, wounded in combat while on active military duty only if other paid leave has been used. The use of sick leave for anyone other than yourself is limited to eighty hours per calendar year.

If you cannot report to work because of an illness or injury, you must notify your supervisor before the scheduled start of your workday and prior to any additional days you will miss. In the event of a planned absence, such as surgery, you should notify your supervisor as soon as you become aware of the need. Your supervisor will determine the specific notification requirements of your department, depending on your department's scheduling needs.

Full time employees who are unable to work for more than sixteen hours due to an illness or injury must provide a doctor's statement that you are unable to work. If you work a non-traditional shift (over eight hours), you must provide a doctor's note for the illness or injury if it continues on the next shift

following the one on which you exceeded sixteen hours. Part time employees must provide a doctor's note for absences greater than 2 of their average workdays. The County may request a note for other sick leave absences less than previously stated. Any absences in excess of 16 hours, whether continuous or intermittent for the same diagnosis, must be promptly reported to the HR Department so that a determination can be made if it is an FMLA qualifying event. If applicable, all eligible sick leave used by the employee shall run concurrent with FMLA leave.

While you are on sick leave, you are required to notify your supervisor if there is any change in your expected return date. In the event of a serious illness or injury to you, you will not be permitted to return to work until the county receives a doctor's note stating that you are capable of returning to full duty and performing all of your job duties. The County reserves the right to allow you to return to duty in a reduced capacity (*i.e.*, light duty) and will evaluate each case individually to make a determination, subject to the department's needs and availability of appropriate work.

Your sick leave pay will be calculated on your base rate at the time of your absence. Sick Leave benefits do not include any special forms of compensation, such as overtime pay.

There is no limit on the number of sick leave hours which can be accrued. There is no cash payout of unused sick leave hours upon separation of employment with Kent County. However, they may be exchanged for additional service credits to increase your monthly benefit when you leave employment with Kent County to retire through the Maryland State Pension System.

Sick Leave benefits are meant to provide income protection in the case of a qualifying illness or injury. They may not be used for any other absence. If it is found that an absence does not warrant the use of sick leave, it will be charged to another type of leave or leave without pay, if appropriate. Abuse or misuse of sick leave is subject to disciplinary action, up to and including termination.

Excessive use of sick leave may result in unsatisfactory performance assessments or disciplinary actions. Department heads are responsible for monitoring and counseling employees regarding the use of sick leave.

### **Sick Leave Bank and Donation**

Sick Leave donation allows a qualified employee to voluntarily donate sick leave for use by a qualified employee who is unable to work because of his/her own extended serious illness or injury. The Sick Leave Bank serves as a depository into which you may donate accrued leave for use by you and your co-workers.

A full time employee, who has met the membership requirements, has twelve months of continuous employment, and who is unable to work due to a personal qualifying illness or injury, is eligible to withdraw leave from the sick leave bank and receive sick leave donations.

If you have a combined minimum total of 88 hours in your annual, sick, and comp leave banks on December 1 of each year, you may join the sick leave bank for the following calendar year during the open enrollment period of December 1 to December 20. Membership for the following year closes on

December 20 and you will have to wait until the following December to join. You may donate any number of hours you wish to the bank as long as you donate at least 8 hours and your leave balances total 80 or more hours after the donation. Once leave is donated to the bank, it cannot be returned to you. When you join for the first time or after a period of non-membership, there is a waiting period until April 1 to apply for the benefit.

All leave donated to the bank will be converted to the cash value of the donor's rate of pay. It shall be re-converted to leave hours at the recipient's rate of pay.

You must complete the request form and provide medical certification of the illness or injury that includes the starting and expected ending date of the disability. This documentation must be submitted to the Director of Human Resources, who will review it and make a determination on benefit qualification.

To request to use the benefit, you must be out of work in excess of twenty-one calendar days for the same injury or illness. Additionally, you must have exhausted all paid leave and have no other source of income. If you are receiving income from any other source, such as workers' compensation or disability pay under any private, state, or federal plan, you are ineligible for this benefit.

You must not engage in outside employment and are expected to avoid activities that may delay your recovery and a return to work.

The maximum amount of time you may use from the bank for one illness or injury is either one third of the value of the bank or the FMLA time you are eligible for, up to 360 hours, whichever is less. You may not use more than 360 hours in one rolling year.

If you exhaust the maximum benefit from the sick leave bank but have not yet exhausted your FMLA benefit, you may receive donated sick leave from co-workers up to your maximum eligible FMLA period. The employee who chooses to donate time to you can donate hours as long as his/her leave banks total at least 120 hours after the donation. These hours will not be converted to a cash value and reconverted to hours; you will receive 8 hours of sick leave for 8 hours donated. Employees who are not members of the sick leave bank may donate sick leave to a co-worker but employees who are not members of the sick leave bank may not receive donated sick leave.

You will not accrue any leave benefits or receive holiday pay during any pay period you are using sick leave from the bank or receiving donated sick leave hours. If you work extra hours during any pay period you receive sick leave bank hours or donated hours, the sick leave hours you may use will be adjusted accordingly.

You must submit a fitness for duty note from your doctor to the Director of Human Resources to return to work. Any employee whose absence is designated as FMLA (Family and Medical Leave Act) leave is eligible for reinstatement as provided by FMLA.

If you have any questions regarding this policy you should contact the Human Resources Department.

## **Bereavement Leave**

We provide bereavement leave to full time and eligible part time employees who need to take time off because a family member had passed away. It is designed to be used during the period of time between the death and the funeral.

The County will grant up to 32 hours of bereavement leave for full time employees for the following family members: spouse, parent, child, sibling, grandparent, or grandchild, including in-laws and steps, or someone who lived in the household of the employee. Documentation of the relationship and death may be requested prior to approval. The actual time granted will be dependent on case by case circumstances and departmental needs. Eligible part time employees will be granted leave on a proportional rate. With your supervisor's approval, you can use any available paid leave you have, such as annual leave, if you need more time off.

While you are on paid bereavement leave, you will receive your base rate.

## **Personal Leave**

The County grants personal leave to full time and eligible part time employees.

Personal leave is granted after a newly hired employee has completed six months of employment in a position which provides leave benefits. Thereafter, it is granted each year on January 1<sup>st</sup>. It must be used no later than December 31<sup>st</sup> of the same calendar year or it will be forfeited.

Full time employees are eligible for 32 hours of personal leave per calendar year. Newly hired employees hired on or between March 1<sup>st</sup> and June 30<sup>th</sup> will be eligible for up to 16 hours of personal leave after six months and then 32 hours on January 1<sup>st</sup>. Permanent part time employees are eligible for personal leave proportionately to their annual budgeted hours.

Every effort shall be made to give you the opportunity to use your personal leave. However, personal leave is approved at the discretion of your supervisor or department head. Each request will be reviewed based on a number of factors, including the department's staffing requirements.

If your employment ends, you will not be paid for any unused personal leave.

## **Administrative Leave**

Administrative leave is leave with pay that is not charged against an employee's accrued leave balances. Approval of administrative leave is limited to an amount necessary to bring the employee to full pay status. In no case can approval of administrative leave cause the employee to exceed the number of standard hours in the employee's work period.

Examples of Administrative Leave include, but are not limited to, suspension while an investigation is conducted for violation of a rule or statute, and County offices may have been closed at times due to natural disasters or other emergency situations.

Administrative leave can be used only with approval of the County Administrator or his/her designee.

### **Leave without Pay**

Leave without pay may not be used until all applicable leave banks are depleted, with one exception. Employees may choose to take one hour without pay or use one hour of annual, personal, or comp leave if they are working when time “springs forward” for Daylight Savings Time in the spring. Supervisors may authorize short periods of unpaid leave after consideration of the circumstances and needs of the department. Requests for leave without pay may be denied unless the leave is protected by law (such as FMLA).

### **Employee Assistance Program**

The Employee Assistance Program (EAP) is available to all full time and permanent part time employees and their dependents at no charge. It is designed to provide confidential assistance to you for solving issues and problems that may be affecting your work life and/or personal life. It can also help you with resources for financial and legal issues, personal development and training, lifestyle benefits (such as weight lost and retirement/college planning) and more.

The EAP offers a large variety of services through face-to-face counseling, telephonic counseling, and a comprehensive website. Contact the HR department or go to [www.theEAP.com](http://www.theEAP.com) for further information regarding this benefit.

### **Health, Dental, & Vision Insurance**

We offer medical, dental, and vision care benefits to eligible employees and their dependents.

Employees may participate in the medical, dental, and vision insurance plans subject to the terms and conditions of the agreement between Kent County and the insurance carriers. You may be enrolled in the insurance plans as long as you are a full time or permanent part time employee, you are actively working, you are on paid leave, or until the end of an approved FMLA leave, whichever occurs later.

The County Commissioners shall determine the amount of the premium paid for full time employees and their dependents. For eligible part time employees, the County will pay fifty per cent of the costs paid for full time employees.

If you are enrolled in the medical, dental, and/or vision insurance and move to an employment classification that would make you no longer eligible for coverage, you may be able to continue your benefits under the Consolidated Omnibus Budget Reconciliation Act (COBRA). When employees are no longer employed with the County, they are subject to the COBRA legislation. See the Benefits Continuation (COBRA) policy in this handbook for more information.

You will find details of the medical, dental, and vision insurance plans in the Summary Plan Descriptions (SPD). When you become eligible, you will receive your SPD's and rate information prior to the enrollment date. For questions about insurance, contact the HR Department for additional information.

Employees who retire through the Maryland State Retirement and Pension System (MSRPS) with thirty (30) or more accumulated years of County service and sworn deputies who retire through the Law Enforcement Officers Pension System (LEOPS) with twenty-five (25) or more accumulated years of County service are qualified to receive health, dental, and vision insurance coverage at the same percentage paid of premium costs as provided to current full time or permanent part time employees, whichever is applicable. If your employment included both full time and part time periods, your costs will be prorated accordingly. Accumulated service is defined as the number of years of physically working for the Kent County Commissioners as a full time or permanent part time employee who was eligible for health, dental, and vision benefits, plus up to five years of credible military service as defined and accepted by the MSRPS. Employees who were hired before November 1, 2017, may elect coverage for their dependents under the same terms and conditions as current employees if the dependents were insured through the county for at least the seven years immediately prior to the retirement date. This benefit is limited to the retiree only for employees hired on or after November 1, 2017.

Retirees younger than 65 will remain on the County's medical plan for active employees until reaching age 65. Retirees age 65 and older are required to move to the County sponsored Medigap insurance plan and prescription plan. If a retiree moves out of the area or seeks out another insurance plan, the County will limit reimbursement to the actual cost of the replacement insurance or premium of the County sponsored plan, whichever is less. The County will reimburse the Medicare Part B cost at the rate determined by the Social Security Administration based on the annual salary paid by the County to the employee in the qualifying year. The dental and vision plans will remain the same as current employees.

Retirees who retired with an accidental disability are qualified to receive health, dental, and vision insurance coverage at a 50/50 cost share with the county.

### **Life Insurance**

Kent County offers a basic life insurance plan for eligible employees through participation in the MSRPS. This benefit is available after one year of eligible membership (you have worked 500 hours in a fiscal year) and is equivalent to one year of the employee's salary at the time of death, the return of contributions you made to the system, and the interest earned on your contributions.

Eligible employees may also purchase additional life insurance for themselves and dependents through a voluntary program.

Participation in the life insurance plans are subject to the terms and conditions of the agreement between Kent County and its insurance carriers.

Contact HR for further details regarding the life insurance benefits.

## **Short Term and Long Term Disability**

Eligible employees may participate in and purchase voluntary short term disability policies. Premiums are paid by the employee to receive benefits for a qualifying absence due to an illness or injury that is not work related.

The County Commissioners provide at no cost to all eligible full time and permanent part time employees a long term disability benefit (LTD). Our LTD plan is designed to ensure a continuing income in the event you are unable to work for more than 90 days.

The LTD plan will also coordinate benefits with the State Retirement Pension System should you be awarded a disability retirement. While other plans may offset any money received from a disability retirement and limit total income received from all sources to 60%, this plan does not. If you receive a disability retirement, the plan may pay you an amount which when added to your disability retirement, will equal 100% of your monthly pay, as long as what they pay out does not exceed 60% of your normal monthly income. This plan may provide a benefit to you until you reach normal social security retirement age.

You will find details about the LTD benefits plan including benefit amounts, limitations, and restrictions in the Summary Plan Description. Contact the HR Department if you have questions.

You may also be eligible for a disability retirement through the Maryland State Pension System if you are unable to perform your job duties. Refer to the State Pension System website ([www.sra.state.md.us](http://www.sra.state.md.us)) for more information and details.

## **Retirement Plan**

The Kent County Commissioners are a participating governmental unit (PGU) in the Maryland State Retirement and Pension System (MSRPS). Eligibility and benefits are determined by the rules and regulations of the MSRPS.

All full time employees and part time employees who work in a position that is budgeted at least 500 hours in a fiscal year are covered by the pension plan and must participate if they meet the MSRPS participation requirements. Even if your position is not budgeted for 500 hours, you will be required to enroll in the pension system retroactively if you work 500 hours or more in a fiscal year.

All employees except sworn law enforcement are members of the Employee's Alternate Contributory Pension System or Reformed Pension System, depending on your date of employment. Sworn officers of the Sheriff's Office are members of LEOPS. You must contribute a percentage of your annual salary to your account. The County is also required to contribute a percentage annually for each employee. Annual contributions required by the employees and the County are determined by the MSRPS.

The State Pension also includes life insurance and disability retirement benefits. Details regarding your benefits during employment and retirement can be found at the MSRPS website: [www.sra.state.md.us](http://www.sra.state.md.us).



## **Deferred Compensation**

The Kent County Government sponsors three deferred compensation plans as an enhancement to retirement benefits. Deferred Compensation is a voluntary plan allowing employees to enjoy current tax advantages through income deferral to provide future benefits for retirement. Deferred compensation contributions reduce current income taxes and earnings on contributions grow on a tax deferred basis.

There are strict IRS restrictions on withdrawals prior to retirement. Benefit eligible employees can start, change, or stop contributions to a deferred compensation account at any time, subject to plan provisions and payroll schedules.

Contact the HR department for further information on details concerning the Deferred Compensation program.

## **Voluntary Benefits**

The County may also offer voluntary benefits which employees may purchase at full cost to them. These benefits include AFLAC products and other similar policies. The cost of the policies will be deducted from the employee's biweekly paycheck.

## **Educational/Tuition Assistance**

Regular full-time employees who are not on their initial or a disciplinary probation are eligible for the educational assistance program (tuition assistance) to maintain and improve their job-related skills through formal education.

Not every course is eligible for reimbursement. To be eligible, the course must be relative to your current job duties or to a position we would reasonably expect you might have at Kent County in the foreseeable future. The course must be approved by your supervisor; however, the HR director will make the final decision about whether a course is eligible for educational assistance and is related to your current job or career.

We understand that educational assistance will develop your skills, but we do not promise or guarantee that more education will result in promotions, new job assignments, or pay increases.

Tuition reimbursement per accredited course will be made only for the following grades: 100% for an "A," 75% for a "B," and 50% for a "C." The maximum reimbursement to any employee is \$3,000 per fiscal year. The request for and reimbursement of tuition must occur in the same fiscal year as the date the course was completed. The County will not reimburse for course materials (such as books), accommodations, registration fees, meals, or travel.

If you leave our employment within a year of the completion of the course, you will be required to repay the tuition assistance on a pro-rated basis.

**Community Service**

The County recognizes the importance of building positive relationships within our community.

If you are a full time employee, you may volunteer up to 2 hours of normal paid work time every week to participate in the Kent County Board of Education Character Counts program. You must first get the time approved by your supervisor or department head. When you complete your volunteer service, provide HR with documentation showing the date and amount of time volunteered to Character Counts.

You may also donate to the Kent County United Way through direct payroll deductions. The United Way provides funds to many non-profit organizations in Kent County.

Contact the Human Resources Department if you have any questions or suggestions about these programs.

**Unemployment Insurance**

Kent County Government pays the entire cost of unemployment insurance. This insurance provides a weekly income for those who may be laid off or who may have lost their job through no fault of their own. The amount of this income varies with the individual and state in which you reside because it is based on average earnings.

Eligibility requirements and the amount of benefits that you may receive are specified by law.

## **SECTION 4: Employee Conduct & Responsibilities**

### **Standard of Conduct**

We expect you to follow certain work rules and conduct yourself in ways that protect the interests and safety of all employees and Kent County. The purpose of this policy is to outline what we expect from you in terms of appropriate behavior. Employees who violate the work rules are subject to disciplinary action, up to and including termination.

Every employee of Kent County Government is expected to operate in a highly self-disciplined and respectful manner and is responsible to regulate his/her own conduct in a positive, productive, and mature way. Failure to do so will result in disciplinary action ranging from counseling to termination.

#### **EMPLOYEES SHALL:**

1. Follow policies and written directives of the Kent County Government.
2. Use their training and capabilities to protect and serve the public at all times.
3. Work competently in their positions to cause all department programs to operate effectively.
4. Always conduct themselves to reflect credit on the department and the Kent County Commissioners.
5. As supervisors, manage in an effective, considerate manner; subordinates will follow instructions in a positive, cooperative manner.
6. Always conduct themselves in a manner that creates good order inside the department.
7. Keep themselves informed to do their jobs effectively and safely.
8. Be concerned and protective of each other's welfare.
9. Operate safely and use good judgement.
10. Observe the work hours of their position.
11. Obey the law.
12. Be careful of Kent County Government equipment and property.

#### **EMPLOYEES SHALL NOT:**

1. Engage in any activity that is detrimental to the department or to the Kent County Government.
2. Engage in a conflict of interest to the Kent County Government or use their position with the Kent County Government for personal gain or influence.
3. Fight, threaten or bully.
4. Abuse sick leave.
5. Steal.
6. Use alcoholic beverages, debilitating drugs, or any controlled substance, which could impair their physical or mental capacities while on duty.
7. Engage in any sexual activity while on duty.

Infractions of the following work rules are deemed to be unacceptable and may result in termination upon the first offense.

1. Theft of County property or personal property of another employee; misuse of County credit cards, gas cards, or purchasing accounts.
2. Falsification of someone's timekeeping record or permitting someone to falsely alter your time record.
3. Falsification of an application or County records.
4. Neglect of job responsibilities and assigned work; substandard work performance and failure to respond to corrective measures and guidance.
5. Failure to maintain current certifications and skills required to perform the job duties; unable to meet the minimum qualifications of the position.
6. Sleeping while on duty.
7. Unauthorized disclosure of confidential information.
8. Serious violation of the harassment policy.
9. Fighting or attempting bodily injury, threatening, intimidating, coercing, interfering with or harassing other employees, supervisors, or the general public; disruptive behavior, causing a hostile work environment.
10. Failure to wear safety equipment where required.
11. Unauthorized use of County time, vehicles, materials, tools, etc. for personal gain.
12. Unauthorized removal of County property or other property not belonging to you without a receipt or authorization,
13. Destruction of or unauthorized alteration of County property, machinery or equipment, or property belonging to a co-worker or to a vendor.
14. Violation of safety rules which could result in serious injury to self or others; failure to report an injury to oneself or another employee.
15. Reporting to work under the influence of drugs and/or alcohol; possessing, using, being under the influence of or distributing alcohol or illegal drugs on County property; testing positive for drugs on a County-administered drug test.
16. Possession of guns, knives, weapons, explosives, etc. on County property.
17. Refusal to cooperate with the investigation of a work-related matter.
18. Refusal to carry out a management directive, or other gross Insubordination.
19. Indecent or immoral behavior on organization property, including sexual, racial, or any other kind of harassment of coworkers, supervisors, or the general public.
20. Conviction of a felony or offense which is deemed dangerous or threatening to the safety and security of the County and/or County employees.
21. Actions by an employee which may result in liability exposures to the County or the threat of harm to another person.
22. Other actions or behaviors that may be deemed serious enough to warrant termination.

The following violations do not generally pose a major threat to the operation of County business or to the safety and well-being of employees but are cause for disciplinary and/or corrective action.

1. Horseplay
2. Contributing to unsanitary conditions.

3. Leave the work area without permission.
4. Clothing which is inappropriate for the workplace or department.
5. Use of abusive, obscene, or profane language, including but not limited to ethnic slurs or jokes directed at the general public, supervisors, or other employees.
6. Failure to provide an acceptable quality of work.
7. Repeated tardiness or absence; failure to report to work without satisfactory reason.
8. Smoking in restricted areas.
9. Unauthorized solicitations or posting of materials on organization bulletin board.
10. Improper operation of any vehicle on County property.
11. Unauthorized use of County telephones or computers.
12. Other actions or behaviors that may be deemed minor in nature.

The above lists are not all-inclusive and we reserve the right to take appropriate disciplinary and/or corrective action for any behavior we deem inappropriate for the efficient and safe operation of the County business.

Departments may also have specific behaviors that are unacceptable for their employees and may be subject to disciplinary actions, up to and including termination.

The following are some guidelines and suggestions for how to be considerate of others at work. You will not necessarily be disciplined if you do not follow these suggestions, but the guidelines will help you get along with others. If you have comments or suggestions about workplace etiquette, contact the Human Resources Department.

\*Avoid public accusations or criticisms of other employees. Address such issues privately with those involved or your supervisor.

\*Be conscious of how your voice travels, and try to lower the volume of your voice when talking on the phone or to others in open areas.

\*Keep socializing to a minimum, and try to conduct conversations in areas where the noise will not be distracting to others.

\*Minimize talking over large open workspaces. Instead, conduct conversations with others in closer proximity to their workspace.

\*Refrain from using inappropriate language (swearing) that others may overhear.

\*Avoid discussions of your personal life/issues in public conversations that can be easily overheard.

\*Monitor the volume when listening to music, voice mail, or a speakerphone that others can hear.

### **Dress Code**

Employees engaged in work that puts them in a position where they meet the public are expected to present a professional appearance to them. This means good personal grooming habits and the proper attire for your position with the County.

During business hours or whenever you represent Kent County, you should be clean, well groomed, and wear appropriate clothes. You should not wear anything that is dirty or excessively worn, frayed, or wrinkled. Clothing seams must be finished. Any clothing that has words, terms, or pictures that may be offensive to other employees is unacceptable. Offensive body odor and poor personal hygiene is not

acceptable. Hair must be clean and groomed. Perfume, cologne, and aftershave lotion should be used moderately or avoided altogether.

In general, an item that may be appropriate for working in the yard, a picnic, exercise sessions, or playing sports is not appropriate for the workplace, nor is clothing that is too revealing. For office personnel, business casual is the standard.

Listed below is a general overview of acceptable business casual attire as well as some of the more common items that are not appropriate for the office. Neither group is intended to be all-inclusive. Rather, these items should help set the general parameters for proper casual business wear and allow you to make intelligent judgments about items that are not specifically addressed.

Acceptable slacks include khakis, pants similar to Dockers,<sup>®</sup> and other makers of cotton or synthetic material pants generally viewed as business casual, wool pants, synthetic material dress pants, and dressy cropped pants (mid-calf length or longer). Inappropriate items include sweatpants, wind suits, shorts (including Bermuda shorts), pants that end at or just below the knee, bib overalls, leggings, and any spandex or other form-fitting pants. Blue jeans are not appropriate attire for an office setting.

Acceptable shirts include casual shirts and blouses, dress shirts and blouses, golf-type shirts, sweaters, and turtlenecks. Inappropriate items include sweatshirts; shirts with large lettering, logos or slogans; tops with bare shoulders (e.g., halter-tops; strapless tops; spaghetti strap tops) unless worn under another blouse, shirt, jacket or dress.

Casual dresses and skirts, and split skirts at or below the knee are acceptable. Dress and skirt length should be no shorter than four inches above the knee. Miniskirts, beach dresses, and spaghetti-strap dresses should not be worn to the office.

Shoes must provide safe, secure footing, and offer protection against hazards. Loafers, boots, flats, dress sandals, open-toed shoes, clogs and leather deck-type shoes are acceptable for work. Inappropriate footwear includes canvas or athletic shoes, flip-flops (backless sandals typically made from foam rubber and held to the foot only by means of a thong at the big toe), and slippers, unless medically required and supported with a doctor's certificate.

Jewelry should be conservative with no visible body piercing other than pierced ears. Exposed tattoos should not be offensive in nature.

With the prior approval of the Department Head and Director of Human Resources, exceptions to these guidelines are acceptable on certain days such as clean-up days or for those employees required by the nature of their jobs to perform outdoor inspection work and/or to utilize specialized clothing and gear in order to appropriately perform their duties. Exceptions to the policy regarding the dress code for office personnel may be made for casual day, although a professional appearance should still be maintained. For example, jeans without holes may be worn with a casual top, but not a t-shirt with printing on it or tennis shoes.

Where necessary, we may make a reasonable accommodation to this policy for a person with a disability.

If you are required by your department to wear a formal or informal uniform, you must follow the guidelines as established by the Department.

If an item of clothing fails to meet these standards, as determined by the supervisor and/or Human Resources Director, you may be asked to leave work and return properly dressed and groomed. If you are asked to leave, you will not be paid for the time you are away from work. Progressive disciplinary action will be taken for repeated dress code violations. See your supervisor if you are not sure about the correct clothing standards for your job.

### **Smoking**

Kent County prohibits all smoking and lighted tobacco products, including electronic and other substitutes which give the appearance of smoking, such as e-cigarettes, in County offices and facilities owned or leased by the County, including garage areas and pavilions. Smoking is also prohibited on all property owned or leased by the County.

Smoking in County vehicles and equipment is also prohibited. If you are using your personal vehicle for County business and there is more than one person in the vehicle, you may not smoke.

Smoke breaks are prohibited and you may not smoke during work hours unless on your meal period or scheduled break and off County owned or leased property. Supervisors are prohibited from authorizing smoke breaks during the work day.

### **Alcohol & Drug Abuse**

The County is committed to being a drug-free and safe workplace. Our employees must be physically and mentally fit to perform their duties in a safe and efficient manner. Therefore, no employee shall work or report to work while under the influence of alcohol, illegal drugs, or any substance that would affect his/her ability to perform the job in a safe and efficient manner.

No employee shall consume, display, or have in his/her possession, including the workplace or in County vehicles, alcoholic beverages or illegal drugs at any time during the workday. To do so could jeopardize the safety of other employees, County equipment, and the County's relations with the public, and is a prime cause for disciplinary action, up to and including termination.

When employees are required to take any kind of prescription or nonprescription medication that may potentially affect their job performance or safety, they are required to report this to their immediate supervisor, who will determine if it is necessary to temporarily place them on another assignment or take other appropriate action. Failure to do so will subject you to disciplinary action, up to and including termination. To protect the best interests of employees and the public, the County will take whatever measures are necessary to determine if alcohol or illegal drugs are located on or are being used on County property. Measures that may be used will include but not be limited to searches of

people and of personal property located on County premises, which may be conducted by law enforcement authorities or by management, as well as drug and /or alcohol tests to be conducted when there is reasonable suspicion of substance abuse.

Employees will be required to undergo a drug and/or alcohol screen in the instances set forth below:

1. As part of the pre-employment hiring process once a conditional offer of employment has been made. The prospective employee will receive a copy of Form 1-B. Form 1-A and the test must be completed within ten days of the approval to hire by the County Commissioners unless an exception is made for extenuating circumstances by the County Administrator or his/her designee. A confirmed positive test result or the refusal to submit to or cooperate with the drug screens will disqualify an applicant from further consideration for employment with the County. A positive test will disqualify an applicant from further County employment consideration for a period of one year.
2. As part of a transfer to a position which requires the employee to have a Commercial Driver's License (CDL). Employees will be given a copy of Form 1-B and will be required to complete Form 1-A.
3. When reasonable suspicion exists to believe that an employee may be under the influence of alcohol or controlled substances while on duty. In the event a supervisor has reasonable suspicion based on observed behavior to believe an employee is using or under the influence of alcohol or controlled substances while on duty, the employee will be required to provide a urine and breath sample for drug/alcohol testing. In such instances, the County will follow the Procedures in Form 1-C and the employee's supervisor will complete a "Supervisor's Reasonable Suspicion Checklist," (Form 1-D), a copy of which will be maintained by the County. Any employee requested to undergo a drug/alcohol screen based on reasonable suspicion will be expected to sign a consent form (Form 1-A) and the DOT Breath Alcohol Testing Form. An employee tested under reasonable suspicion circumstances will be suspended without pay pending receipt and evaluation of the test results. If the test results are negative, the employee will be reinstated with pay. If the test results are positive, the employee will be subject to discipline, up to and including termination.
4. Post-Accident; The County will require its employees to submit to drug/alcohol screens within two hours whenever an employee is involved in a significant motor vehicle accident, which shall include an accident involving the loss of human life, a citation against the employee under state or local law for a moving traffic violation arising from the accident, or any other accident deemed significant by the County. Any employee required to undergo a drug/alcohol screen based on a significant accident will be expected to sign a consent form (Form 1-A) and the DOT Breath Alcohol Testing Form, and given a copy of Form 1-B.
5. Random; A certain percentage of employees shall be randomly tested for controlled substances and a certain percentage of employees shall be randomly tested for alcohol each year. The percentage shall be set by the County for all employees except those who have a CDL. The percentage for those with a CDL shall be determined according to the regulations of Department of Transportation (DOT). The selection process shall be scientifically valid. Tests shall be unannounced and spread out throughout the year.



6. Return-to-Duty (if an employee is to be considered for return to duty after testing positive for alcohol or controlled substances); Any employee required to undergo a drug/alcohol screen on a return-to-duty basis will be expected to sign a consent form (Form 1-A) and the DOT Breath Alcohol Testing Form (if applicable). The costs of return-to-duty testing shall be paid by the employee, but may be advanced by the County, subject to repayment by the employee.

7. Unannounced Follow-up Testing (as determined by a substance abuse professional after a positive test, but no less than six times in the year following the employee's return to work). Any employee required to undergo a drug/alcohol screen based on follow-up testing will be expected to sign a consent form (Form 1-A) and, if applicable, the DOT Breath Alcohol Testing Form. The costs of follow-up testing shall be paid by the employee, but may be advanced by the County, subject to repayment by the employee.

A refusal to provide either a sample or to sign any forms will constitute a presumption of intoxication or influence and subject the employee to discipline, up to and including termination. Employees refusing to sign the consent form or refusing to provide samples will be requested to complete a Refusal to Provide Breath/Urine Specimens Form (Form I-E).

The County has established procedures which will require all employees to submit to a breath screen to detect the presence of alcohol and/or a urine screen to detect the presence of controlled substances under certain circumstances. When urinalysis and/or blood tests are requested or necessary, samples will be taken under the supervision of an appropriate health-care professional. The above-mentioned searches and drug tests will not be conducted if an individual refuses to submit; however, refusal to submit will result in immediate removal from service and may result in termination.

The County uses only qualified facilities with specialized equipment and expertise in obtaining samples, testing, and evaluating for alcohol and controlled substance use. The procedures followed by the facilities used by the County are carefully designed to ensure accuracy and reliability. Urine samples, for example, are sealed, labeled and initialed in the presence of the employee providing the sample.

Laboratory and clinic personnel are responsible for completing appropriate chain of possession documentation and ensuring that proper procedures are followed to protect the integrity of the samples and the reliability of the test results.

Any and all laboratories and breath alcohol technicians used by the County to perform drug/alcohol tests will be required to perform all of the necessary testing procedures in accordance with the Official Regulations and shall be appropriately certified. Official Regulations specify testing methodologies, cutoff levels and equipment which are used by facilities engaged by the County.

An initial positive result in a breath alcohol screening shall require a confirmatory test within twenty minutes. The result of the second test shall be the final result upon which any action shall be based. A result indicating an alcohol concentration of .02 or greater shall be considered positive. If a urine screen tests positive, an applicant may request within 72 hours after notice that the Medical Review Officer arrange a second test of the split sample by a different certified laboratory. The cost of a re-test

shall be paid by the employee, but may be advanced by the County, subject to repayment by the employee. If a urine test is diluted (creatinine below 20 mg/dl), a second test will be required. The results of the second test shall control.

Before or after any screen or test is given, the employee may be requested to disclose the use of any prescription or non-prescription medications. The laboratory procedures will report the significant presence of prescription and non-prescription medications.

The County has retained the services of a licensed physician as your Medical Review Officer (MRO). He is a licensed physician knowledgeable in the medical use of prescription drugs and the pharmacology and toxicology of controlled substances. He has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test results together with his or her medical history and other relevant biomedical information.

If an employee is taking a prescription or non-prescription medication in the prescribed manner and has disclosed such use, he or she will not be disciplined or otherwise disqualified for employment, except as set forth below. Medications prescribed for an individual other than the employee taking the medication will be considered to be illegally used and will subject the employee to appropriate discipline and/or disqualify him from further consideration for employment. All instances involving a medication will be handled on a case-by-case basis, but any employee taking such medication may be suspended without pay until the MRO is provided with a copy of the prescription, the name of the physician prescribing the medication and a statement from the employee's physician describing the effects of the medication and indicating that the medication will not affect the employee's ability to safely operate a motor vehicle or otherwise perform the duties of his or her position without creating a risk of harm to himself or others. The County may layoff, suspend, reassign, discipline or terminate any employee whose medication use has impaired or may impair his or her ability to safely and efficiently perform his duties.

After any controlled substance screening, the results are directed to the MRO. Based on his knowledge of substance abuse disorders and medical training, he interprets and evaluates an individual's positive test results together with his or her medical history and any other relevant biomedical information. The MRO will review and interpret positive test results. It is important to remember that a positive test result does not automatically identify an employee or applicant as an illegal drug user. The MRO must assess and determine whether alternative medical explanations could account for the positive test results. The MRO receives and reviews a certified copy of the original chain of custody.

In the event a urine sample is determined to be invalid or unreliable by the laboratory, due to circumstances unrelated to the conduct of the applicant or employee, he/she will be immediately notified of the circumstances requiring a new test and will be required to undergo a new test at the County's expense. If a legitimate health problem exists, then he/she may be referred for medical assistance. If a urine sample is determined to be invalid or unreliable due to circumstances related to the conduct of an applicant or employee, a presumption will arise that the employee/applicant was

incapable of passing the test and that the test results would have indicated a positive presence of controlled substances.

An employee who tests positive for alcohol (breath alcohol greater than 0.02) or controlled substances will be immediately suspended without pay and will be subject to discipline, up to and including termination.

Each employee, but not including an applicant, who tests positive shall be advised by the County of the resources available to the employee in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances. If employment is not terminated, the employee shall be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances use. Evaluation and rehabilitation shall be provided by a substance abuse professional not affiliated with the County. The choice of substance abuse professional shall be made by and at the expense of the employee. If the employee is identified as needing assistance in resolving problems associated with alcohol misuse or controlled substances use, the employee must provide to HR documentation that he/she has properly followed any prescribed rehabilitation program and shall be subject to unannounced follow-up alcohol and controlled substances tests administered following the employee's return-to-duty. The number and frequency of such follow-up testing shall be as directed by the substance abuse professional, and consist of at least six tests in the first 12 months following the employee's return-to-duty. The County may direct the employee to undergo return-to-duty and follow-up testing for both alcohol and controlled substances, if the substance abuse professional determines that return-to-duty and follow-up testing for both alcohol and controlled substances is necessary for that particular employee.

For alcohol and drug testing of employees in positions which require employees to maintain a Commercial Driver's License (CDL) the County shall comply with the DOT regulations. In the event of any conflict between this Policy and any mandatory provisions of the DOT Regulations, the DOT Regulations shall control.

Employees experiencing problems with alcohol or other drugs are urged to voluntarily seek assistance to resolve such problems before they become serious enough to require county referral or disciplinary action. If you have questions regarding this policy or issues related to drug or alcohol use at work, you can raise your concerns with your immediate supervisor or the HR Department without fear of reprisal.

Records of alcohol and controlled substances testing may be disclosed to authorized government agencies and prospective future employers upon an employee's authorization and otherwise as required by law.

### **Violence in the Workplace**

Kent County Government is committed to preventing workplace violence and will not tolerate workplace violence. Any employee who commits an act of violence at work against a person or property will face disciplinary action up to and including termination. If circumstances warrant, the matter will be

referred to legal authorities for prosecution. Workplace violence is violence against employees or others in the workplace and is committed by persons who either have an employment-related connection with the organization or are outsiders, and involves:

1. Physical acts against persons or employer property
2. Verbal threats or vicious statements that are meant to harm or cause a hostile environment
3. Written threats, vicious cartoons or notes, and other written material that is meant to threaten or create a hostile environment
4. Visual acts that is threatening or intended to convey injury or hostility.

Be sure to immediately report any suspicious person or activities to a supervisor. Do not place yourself in danger. If you see or hear trouble or a disturbance near your work area, do not try to see what is happening or try to stop it.

All employees are expected to report any act of violence. You should bring your concern directly to the attention of your immediate supervisor. All such reports shall be fully investigated. Any employee who takes any adverse action against you for reporting any act of violence or a suspicion of violence shall be subject to immediate discipline, up to and including termination.

You are expected to treat your co-workers, including supervisors and temporary employees, with courtesy and respect at all times. You shall not fight, play tricks on others, or behave in any way that might be dangerous to other people. Even if you are licensed to carry a concealed weapon, you may not bring the weapon onto Kent County premises or carry one while performing your job duties unless you are a deputy sheriff, an armed security guard, or an exception has been granted by the Commissioners.

Kent County does not allow behavior that threatens, intimidates, bullies, or coerces another employee, a customer, or a member of the public. This includes off-duty periods if this behavior is related to your employment with Kent County. We do not permit any act of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.

We will promptly and completely investigate all reports of violent acts or threats of violence. We will also promptly and completely investigate all suspicious people and activities. Criminal violations shall be referred to the appropriate law enforcement agency for further investigation and prosecution. We will protect the identity of a person who makes a report when practical. Until we have investigated a report, we may suspend an employee, either with or without pay, if we think it is necessary for safety reasons or to do the investigation.

If you are having a dispute with another employee, we encourage you to talk it over with your supervisor or the Human Resources Department. Kent County wants to help you work out problems before they become more serious and possibly violent. We will not discipline you for bringing these types of problems to our attention.

Kent County has a Workplace Violence Policy which details administration of workplace violence prevention and reporting.

## **Cell Phone Use**

We provide cell phones to some employees for business use. Employees with cell phones are allowed to use them for short personal calls within reasonable limits. Sometimes we may check cell phone bills to make sure this policy is being followed.

The County prohibits employees from using hand held cell phones, including texting, while they are driving, operating any equipment, or while performing other safety sensitive activities. If you need to use a cell phone, you should pull off the road or stop what you are doing before you place a call or talk on the phone.

Personal cell phone use shall be limited during work hours. It is permitted if you are contacted and advised that an emergency situation has occurred and during scheduled work breaks. Other use during work hours will be determined by the supervisor or department head, who will consider the specific departmental environment and safety concerns.

All cell phone use, including personal phones, that involves County business, is subject to the Public Information Act. All cell phone records may be made public as required by law.

You will be subject to disciplinary action, up to and including termination of employment, if the County determines you have abused and/or misused your cell phone privileges. It is essential that you maintain appropriate productivity, avoid distractions, and eliminate unsafe situations which could result in serious injury involving employees and/or the public, which could result in a liability and/or other problems.

## **Computer Policy, Including Internet Use and Email**

Computer and Internet access is provided to you based upon departmental needs. You have a responsibility to maintain and enhance Kent County Government's public image while accessing the internet by following these guidelines.

During the performance of your job, you may be required to use social media such as blogs, video/photo posting sites, social networks, forums, and online customer support chat sites. You must not knowingly communicate inaccurate or false information and must make all reasonable efforts to provide only verifiable facts, not unverifiable opinions. In the event an error is discovered, you must correct it as quickly as possible. You must always be aware that you are representing Kent County, not your personal thoughts and views.

All data that is written, sent, or received through our computer systems is part of official Kent County records, is the property of Kent County Government, and should be considered public information. We reserve the right to access and monitor all messages and files on the computer system at any time. All communications can be disclosed to law enforcement officials or other third parties without prior consent of the sender or the receiver. Therefore, you should always make sure that the business information contained in Internet email messages and other transmissions is accurate, appropriate, ethical, and legal.

You are responsible for the content of all text, audio, or images you place or send over the internet. Kent County does not allow the unauthorized use, installation, copying, or distribution of copyrighted, trademarked, proprietary information, or patented material on the Internet. You may not violate the copyright laws in regard to receipt/download of materials available on the internet by copying and disseminating information, except for purposes falling under the category of "fair use". As a general rule, if you did not create the material, do not own the rights to it, or have not received authorization for its use, you may not use the material. You are also responsible for making sure that anyone who sends your material over the Internet has the appropriate distribution rights.

Fraudulent, harassing, or obscene messages are prohibited. All messages on the internet should be identified with your name. You may not obscure the origin of messages and the information published should not violate or infringe upon the rights of others. Abusive or profane language transmitted through the system is strictly prohibited. You may not write, send, read, or receive data through the Internet that contains content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person.

Examples of unacceptable content include (but are not limited to) sexual comments or images, racial slurs, gender-specific comments, or other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, genetics, sexual orientation, gender identity or expression, or any other characteristic protected by law.

The following are some examples of prohibited activities that violate this Internet policy:

- Sending or posting discriminatory, harassing, or threatening messages or image;
- Using the organization's time and resources for personal gain;
- Stealing, using, or disclosing someone else's code or password without authorization;
- Copying, pirating, or downloading software and electronic files without permission;
- Sending or posting confidential material, trade secrets, or proprietary information outside of the County;
- Violating copyright law;
- Failing to observe licensing agreements;
- Engaging in unauthorized transactions that may incur a cost to the organization or initiate unwanted internet services and transmissions;
- Sending or posting messages or material that could damage the organization's image or reputation;
- Participating in the viewing or exchange of pornography or obscene materials;
- Sending or posting messages that defame or slander other individuals;
- Attempting to break into the computer system of another organization or person;
- Refusing to cooperate with a security investigation;
- Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities;
- Using the Internet for political causes or activities, religious activities, or any sort of gambling;
- Jeopardizing the security of the organization's electronic communications systems;
- Sending or posting messages that disparage another organization's products or services;
- Passing off personal views as representing those of the organization;
- Sending anonymous email messages;
- Engaging in any other illegal activities.

Media streaming, including any Internet-based radio stations or video clips, not related to county business, is strictly prohibited.

You may not install or download software without the express acknowledgement and support of the Information Technology Department to ensure that proper licenses are obtained and viruses are not transmitted. You may only use software on local area networks or on multiple machines according to the software license agreement. Kent County prohibits the illegal duplication of software and its documentation. County-owned software cannot be taken home and loaded on an employee's computer.

Due to compatibility, licensing, and security issues, only County-owned personal computers, or personal computers expressly authorized by the County, are to be connected to the County's systems and networks. Support of personal home computers or equipment not owned or leased by the County is not a responsibility of the Information Technology Department and no support will be provided.

All County business must be conducted through County accounts. Personal accounts (such as gmail, Hotmail, etc) may not be used to conduct County business of any kind.

Other processes may require us to possess and manage systems that are not owned by the County. It is the Information Technology Department's responsibility to connect these systems safely into our computing infrastructure. Please contact the Information Technology Department when these needs arise. Guest equipment usage is also governed by these policies.

Personal use of the Internet is a privilege and must conform to County policies, particularly with regards to the nature of material provided to, or accessed from, the Internet. Personal Internet usage should be on your own time and must not interfere with your job's duties, responsibilities, professional obligations, or the requirements of this policy.

If you use the Internet in a way that violates the law or Kent County policies, you will be subject to disciplinary action, up to and including termination of employment. You may also be held personally liable for violating this policy and illegal activities may result in prosecution by legal authorities.

### **Social Networking**

We recognize that social media is an integral part of doing business today. The proper role of social networking is to convey information about us and our services, and to search for possible new markets and discuss county activities and events.

Only employees authorized to do so may prepare or modify content for the County's website(s) and/or social media sites. You are expected to comply with the following guidelines:

1. Written approval to publish copyrighted information must be obtained in advance. If you are using information provided by another person, be certain you have permission to use it and acknowledge the author's contribution.

2. Maintain the highest level of professionalism. Be respectful to all, the County government, your co-workers, and the public. Remember you represent the County and will be held responsible for your posts.
3. Do not disclose any confidential information about the County and/or its customers.
4. Check your facts before you publish. Honesty is imperative as information can be verified quickly on the internet. False statements will damage both the County's and your credibility.
5. Promptly correct your mistakes to avoid misunderstanding and irritation.

Information published on the internet becomes part of a permanent record. Exercise good judgment and common sense. If in doubt, don't post until you clear it through the appropriate channels.

All social networking activities must be in compliance with the County's policies on electronic communications.

### **Personal Blogs/Social Networking**

You are not allowed to use county-owned equipment, including computers, county licensed software or other electronic equipment or facilities on work time to conduct personal blogging or social network activities. Social networking and blogging must be done on your own equipment during breaks or meal periods.

You may not use the county logo or trademark on your personal blogs or networks. You may not create a post that includes work related photographs of other employees, customers, or vendors on personal posts.

Bloggers are responsible for their commentary on blogs and social networks. Bloggers can be held personally liable for comments that are slanderous, obscene, defamatory, or libelous. Violations of this policy shall be subject to immediate discipline, up to and including termination. If you have any questions regarding the proper use of social networking/blogging, please contact the HR Department.

### **Access to County and Personnel Records**

The U.S. Freedom of Information Act (FOIA) and Maryland Public Information Act (MdPIA) are laws ensuring public access to government records. Upon written request, the County is required to disclose those records, unless they can be lawfully withheld from disclosure under the laws. If you receive a request for disclosure of records under these Acts, contact the County Administrator immediately for further instruction.

We maintain personnel files for each employee. The general file contains your job application and related hiring documents, training records, performance documentation, salary history, and other employment records. In addition to the general personnel file, we maintain separate files for I-9 Employment Eligibility Verification and all medical information. Each department may maintain a departmental file on you, but your official employment files are maintained in HR.



Personnel files are confidential and the property of Kent County, however some of the information may be subject to FOIA and MdPIA. Because personnel files contain confidential information, the only people who can see them are people with a legitimate business reason, your supervisor, department head, the Human Resources staff, the County Administrator, and the Board of County Commissioners. You may review your file when a representative of the County is also present. You may submit a rebuttal to any document placed in your file, if desired, to be included in the record. Your personal information is carefully guarded and disclosure to any unauthorized person will result in disciplinary action, up to and including termination.

### **Safety**

Workplace safety is a priority at Kent County. We want Kent County to be a safe and healthy place for employees, customers, and visitors. We comply with all federal and state Occupational Safety and Health Act (OSHA) laws and regulations. In this regard, it is important that adequate policies and procedures be developed and adhered to in order to ensure a safe, efficient operating condition; thereby safeguarding employees and facilities.

We will not knowingly permit unsafe conditions to exist, nor will we permit you to indulge in unsafe acts. Since the employee on the job is frequently more aware of unsafe conditions than anyone else, we expect you to make recommendations and/or suggestions regarding unsafe conditions to your immediate supervisor so that they may be corrected. If the condition is minor and something that you can easily correct, we expect you to do so.

It is very important that you notify your supervisor immediately about any accident that causes an injury or property damage, no matter how minor it might seem at the time, as well as "near misses." When it is reported quickly, it can be investigated promptly.

Supervisors are responsible for the working conditions within their department. A supervisor should remain alert at all times to dangerous and unsafe conditions, so that he/she may recommend corrective action, discipline employees who habitually create or indulge in unsafe practices, assess new or changed situations for inherent dangers, and follow up on employee suggestions for corrective action so that unsafe conditions are not instituted or permitted to continue.

Employees who violate safety rules and regulations or fail to follow safety procedures are subject to disciplinary action, up to and including termination.

### **Driver's License**

Many positions require the possession of a valid Maryland License or equivalent. The primary reason for this is that you may be required to operate Kent County Government vehicles as part of your job or use your personal vehicle for transportation to complete your job duties. It is your responsibility to keep your license current.

If your license is revoked or suspended for any reason, you must notify your supervisor immediately. You cannot operate any County vehicles without a valid license which is properly endorsed for that vehicle.

If you operate a County vehicle, you must notify your supervisor if you have been arrested for driving under the influence.

Failure to maintain a current driver's license is subject to disciplinary action up to and including termination.

### **Use of County Vehicles**

Equipment and vehicles essential in accomplishing your job duties are expensive and may be difficult to replace. When you use Kent County property, you must be careful, ensure the required maintenance is performed in a timely manner, and follow all operating instructions, safety standards, and guidelines.

Kent County Government maintains a fleet of vehicles for official use only; they should never be used for personal errands or transportation. Passengers in vehicles must be related to official County business. If you misuse Kent County Government vehicles, you will be subject to disciplinary action.

You are responsible for the safe use of the vehicle you are driving and must obey all federal and state motor vehicle laws governing the vehicle you are operating. The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, may result in disciplinary actions, up to and including termination of employment.

### **Use of County Property**

Property owned by the Kent County Government, including vehicles, computers, telephones, fax or copy machines, etc., are to be used for official Kent County Government business only. Employees are trusted to use Kent County Government equipment properly and safely. Abuse or misuse of Kent County Government property may result in disciplinary action. Any Kent County Government property under the control of an employee must be made available for inspection upon request.

### **Supplies, Tools, and Equipment**

Equipment and vehicles essential in accomplishing your job duties are expensive and may be difficult to replace. When you use Kent County property, you must be careful, ensure the required maintenance is performed in a timely manner, and follow all operating instructions, safety standards, and guidelines.

Notify your supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. When you promptly report damages, defects, and the need for repairs, you can prevent deterioration of equipment and possible injury to employees or other people. See your supervisor if you have questions about your responsibility for maintenance and care of equipment or vehicles you use on the job.

**Purchasing Policy:** Kent County Government has established an official procurement policy that must be followed without exception. No employee shall make purchases for Kent County Government, or use Kent County Government's name to make purchases, unless so authorized by a supervisor and in adherence to the procedures set forth in in the procurement policy.

**Supplies:** All Kent County Government owned supplies must be used efficiently and not wasted. An employee may not use any Kent County Government supplies, such as postage, paper, or office supplies for personal use.

**Office Tools and Equipment:** An employee must repair or replace any tool or piece of equipment lost or damaged by the employee as a result of negligence or intentional misuse. An employee may not use any tool or piece of equipment, including, but not limited to, fax machine, copiers and computer equipment for personal use.

**Mechanical Tools and Equipment:** An employee may not use Kent County Government garage, tools or equipment to work on vehicles or trailers not owned by Kent County Government.

**Fuel:** An employee may not use gasoline, fuel oil, or motor oil from Kent County Government's fuel pumps or garages for personal use or any vehicle not owned by Kent County Government.

### **Personal Data**

It is important that Kent County Government maintain certain up-to-date personal information about you in our records. You are responsible to inform us whenever there is a change to your mailing address, telephone numbers, marital status, dependents' information, and educational accomplishments.

If you need to change your personal information or if you have questions about what information is required, contact your supervisor or the HR Department.

### **Solicitations**

Kent County Government's policy regarding solicitation is to prevent disruptions and protect our employees from harassment.

During working hours, employees should not solicit or distribute literature or other materials to other employees. Working hours do not include such time as lunch, break time or time before or after work. No employee shall solicit or distribute literature or other materials to any visitors at any time for any purpose.

Persons who are not employed by Kent County Government shall not distribute literature or other materials or solicit employees or visitors at any time for any purpose on county property.

### **Return of Property**

As part of your employment, you may be issued County property, materials or written information to help you do your job. You are responsible for protecting and controlling any property we issue you. You

must return any property given to you promptly upon request. If you terminate your employment with Kent County, you must return all County property immediately.

The following are examples of items that may be issued to you. Not all employees will receive these items. Credit Card(s), laptop, computer, badges, keys, manuals, pagers, cell phones, protective equipment, security passwords, tools, uniforms, vehicles, etc.

If you do not return County property, and to the extent that the law allows, we may take money from your regular or final paycheck to cover the cost. We may also take legal action to get back our property.

### **Disciplinary Actions**

We believe it is important that all employees are treated fairly and that disciplinary actions are prompt, consistent, and impartial. The purpose of a disciplinary action is to correct the problem, prevent it from happening again, and prepare the employee for satisfactory performance in the future.

Although your employment is based on mutual consent and both you and Kent County have the right to terminate employment at will, with or without cause or advance notice, Kent County may use progressive discipline at its discretion.

In most cases, progressive discipline means that we will take these steps in the following order:

- 1) verbal warning;
- 2) written warning;
- 3) suspension; and,
- 4) termination of employment.

The County may also use an extension of or placement on probation in addition to the above.

Demotions are another disciplinary tool that may be used in those limited positions which provide career advancement opportunities, such as correctional officers, equipment operators, plant operators, and dispatchers. Depending on the severity of the issue, if more than 18 months have passed since the last disciplinary action for a similar infraction, the process will normally start over.

There may be circumstances when one or more steps are bypassed. We will look at the severity of the act and how often it has happened when deciding which step(s) to take. In very serious situations, some types of employee problems may justify either a suspension or termination of employment without going through the usual progressive discipline steps.

The Standard of Conduct and work rules policies in this handbook provide examples of unacceptable conduct that might result in disciplinary action, including immediate suspension or termination of employment. However, some of the examples of unsatisfactory conduct listed may result in the progressive discipline process described above instead of immediate suspension or termination.

By using progressive discipline, we hope that most employee problems can be corrected at an early stage, benefiting both you and Kent County Government.

## Grievance Policy

Legitimate problems and differences of opinion may and will arise between the County as an employer and its employees. It is the responsibility of all department heads, supervisors, and administrators to establish and maintain a work climate within which an employee's grievance may be identified, presented, discussed, and given fair, prompt consideration.

A grievance is a formal, written complaint filed by you after you have completed your probationary period. A grievance may be filed if

- you believe you have been adversely affected by an alleged violation, misinterpretation, or improper application of established laws, rules, regulations, procedures, or policies OR
- an improper or unfair act by a supervisor or other employee, which may include coercion, restraint, reprisal, harassment (sexual or otherwise) or intimidation, OR
- an improper, inequitable or unfair act in the administration of the personnel system OR
- improper, inequitable or unfair application of the compensation policy and employee benefits, which may include salary, overtime pay, leave and holidays, OR
- disciplinary actions, which includes written reprimands and within-grade reductions, OR
- improper or unfair forced resignation or termination of employment.

However, it shall not apply to the following types of complaints:

1. Matters involving employee evaluations, observations, or other evaluation instruments prepared by supervisors for the purpose of determining the quality of your performance,
2. Disputes over the appropriate pay rates and grades applicable to employees of the County,
3. Disputes regarding the promotion into or demotion from certain managerial positions designated by the Board of County Commissioners herein due to the sensitive nature or importance of such positions, including managerial positions in the area of corrections, or
4. Any and all other disputes which involve discretion solely with the Human Resources Director or the Board of County Commissioners, or their designees, by virtue of the authority in the Commissioners or their designees, by state and County laws, regulations, and court rulings.

If you have a problem or misunderstanding as described above, the first step is to talk to your immediate supervisor within five working days of its occurrence or your knowledge of the occurrence. Your supervisor will give you an opportunity to discuss the matter fully and should give you an answer within three working days following the discussion. The majority of problems can be resolved in this manner. If the problem or complaint is with your immediate supervisor, go immediately to your department head.

1. In the event the problem or misunderstanding cannot be settled between you and your supervisor, you should describe your problem in writing and submit it to your department head

within three working days. Your department head will meet with you within three working days and give you a written answer within three working days following the meeting.

2. If the department head has not answered your complaint to your satisfaction, you will have five additional days to submit a written appeal to the HR Director. Your written request will contain the name of any designated representative selected by you to appear and/or speak on your behalf (if known at the time of the appeal), a concise description of the action or decision being appealed, including the written answer you received from your immediate supervisor and/or department head, the reason(s) why you disagree with that action or decision, and the resolution requested, which may be subject to subsequent changes, without prejudice to your position in the appeal. The HR Director will conduct an inquiry and render a decision in writing to you, your supervisor, and/or your department head. You must sign your appeal request.

3. You may appeal the decision of the HR Director to the Board of County Commissioners upon the complete exhaustion of the previous steps in the grievance procedure. You shall have ten working days from receipt of a written final decision on a grievance or notice of a disciplinary action to file an appeal with the County Administrator. A notice of appeal is a statement that you want the action reviewed by the Commissioners. You must submit in writing your name, department or office, your position or title, the name of any designated representative selected by you to appear and/or speak on your behalf, and a concise description of the action or decision being appealed. You must also include all documents used previously in the appeals process to your supervisor, department head, and HR director, as well as their written decisions. You must also state the reason(s) why you disagree with that action or decision and the resolution requested, which may be subject to subsequent changes, without prejudice to your position in the appeal.

**SPECIAL NOTE:** You may appeal within-grade reductions, suspensions, demotions, and terminations directly to the County Commissioners upon proper notice to them as described in step three.

Upon receipt of your appeal, the Board of County Commissioners may conduct a hearing, at which two or more members must be present. At the hearing you shall be afforded the right to be represented by counsel, the right to present witnesses and evidence, the right to cross-examine witnesses, and the right to present opening and closing arguments. The burden of proof at such an appeal hearing shall be upon you to demonstrate that the decision of the Human Resources Director is arbitrary, illegal, or unjustified. The Commissioners shall have the option of requesting closing arguments or written briefs from the parties at the close of the hearing.

Following such a hearing and/or a review of the appeal, a written decision by the Board of County Commissioners shall be final and binding upon all parties of the appeal.

Appeal hearings conducted before the Commissioners regarding personnel matters shall be confidential and closed to the public, unless all parties, including the Human Resources Director, agree otherwise, in writing.

Employees have the right to representation of his/her own choosing and expense, at any level of review.

There will be no discrimination or retaliation against anyone presenting a grievance or discussing a problem with supervisors or anyone in management. A department may establish reasonable limits on the amount of County time authorized for the purpose of preparing and presenting a grievance.



KENT COUNTY COMMISSIONERS  
ALCOHOL AND DRUG ABUSE POLICY

**Form A. Testing Consent and Release**

Date\_\_\_\_\_

I have been informed by a representative of the Kent County government that as a condition of my continued employment or processing of my application for employment by the County Government, I am required to submit to a drug/alcohol test under the County's Drug and Alcohol Abuse Policy. As a prospective new employee I must submit to a drug test no later than\_\_\_\_\_. I hereby authorize *LABCORP* (collection facility) and their staff to obtain samples of my breath and/or urine for the purpose of determining the alcohol concentration and/or presence of controlled substances in my system and to further determine the quantitative amount thereof. I understand and agree that the test results will be disclosed to the County's Medical Review Officer (MRO), *and HEALTH ENHANCEMENT*.

I release, discharge and hold harmless the collection facility, any of its employees and/or agents and the MRO from any and all claims or causes of actions resulting from this testing or the disclosure of the results. I hereby further agree to waive any physician-patient privilege that may otherwise exist with respect to the confidentiality of the results of these tests and agree that the MRO may communicate the results of any breath test or urinalysis to the Kent County Program Coordinator, including whether or not the controlled substances test reveals the presence of a lawfully prescribed medication.

Kent County shall accept and maintain all test results and records in a limited access file separate from an employee's personnel file.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Witness

If applicant is under the age of 18:

\_\_\_\_\_  
Signature of Parent/Guardian

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Printed Name



KENT COUNTY COMMISSIONERS  
ALCOHOL AND DRUG ABUSE POLICY

**Form B. URINE SPECIMEN COLLECTION PROCEDURES**

PLEASE READ BEFORE COLLECTION OF SPECIMEN

If you have any questions, ask the collector before giving your specimen.

1. You must provide photo identification and your social security number.
2. Before any testing commences, you will be requested to sign the Drug/Alcohol Consent and Release form, which will be provided to the employee by the Human Resources Department. Refusal to sign the form will result in a presumption that you are intoxicated or otherwise unable to pass the test, subjecting you to any discipline which may be appropriate, up to and including termination.
3. Remove all unnecessary outer garments (i.e., coat, jacket, sweater, extra socks). Leave all other clothes on.
4. Leave purse, parcels or belongings other than your wallet outside of the restroom. If you wish, the collector will provide a receipt for your belongings.
5. The collector will accompany you to the restroom but will not go into the restroom with you.
6. Wash and dry hands before collection.
7. Urinate into the disposable specimen cup until full. Bring your urine to the collector when you are finished.
8. Flush toilet only when the collector tells you.
9. The collector will take the temperature of the specimen. This must be done within four minutes of urinating.
10. You will be given the opportunity to wash your hands again after collection.
11. Remain with the collector while the Chain of Custody form is completed and the specimen is sealed.
12. If the County requires a split specimen, the collector will pour the urine into two separate bottles and should seal both bottles and apply the barcodes in your presence.
13. The lab personnel will then ensure that the urine specimen has been properly obtained and that appropriate chain of possession procedures have been followed and have been documented in writing.

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**Form C. REASONABLE CAUSE AND POST-ACCIDENT TESTING PROCEDURES**

1. When there exists reasonable cause that an employee has used or is under the influence of a drug or alcohol, a supervisor making the personal observation must immediately document, or as soon thereafter as possible, the reasonable cause circumstance in the Supervisor's Report of Intoxication (Form 1-D). A copy of the Supervisor's Request of Intoxication shall be maintained by the County
2. After the Supervisor's Report of Intoxication is completed, arrangements must be made with an appropriate facility for the collection of breath and urine samples.
3. The supervisor and Human Resources representative should meet with the employee believed to be under the influence.
4. In the presence of a witness, the Human Resources representative will make the following statement to the employee:
  - a. "Your supervisor has been observing you and it appears that you have been using or are under the influence of alcohol or drugs. Since we are not doctors, we are requesting that you undergo a sobriety test and a drug screen test so that we can make an objective, medical determination of your condition."
  - b. "If you refuse to take these tests, you will be presumed to be under the influence of alcohol or drugs and your refusal will be considered as an admission of guilt, resulting in your termination."
  - c. "If you agree to take these tests and the results are negative, you will be compensated for all time lost."
  - d. "Do you understand?"
  - e. "Will you take the tests?"
5. The employee will be required to sign a Consent and Release form (Form 1-A) and may be requested to sign other consent forms required by the clinic.
6. If the employee refuses to consent to the test, he should be requested to sign a Refusal to Provide Breath/Urine Specimens form (Form 1-E).
7. If the employee consents to the test, he should be promptly escorted to an appropriate facility for the collection of breath and urine samples. Remember, TIME IS OF THE ESSENCE!
8. A copy of the Specimen Collection Procedures should be provided to the employee.
9. Upon arriving at the clinic, the clinic should be advised that you are there for reasonable cause drug/alcohol tests which will require the taking of breath and urine samples.
10. Immediately after the urine specimens are obtained and without leaving the employee's sight, the individual specimen bottles shall, in the presence of the employee, be labeled and then initialed by both the clinic agent and the employee. The employee has an obligation to identify each specimen and initial the same. Each specimen should then be sealed, in the presence of the employee, with the initialed label.
11. The lab personnel will then ensure that the urine specimens have been properly obtained, that appropriate chain of possession procedures have been followed and have been documented in writing.
12. Arrangements will be made for the transportation of the employee to his or her home.
13. The employee should then be advised that he will be suspended without pay pending results and review of the tests.
14. If the results of the tests are "positive," the employee will be promptly notified of the same.
15. The same procedure should be followed if the employee is involved in a reportable accident.

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**Form D. Supervisor's Reasonable Suspicion Checklist**

Employee's Name \_\_\_\_\_

Job Title \_\_\_\_\_

Location of Observation \_\_\_\_\_ Date \_\_\_\_\_

Time \_\_\_\_\_

Statement of Facts Which Brought Employee to Your Attention:

Observations

- Breath: (odor of alcoholic beverage)     Strong     Faint     Moderate     None
- Eyes:             Bloodshot             Glassy             Normal             Watery             Clear  
                   Heavy Eyelids         Fixed Pupils     Dilated Pupils                     Normal
- Speech:         Confused             Stuttered     Thick Tongued             Inappropriate  
                   Fair                     Slurred         Good                     Not understandable  
                   Mush Mouthed        Accent         Cotton Mouthed        Repetitious  
                   Unintelligible        Unusually vulgar                     Other
- Attitude:       Excited             Combative     Hilarious     Indifferent     Talkative  
                   Insulting             Care Free     Cocky         Sleepy         Profane  
                   Cooperative         Polite         Belligerent    Uncaring  
                   Other \_\_\_\_\_
- Unusual         Hiccoughing         Belching     Vomiting     Fighting     Crying  
Action:         Laughing             Other \_\_\_\_\_
- Balance:        Falling             Wobbling     Swaying     Needs Support  
                   Staggering         Other \_\_\_\_\_
- Walking:       Falling             Staggering     Stumbling     Swaying  
                   Needs Support       Other \_\_\_\_\_
- Turning:       Falling             Staggering     Stumbling     Swaying     Hesitant  
                   Other \_\_\_\_\_

Clothes:         Disheveled                 Partially Missing                 Inappropriate  
                   Other

Indicate any other unusual actions or statements: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Signs or complaints of illness or injury: \_\_\_\_\_

Supervisor's Opinion

Effects of alcohol/drug intoxication:     None             Slight             Obvious         Extreme

Operation of equipment:                     Yes             No

Additional Comments:

Supervisor: \_\_\_\_\_ Witness: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

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**Form E. Refusal to Provide Breath/Urine Specimens**

I, \_\_\_\_\_, hereby refuse to provide breath and/or urine specimens to appropriate medical personnel so that a drug/alcohol screening test can be performed. Consistent with established policies and work rules of the County, I recognize that this refusal constitutes a presumption of intoxication which may result in my termination or disqualification from consideration for employment.

Employee/Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Comments (if any): \_\_\_\_\_

\_\_\_\_\_

Employee/Applicant Refusal to Sign ( )

\_\_\_\_\_

Printed Name

Signature

Date

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