

Mercer County Fiscal Court

Employee Handbook

Revised
January, 2025

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Mercer County Fiscal Court

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WELCOME

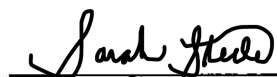
Welcome to Mercer County Fiscal Court. I am delighted that you have chosen to join our organization and hope that you will enjoy a long and successful career with us. The county recognizes the commitment required of our employees, and understands that quality employees are the county's most valuable resource.

These policies have been developed to serve as an informational guide pertaining to the philosophies of our county in personnel matters.

There will be no retroactive clauses on any of these policies except as expressly stated, and it is expected that all employees will be affected equally in relation to their purpose and implementation. Please read through the personnel policies, and discuss any questions you may have with myself, your supervisor, or our Director of Human Resources.

The County is an "at will" employer and nothing in this policy is to be construed as an employment contract. Any individual may voluntarily leave employment or may be terminated by the county at any time, for any lawful reason, or for no reason at all.

The efforts of our past and present employees have made our county's record one of pride and accomplishment. We are happy to have you on our staff and look forward to your contributions to our county.

	1/1/2025
SARAH STEELE	Date
COUNTY JUDGE EXECUTIVE	

Knowledge of Receipt

I acknowledge that I have received a copy of the 2025 Mercer County Fiscal Court Employee Handbook ("Handbook"). I understand that I am responsible for reading and abiding by all policies and procedures in the Handbook, as well as all other policies and procedures of the Mercer County Fiscal Court (MCFC).

I also understand that the purpose of this Handbook is to inform me of the MCFC policies and procedures, and that it is not a contract of employment. Nothing in this Handbook provides entitlement to me or to any County employee, nor is it intended to create contractual obligations of any kind.

I understand it is my responsibility to be familiar with the contents of this manual. Its contents will help guide me toward job behavior which reflects credit upon me and MCFC.

My signature certifies that I have received and read a copy of the 2025 Mercer County Fiscal Court Employee Handbook.

Signature

Date

Full Name (Please print)

Introduction

Welcome and Purpose Statement

Welcome to employment with Mercer County Fiscal Court ("County"). This handbook is designed to provide you with general information about working conditions, benefits and policies affecting your employment. The policies and procedures in the handbook apply to all individuals employed by the County with the exception of those listed in the scope of coverage below. The employee handbook provides information regarding policies and procedures. The handbook is a reference and a general guide. You are responsible for reading, understanding, and complying with the provisions of this handbook. Our objective is to provide you with a work environment that is constructive to both personal and professional growth. We appreciate your assistance in building a respectful, inclusive work environment that is welcoming to all employees, visitors, and citizens.

Foreword

Information included in these personnel policies and procedures are not intended to represent a contract between any employee and the County and may be changed by approval of the Fiscal Court.

The term "established position" indicates the number of positions by title created by ordinance or approved during a Fiscal Court meeting. A position can be established as either a full-time or part-time basis. The number of positions may be changed by the Fiscal Court, and employees occupying the positions may be affected by such changes. (Note: The Fiscal Court is not responsible for setting the number of positions for the County Clerk or Sheriff's Office; however, the Fiscal Court does approve the budget for the two departments).

The overall governing and policy-setting body of Mercer County is the Fiscal Court.

The County Judge/Executive, with the approval of the Fiscal Court, has the authority to appoint, supervise, suspend, and remove County personnel, with the exception of all elected county officials. All elected county officials shall either adopt the County policies or develop and adopt policies that apply to their office.

Employees are advised to always follow the chain of command and not discuss Mercer County business with senior staff or the Mercer County Fiscal Court without prior approval.

In the event an employee has a work-related issue or problem with their immediate supervisor this chain of command may be circumvented and the aggrieved employee may go directly to Human Resources.

If any provision of these policies and procedures is held invalid by a court of competent jurisdiction, such invalidation shall not affect the remainder of this ordinance or its application.

All ordinances that conflict with the contents of this document, are hereby repealed, except that individual departments may have operating policies and procedures that supplement or address topics that are not covered in the policies and procedures in this document. These policies do not prohibit Supervisors from creating additional departmental rules or operating procedures provided they are not in conflict with these policies, federal laws, state laws, or County ordinances.

Administrative Responsibilities

These personnel policies and procedures shall be administered by the County Judge/Executive, who has delegated this authority to the Director of Human Resources. The Director of Human Resources shall have the authority to carry out the duties and responsibilities required within this document, including the implementation and administration of these policies and procedures.

These policies and procedures are intended to cover most employment related questions, actions and issues which may arise. Those not specifically covered shall be interpreted by the Director of Human Resources; such interpretation shall be in concert with the spirit and letter of these policies and procedures. In addition, the Director of Human Resources may create administrative memoranda to interpret or clarify existing policies, subject to the approval of the Judge Executive and, when necessary, the Fiscal Court. These memoranda shall represent the policy of the County.

In addition to the duties set forth in these policies and procedures, the Director of Human Resources shall administer the provisions of these policies and procedures, and it shall be the duty of the Director of Human Resources to ensure that the policies and procedures reflect all subsequent amendments or additions made by the Fiscal Court.

Scope of Coverage

The following officers and employees are explicitly exempted from coverage, unless otherwise specified:

- All Elected Officials
- All Members of Boards of Commissions
- Consultants, Advisors, and Counsel Rendering Temporary Services
- Independent Contractors
- Members of Volunteer Organizations

All employees not explicitly exempted from coverage of these personnel policies and procedures shall be subject to their provisions unless indicated otherwise in the contents of these personnel policies and procedures.

Policy Generation and Changes

Policies and procedures are updated and reviewed on a regular basis and the County reserves the right to change, modify or supersede any of these policies at any time. The provisions of these policies supersede any conflicting statement made by any supervisor. All employees are welcome to suggest changes, additions, or deletions to these policies and procedures. Suggestions should be directed to your supervisor, the Judge/Executive, or the director of human resources.

Equal Employment Opportunity

It is the commitment of the County to ensure fair and equal treatment for everyone we employ. We value diversity and believe employment, training, and promotional opportunities should be available to all persons without regard to race, age, color, religion, national origin, disability, gender identity or

sexual orientation, political affiliation, veteran status or membership in the armed services, genetic information, or any other consideration that is protected by law.

The Mercer County Fiscal Court condemns and will not tolerate any conduct calculated to intimidate, harass, or otherwise discriminate against any employees on the grounds listed above.

This policy of Equal Employment Opportunity applies to all policies and procedures relating to recruitment, hiring, promotion, training, compensation, benefits and all other terms and conditions of employment.

Americans with Disabilities Act

The County is committed to complying with all applicable provisions of the Americans with Disabilities Act (ADA) and will not discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of an individual's disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, the County will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the County aware of his or her disability, provided that such accommodation does not constitute an undue hardship.

An individual with a disability who believes they need a reasonable accommodation to perform the essential functions of their job should contact the Director of Human Resources. Requests for reasonable accommodations should be submitted in writing to the Director of Human Resources. Upon receipt of a request for reasonable accommodation for a disability, and to the extent permitted by law, the Director of Human Resources may require that the employee provide documentation from a medical professional regarding the disability and requested accommodation.

At-Will Employment Policy

All employment with the County is "at-will". This means that employees retain the freedom to leave their employment at any time, with or without prior notice. In turn, the County retains the right to terminate the employment of any person at any time at its sole discretion, with or without cause and with or without notice. In addition, terminations in some departments also require the approval of the Mercer County Fiscal Court. In the event of termination, the terminated employee shall have the right to request an appeal to the action in accordance with the grievance procedures in Appendix A.

Nothing in this employee handbook is intended to or creates an employment agreement, express or implied. Nothing contained in this or any other document provided to the employee is intended to be, nor should it be, construed as a contract that employment or any benefit will be continued for any period of time. In addition, no County employee is authorized to modify this policy for any employee or to enter into any agreement, oral or written, that changes the at-will relationship.

This policy may not be modified or amended other than through an express written contract between Mercer County Fiscal Court and an employee, which shall be signed by the Judge Executive, the appropriate constitutional officer and the employee.

Disclaimer

Information included in these personnel policies and procedures, classification, and compensation plans is not intended to represent a contract, and may be changed by the county without notice.

Employment

Procedures for Filling Vacancies

The procedures for filling vacancies in open positions, including newly established positions, shall be as follows:

- Announcements for open positions shall include information where to apply, deadlines for application, the title and summary of duties of the position, and the position qualifications required. All written announcements of a position shall contain the following statement, "An Equal Opportunity Employer M/F/D."
- Generally, most positions will be posted externally so all qualified candidates have an opportunity to apply. Positions will be posted in the local newspaper and applicable social media platforms.
- To be a qualified applicant for a position the individual must meet the minimum requirements for the position.

Provided that a preliminary offer of employment has been made, applicants may be required to pass a job-related examination (including drug and/or alcohol tests) by a medical professional of the County's choice as a condition of employment.

Appointing Authority

Except as authorized by law, the Fiscal Court is the appointing authority for all County employees.

Employment of Relatives/Nepotism

No officer or employee of the Mercer County Fiscal Court shall advocate, recommend or cause the employment; appointment; promotion; transfer; or advancement of a family member to an office or position of employment with the Legislative Body.

No officer or employee shall supervise or manage the work of a family member.

No officer or employee shall participate in any action relating to the employment or discipline of a family member, except that this prohibition shall not prevent an elected or appointed official from voting on or participating in the development of a budget which includes compensation for a family member, provided that the family member is included only as a member of a group, and the family member benefits to no greater extent than any other similarly situated member of the group.

Family member is defined as a spouse, parent, child, sibling, grandparent, grandchild. The employment of relatives is addressed in the Mercer County Ordinance # 2022-12.

The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibition, but which existed prior to the effective date of this ordinance.

Orientation of New Employees

A payroll and benefits orientation shall be made available by the Director of Human Resources or designee to all new full-time employees occupying established positions during their first day of employment or as closely to the first day of employment as practical. The orientation shall consist of a review of the benefits associated with employment and each person's rights and responsibilities which can be found in the employee handbook.

Introductory Period

Generally, for all new regular employees, the introductory period consists of 180 days of employment. The introductory period may be extended by the Judge/Executive as deemed necessary. The introductory period is used to determine if performance meets the expectations of the position and if continued employment is warranted.

During the initial introductory period, a new employee shall not take vacation or sick time that has been earned or accrued. Any time off taken during the initial introductory period shall be time off without pay.

At the completion of the initial introductory period, the employee's performance shall be evaluated by the supervisor. A determination shall be made at that time relevant to continuation of the introductory period.

If an employee terminates or is terminated before the end of the introductory period, no payment will be made for any benefits earned or accrued. This does not include employees who are in an introductory period as a result of a promotion.

Promotion

When a vacancy occurs in a position above the entrance level, consideration shall be given to promotion of current qualified employees who submit a written application for the position. However, if deemed the best interest of the county necessitates the appointment of an applicant not currently employed by the county, the position may be filled by appointment of that applicant.

Any employee occupying a regular position may be promoted from one position to a higher position only if he/she possesses the minimum qualifications for the higher position and the position is vacant.

Demotion

In the event an employee becomes unable to perform the duties as stated in the position description, the employee may be demoted in lieu of taking any disciplinary action, provided the employee meets the qualifications for the position, and the position is vacant.

Any demotion pursuant to this procedure is subject to the prior approval of the Judge/Executive and Director of Human Resources. Such action shall be recorded in the employee's personnel file in the Human Resources Office.

The employee's salary in demoted position shall not exceed the maximum salary for the position.

Resignation

In all cases of voluntary resignation, an employee is expected to provide a written notice to their supervisor at least two full weeks in advance of the last day of work. This means an employee must work two full work weeks. The notice must be presented in writing and include the last workday. The written notice will be recorded in the employee's personnel file.

Employees who provide the requested amount of notice will be considered to have resigned in good standing and generally will be eligible for rehire. The supervisor has the discretion to accept a resignation immediately or may shorten the required notice period.

The departing employee shall turn in any keys, radios, phones, equipment, tools, uniforms, or other County property on or before the last day of employment. An employee who fails to return County property shall be deemed not to have separated in good standing.

Any employee who is absent from work three (3) consecutive workdays without notifying the Supervisor or Judge/Executive of the reason(s) for the absence will be considered to have abandoned the job and may be terminated from employment with the County. There will be no third-party notification unless the employee is totally incapacitated.

Reduction-in-Force

The County may lay off an employee or employees because of lack of work or funds. The order of layoff shall be determined by the needs of the County.

Consideration for layoff shall be given to length of service in a position, length of service with the County, and the work performance of employees being considered for layoff.

Temporary and seasonal employees shall be laid off before employees occupying established positions.

An employee occupying an established position who is laid off shall be notified of the layoff in writing. The notice shall explain the reason(s) for and duration of the layoff (if known), and a copy of the notice shall be placed in the employee's personnel file.

An employee who has a satisfactory record of service and is laid off shall be eligible for re-employment in another position, provided the employee meets the qualifications for the position and that the position is vacant.

Re-employment

The County Judge/Executive, with approval from the fiscal court, may re-employ any former employee who has resigned from the county with a satisfactory employment record, or who has been laid off because of lack of work or funds.

Retirement

Mercer County does not have a mandatory retirement age for its employees. The county does participate in the County Employees Retirement System (CERS). In an effort to assure a smooth transition all employees planning on retiring should provide their Supervisor and Judge/Executive with their written notice of intent to retire at least one month prior to their retirement date.

Rights and Responsibilities

Respectful Workplace Policy

The County is committed to ensuring that discrimination and harassment of its employees, in any form, is prohibited on the basis of race, color, citizenship status, sex, age, disability, pregnancy, creed, sexual orientation, gender identity, gender expression, marital status, national or ethnic origin, religion or religious belief, veteran's status, or any other factor that is prohibited by applicable state or federal law or local ordinance. The County prohibits not only unlawful discrimination and harassment, but also other unprofessional and discourteous actions which affect the professional and congenial work environment.

Discrimination

Unlawful discrimination occurs when a person (or group) is treated unfavorably or differently because of that person's (or group's) membership in a protected class listed above. In the employment context, this could include, but is not limited to decisions related to hiring, promotion, termination, training, pay increases, work schedules, etc.

Harassment

Workplace harassment prohibited by this policy is defined as unwelcome verbal or physical conduct designed to threaten, intimidate, or coerce an employee which interferes with an individual's work performance or employment opportunities. Such behavior is prohibited whether between supervisors and employees, among co-workers, or when dealing with third parties and may consist of, but is not limited to the following:

1. Epithets, slurs, negative stereotyping, threatening, or intimidating acts,
2. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls, bulletin boards, or elsewhere on the employer's premise, or circulated in the workplace,
3. Hazing, which can include humiliation, innuendos, disparaging remarks, practical jokes, and horseplay,
4. Other behavior that creates a hostile or intimidating work environment.

Sexual Harassment

Sexual harassment undermines the integrity of the employment relationship and interferes with the productivity of its victims and their co-workers. Inappropriate sexual advances, requests for sexual favors, and other physical, verbal or visual conduct based on sex constitutes sexual harassment when:

- Submission to such conduct is either explicitly or implicitly made a term or condition of employment,
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

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

Complaint Procedure

When possible, the employee should confront the person and request that the individual discontinue the behavior immediately. However, if an employee believes he/she has been unlawfully harassed or discriminated against or observes someone engaging in conduct which may violate this policy; he/she should report the incident immediately to the director of Human Resources or the County Judge/Executive. Employees are not required to complain to the person that they allege is the cause of the problem, nor are they required to complain to their supervisor or department head. However, should a supervisor or a department head receive a discrimination or harassment complaint, they shall be required to report the allegation immediately to the director of human resources and take no immediate action pending the advice of the director of human resources. All complaints will remain as confidential as possible and will be investigated in a timely manner by the director of human resources. Appropriate action will be taken as a result of the investigation.

Retaliation

Retaliation against any employee for filing a complaint under any part of this policy or for assisting in an investigation of a potential violation of this policy is strictly prohibited and shall be reported to the director of human resources immediately.

Appropriate Conduct, Work Performance, and Disciplinary Action

All County employees are expected to accept certain responsibilities concerning matters of personal conduct and to exhibit a high degree of personal integrity at all times. Furthermore, all employees are encouraged to always observe the highest standards of professionalism. Progressive Discipline policy can be found under Appendix E.

Should an employee's performance, work habits, attitude, conduct, or demeanor become in any way unsatisfactory in the judgment of a supervisor, director of human resources, and/or Judge/Executive, the employee will be subject to disciplinary action, up to and including termination of employment. Disciplinary action taken will be based upon the nature and severity of the case with consideration for past pattern and practice. Generally, before any written disciplinary action is taken, the Director of Human Resources should be consulted for review. Unless otherwise addressed in KRS, terminations shall require the approval of the Fiscal Court.

The County has established these general guidelines to govern the conduct of its employees. No list of rules can include all instances of conduct that can result in discipline, and the list of examples below is not exhaustive. Furthermore, sound judgment and common sense should prevail. The County reserves the right to determine the appropriate level of discipline for any performance or conduct issues.

1. Chronic and/or excessive tardiness/absenteeism
2. Abuse of sick leave and/or absence without approved leave
3. Inappropriate or unsuitable job performance and/or failure or neglect to perform assigned duties

4. Reporting to work under the influence of alcohol or illegal drugs and/or possession, distribution, or use of alcohol or illegal drugs while at work
5. Failure to act in a courteous or appropriate manner toward the public or other employees
6. Violation of County or department policies or procedures
7. Theft or dishonesty, including falsification of records
8. Damaging, destructing, or unauthorized use of County property
9. Fighting or threats of violence
10. Failure to report an accident, injury, or hazardous situation in a prompt manner
11. Insubordination, which includes unwillingness to perform assigned duties
12. Disregard or failure to comply with safety or security policies and procedures, including failure to wear personal protective equipment
13. Bullying or hazing
14. Violation of nondiscrimination or anti-harassment policies
15. Misuse of County funds
16. Any other act which constitutes a violation of local, state, or federal law while on the job or on County property.

Progressive Discipline Policy can be found under Appendix E.

Employee Files and Access

Official employee personnel files are maintained by the Human Resources Department. The confidential files contain records relating to an individual's employment and are retained for business reasons.

Access to employee files is controlled by the Director of Human Resources and is limited to individuals who have a legitimate business need to review the materials. Generally, a supervisor may review a file for an employee under their direction. In addition, outside agencies may have access to an employee's file when required by law, court order or subpoena.

To ensure that files are accurate, complete, and current, an employee may review his/her file by making an appointment with the Director of Human Resources. Generally, the employee will be granted access within three days of the request. Employee files will not be taken outside the department. An employee has the right to request an amendment or removal of a document from the official personnel file by submitting a written appeal to the Director of Human Resources.

Employee Information Changes

The County requires employees to keep the Human Resources Office and the Payroll Clerk informed of any changes in an employee's information which may affect employment status. It is the employee's responsibility to notify the Payroll Clerk and Director of Human Resources whenever there is a change in any of the following information; address, telephone number, person to notify in case of emergency, last name (due to marriage, etc.), marital status, number of dependents, beneficiary for life insurance and retirement.

Political Activity

To protect non-elected employees from political pressure in their jobs, certain restrictions have been placed upon involvement in political activities:

- No person shall be favored or discriminated against with respect to employment because of his/her political opinions or affiliations.
- No employee, as a condition of employment or continued employment, shall be required to contribute to or campaign for any candidate for political office, or actively campaign for any political candidate.
- Employees shall not actively campaign for or against any political candidate while on duty or while wearing a uniform identifying them as employed by the County. Nothing in this policy is intended to infringe upon the first amendment rights of County employees to freedom of speech and freedom of expression.

Gifts and Gratuities

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

Use of County Property Prohibited

No employee shall use any County property for non-County business. County property includes any item that has been purchased, inventoried, donated or acquired for business related activities by the County. This includes, but is not limited to laptops, tablets, keys, vehicles, office supplies, furniture, tools, machinery, equipment, scrap metal, gasoline, etc.

County Vehicle Use

County vehicles are provided for business use. Employees assigned a vehicle may use the vehicle to drive to and from work each day, and to report for after-hour emergencies and call back support. In addition, assigned vehicles may be used for minimal personal business (e.g., lunch, bank, doctor's appt., pharmacy, etc.) within the county.

Profit from Knowledge Based on County Employment

An employee may not use the confidential knowledge gained while on official duty for the County for personal profit. (Also see Appendix D: Code of Ethics)

Outside Employment

Outside employment is defined as any paid employment performed by an employee in addition to employment with the County. Except as otherwise allowed by law, employees wishing to seek outside employment in addition to their regular duties are required to request approval from the appropriate

Supervisor or Judge/Executive to ensure there is not a conflict of interest. Outside employment shall not interfere with performance of an employee's job or occur during the employee's regular assigned working hours unless the person is on vacation leave. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, or refusal to work overtime, different hours, or different shifts. Employees may engage in other employment if allowed by law, but in all case's employees are prohibited from having other employment that directly conflicts with their ability to perform their duties as County employees.

Office Pet Policy

The Mercer County Fiscal Court is responsible for assuring the health and safety of all employees. In keeping with this objective, Mercer County Fiscal Court does not permit employees to bring their household pets to work. Animals may pose a threat of infection and may cause allergic reactions to other employees. Some employees may feel threatened or be distracted by the presence of animals, particularly dogs. In addition, Mercer County Fiscal Court wishes to prevent pets from fouling the office space or damaging property. This policy does not pertain to service animals for those employees with disabilities. It also does not pertain to Police trained canines.

Violence in the Workplace

The County is committed to providing a safe, violence-free workplace for our employees. Due to this commitment, we forbid employees from engaging in any physical confrontation with a violent or potentially violent individual or from behaving in a threatening or violent manner toward an employee, customer or visitor. Threats, threatening language, or any other acts of aggression or violence made toward or by any employee will not be tolerated. A threat may include any verbal or physical harassment or abuse, attempts to intimidate others, menacing gestures, stalking, or any other hostile, aggressive, and/or destructive actions taken for the purposes of intimidation. This policy covers any violent or potentially violent behavior that occurs in the workplace, at an offsite event or conference, or at County functions.

All employees bear the responsibility of keeping our work environment free from violence or potential violence. Any employee who witnesses or is the recipient of violent behavior should promptly inform their supervisor, Judge/Executive, and/or the director of human resources. All threats or acts of violence will be promptly investigated. Employees who violate this policy will be subject to appropriate disciplinary action up to and including termination of employment. The County may also take any necessary legal action to protect its employees. The County will attempt to maintain the anonymity of a reporting party. No employee will be subject to retaliation, intimidation, or discipline as a result of reporting a threat in good faith.

Workplace Safety

It is a basic responsibility of all employees of the County to make the health and safety of fellow employees a part of their daily concern. This responsibility must be accepted by each employee who conducts work for the County, no matter in what capacity he/she may function. All practical steps will be taken to build and maintain a safe and healthful workplace.

It is the policy of the county:

1. To provide a safe and healthful place of employment that is free of recognized hazards for our employees and to abide by the Federal, State and Local regulations that pertain to our workplace.

2. To enforce the rules of this policy.
3. To require subcontractors to abide by and adopt this policy or similar policy.
4. To have operable a procedure for securing treatment of injuries on each active job site.
5. To provide safety education and training for employees as needed.

All employees must abide by the following rules:

1. Report all unsafe conditions to their immediate supervisor.
2. Wear appropriate personal protective equipment, such as hard hats, steel toed boots, safety vests, respirators, gloves, or safety glasses to protect against job hazards.
3. Seat belts are to be used at all times when in a county vehicle or in personal vehicle in performance of work for the County.
4. Never operate any machine unless all guards and safety devices are in place and in proper operating condition.
5. Keep all tools in safe working condition. Never use defective tools or equipment.
6. Properly care for and be responsible for proper use of all personal protective equipment.
7. Do not operate machinery if you are not an authorized operator and have not been directed to do so by your immediate supervisor.
8. Practice good housekeeping at all times. Do not leave materials or scraps in walkways, roads or other means or points of egress.
9. You must comply at all times with all commonly recognized and understood safe work practices. All posted safety rules must be followed.
10. Being under the influence of intoxicating beverages or illegal drugs on the job is prohibited (see the Appropriate Conduct, Work Performance, and Disciplinary Action section for more information).
11. When driving, use of a cell phone for business calls is permitted only when the user is utilizing a Bluetooth hands-free connection. Texting and driving are not permitted.
12. Employees are required to visit a doctor, hospital or clinic for all work-related injuries. If you knowingly file a false or fraudulent injury or illness claim, appropriate disciplinary action will be taken up to and including termination of employment. This includes any injury that actually occurred at home and outside of work hours.
13. The above stated rules do not represent all safety rules and regulations of the County.
14. These rules only serve to inform you of minimum specific actions that you must adhere to in order to ensure your safety and the safety of others in the workplace and any job site.

Inclement Weather

Emergency closings will be authorized by the County Judge Executive. When changes in hours of operations are necessary due to emergency situations such as inclement weather or loss of utilities, the judge/executive, director of human resources or a designee will notify supervisors. Employees will be notified by their supervisors.

If offices are closed for an entire day because of an emergency, all non-essential employees scheduled to work that day will be paid for the number of hours they were scheduled to work. Non-essential employees able to work remotely may be expected to work during regular working hours. If an emergency closing occurs during hours the County is normally open, non-essential employees will be paid for any remaining hours scheduled. If the County opens late due to an emergency, scheduled non-essential staff who report to work at the later time will receive credit for their regularly scheduled hours for that day. However, emergency hours not actually worked

will not be included in overtime calculations. Lastly, if an employee is off on vacation or sick leave, they will not receive credit for the hours that the County was closed.

When the County offices are open, but extreme weather conditions make it impossible for an employee to arrive at the regular time, reasonable allowances for lateness will be made. If the employee cannot report for work within a reasonable time, they must charge the time to vacation or leave without pay, equal to their regular work schedule hours for that day. The employee is expected to comply with normal call-in procedures if they are unable to report for work.

Please note that most County employees are essential and certain essential services are required to be maintained during any closing. The employees providing essential services are excused from work only with the specific authorization of their supervisors. Supervisors should clarify beforehand who the essential employees are during emergencies, what their obligations are, and what procedures will be used to let them know if they are excused from work. An essential employee's failure to report to work during emergencies may be cause for disciplinary action.

The affected offices will notify the public and will post signage in the event of closure, late opening or early closure.

Computer, Information Systems and E-Mail

The County is committed to providing all employees with the tools and resources each person needs to effectively perform their job. However, each employee is responsible for the appropriate use of all tools, including computing resources.

Computers, computer files, the e-mail system, facsimile machines, hardware and software furnished to employees are property of the County and intended for business use. Employees should not use a password, access a file, or retrieve any stored communication without authorization.

The electronic mail and other information systems including facsimile machines of the County are not to be used in a way that may be disruptive, offensive to others, or harmful to morale. Other than privileged communications or communication exempt from a public records request, employees should have no expectation of confidentiality or privacy with respect to e-mail. Even when a message is deleted, it is possible that it may be retrieved and read. Do not send anything by e-mail that you would not want to become public knowledge.

There is to be no display or transmission of sexually explicit images, messages, or cartoons, or any transmission or use of electronic communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, national origin, ethnicity, sex, genetics, sexual orientation, age, disability, or religious or political beliefs.

The County purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the employer does not have the right to produce such software for use on more than one computer.

The computers, facsimiles and e-mail system should not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.

All computer files, facsimiles and e-mail messages are records of the County, and the County reserves the right to access and disclose all computer files and messages sent over its electronic systems for any purpose except where legally prohibited.

For privacy reasons, employees should not attempt to gain access to another employee's computer files and electronic messages without the employee's expressed permission. In addition, employees are strongly encouraged to take appropriate steps to safeguard user ID's and passwords, protect against unauthorized use, and notify department head of any suspected unauthorized use. Lastly employees shall not make unauthorized use of accounts and not knowingly grant use of the accounts for unauthorized purposes. However, the County reserves the right to enter an employee's computer or e-mail files if to do so would protect or serve the interests of the County.

County employees are strictly prohibited from disclosing or posting protected, confidential, private or sensitive information, photographs, or video obtained in the workplace or through performance of official duties. Information, which is governed by KRS 61.810, the Kentucky Open Records Law, shall not be disclosed via social media.

Employees should notify their supervisor, Judge/Executive or the director of human resources to report violations of this policy.

Social Media

County employees who use personal social media sites, personal blogs, the internet, and other mediums of electronic communication may do so using personal equipment during their personal non-work time. Employees should keep in mind that their postings can affect how the public perceives the County. Furthermore, their speech becomes part of the worldwide domain once posted and therefore must adhere to the County's usage guidelines. As such, employees shall comply with the following:

- Employees may only speak on behalf of the County in an official capacity when specifically authorized to do so.
- When displaying division logos, uniforms, or similar identifying items on personal web pages, the employee must act in compliance with these policies.
- The use of ethnic slurs, personal insults, obscene or sexually-explicit language, or any conduct in violation of these policies is prohibited.
- Employees may not post confidential information or information that the employee would only have knowledge of through their employment with the County.
- Any comments posted by an employee not protected by the NLRA are also prohibited.

County employees shall comply with this policy during both working and non-working hours. This policy shall also apply when posting employer-approved information on official Mercer County sources for electronic communication.

Whistleblower Protection

A whistleblower as defined by this policy is an employee of the Mercer County Fiscal Court who reports an activity that is illegal, dishonest, or contrary to established policy to one or more of the parties specified in this policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities. Some examples of actions that need a whistleblower include but not limited to: Illegal, dishonesty, violations of federal, state or local laws, theft of service, taking kickbacks, fraudulent financial reporting, billing for services not performed or for goods not delivered.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact his/her immediate supervisor, Judge/Executive or the Director of Human Resources. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Whistleblower protections are provided in two important areas; confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, 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. The County or its employees 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. Any whistleblower who believes he/she is being retaliated against must contact the Director of Human Resources immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

Any whistleblower who believes he/she is being retaliated against must contact the Judge/Executive immediately. If the Judge/Executive is involved in the complaint, the employee may contact the County Attorney. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

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

Employees with any question regarding this policy should contact the Mercer County Judge/Executive.

Tobacco Free Workplace

Mercer County Fiscal Court prohibits smoking in any county facility or county vehicle. This policy covers the smoking of any tobacco product, e-cigarettes, vaping device, and the use of any oral tobacco products. Smoking is permitted in designated areas at the discretion of the Judge/Executive.

Drug-free Workplace Policy:

For the County's Drug-Free Workplace Policy, See Appendix B.

Drug and Alcohol Testing Policy:

For the county's Drug and Alcohol Testing Policy, See Appendix C

Classification

Employment Classification

The County defines exempt and non-exempt employees following the provisions of the Fair Labor Standards Act (FLSA).

Exempt employees (salaried) are exempt from the overtime pay provisions of the FLSA. This exemption is determined by evaluating the duties and responsibilities required of the staff member against the criteria outlined in the FLSA. A job is classified as exempt if its duties and responsibilities are primarily executive, managerial, or administrative, or if it requires an advanced educational degree or knowledge and experience in a field considered to be professional. Exempt employees fulfill their duties without a focus on the amount of time it takes. Therefore, exempt employees are paid a salary that does not vary between pay periods based on the quality or quantity of work and are not eligible to receive overtime for hours worked beyond 40 hours in a workweek.

Non-exempt (hourly) employees do not qualify, by the nature of their work and responsibilities, for exemption from the overtime or minimum wage provisions of the FLSA. Non-exempt employees are paid by the hour and must receive no less than one and one-half times their regular rate of pay for hours worked in excess of 40 hours in a workweek. Non-exempt employees include individuals employed in office and clerical, service and maintenance, and technical and scientific positions.

Regular Review/Evaluation

The Director of Human Resources shall review the duties and responsibilities of each position as needed. After reviewing the duties and responsibilities, the reclassification of a position or the creation of a new position may be recommended.

All changes shall be made upon the recommendation of the Judge/Executive and/or the Director of Human Resources and approval by the Fiscal Court.

Reclassification

The Director of Human Resources shall recommend reclassification of a position after its duties and responsibilities change materially.

Whenever the duties of a position substantially change, the Director of Human Resources shall prepare an appropriate position description for the position and recommend a change in the compensation for a position.

All position reclassifications and pay change requests, shall be made with the recommendation of the Judge/Executive and/or the Director of Human Resources and approval by the Fiscal Court.

Categories of Employment

A regular employee is an individual who is working in an established position which is funded on a recurring basis. Established positions can be either full-time or part-time, established by ordinance of Mercer County Fiscal Court.

All employees of the County shall be classified full-time, or part-time:

- Full-time employee: An employee who works 30 or more hours per week on a regularly scheduled basis;
- Part-time employee: An employee who works less than 30 hours per week on a regularly scheduled basis;

Only full-time or part-time employees may occupy established positions.

Full-time employees in established positions shall be entitled to all benefits provided by the County. Part-time employees are not eligible for County benefits.

Compensation

Work Hours and Work Week

Each employee shall work according to a schedule of hours determined by his/her supervisor. The schedule shall not be altered to avoid overtime. Non-supervisory full-time employees shall work a minimum of 30 hours per week. Flexible work schedules may be utilized as agreed to in writing between each employee and his/her supervisor with the Judge/Executive approval. For most departments, the work week begins on Saturday at 12:01 am and ends on the following Friday at 12:00 pm. It is the employee's responsibility to report to work at the beginning of the scheduled workday or shift. The employee is also expected to remain on the job actively performing the duties of the job until the completion of the workday or shift. Anytime a non-exempt employee leaves the workplace and is no longer working (e.g., for a meal break, doctor's appointment, etc.) the person needs to clock out. The supervisor or responsible person in the work area must be informed by the employee when he/she is away from the office or duty station for an extended period of time.

The Mercer County Road Department will work an 8-hour shift per day and will accrue leave time accordingly.

All other departments will work a 7.5-hour shift per day and will accrue leave time accordingly.

Attendance and Absence Reporting

All employees are expected to arrive on time, ready to work, every day they are scheduled to work. If unable to arrive at work on time, or if an employee will be absent for an entire day, the employee must contact the supervisor before the normally scheduled work time. Excessive absenteeism or tardiness will result in discipline up to and including termination. Failure to show up or call in for a scheduled shift without prior approval may result in termination. If an employee fails to report to work or call in to inform the supervisor of the absence for three (3) consecutive days or more, the employee will be considered to have abandoned their job and voluntarily resigned employment.

Time Reporting, Payroll Deadlines, Pay Dates, and Attendance Records

The pay dates for all employees are scheduled on a calendar year basis. All employees will be paid every other Friday. Employees and supervisors must submit paper timesheets to the payroll clerk by 10:00 a.m. on the Tuesday prior to the pay date to allow time for proper payment. Records of sick and vacation leave used shall also be submitted in paper format to maintain an accurate balance. The Finance Officer and Director of Human Resources will verify Vacation/Sick Time taken to ensure correct information is recorded/reported on employees' paystub.

For mutual convenience, direct deposit of earnings is mandatory for all employees.

Rest Periods

A non-exempt employee is granted rest periods according to the following guidelines:

- An employee working a 7- or 8-hour shift shall be granted two 10-minute paid breaks per day with pay.
- A rest period will not be granted during the first or last hour of a work period.
- During any work session lasting four hours or more, part-time employees may be entitled to

- a rest period.
- Supervisors may stagger the breaks for employees within the work area to maintain continuous service.

The rest period is intended to be a recess to be preceded and followed by an extended work period. Therefore, the rest period should be scheduled as close to the middle of each work period as possible. The rest period shall not be used to cover a staff member's late arrival or early departure or to extend a lunch period.

Overtime

Non-exempt (hourly) employees will work overtime hours only at the direction or after approval of the supervisor. Non-exempt employees shall be compensated at a straight time rate for all hours worked up to and including forty (40) hours in a work week and shall be compensated at a time-and-one-half rate for all hours worked in excess of forty (40) in a work week. **COMP time will NOT be permitted as compensation.**

Only hours worked count toward the calculation of overtime. Overtime pay will be granted only for hours actually worked in excess of 40 hours in a workweek; time off with pay (holidays, vacation leave, sick leave, jury duty, funeral leave, for example) will not be considered as hours worked for overtime pay calculation purposes. Note: some exceptions may exist based on KRS regulations.

The supervisor and Judge/Executive shall be held accountable for overtime and shall approve all overtime in advance whenever possible; overtime shall be kept at the minimum consistent with maintenance of essential services and the County's financial resources.

When the Judge/Executive directs closure of the county offices, all non-exempt employees will be paid for their regularly scheduled time as well as any applicable overtime worked in excess of 40 hours, excluding time off with pay such as vacation, sick leave, or FMLA as defined in policy. However, if your policies and procedures for your department state differently, you will follow your policies and procedures as they are written.

If Emergency Work is scheduled during the week of a Holiday. The declaration must be made by the Judge/Executive and shall be submitted in writing to the Finance Officer on the next regular work day.

A County employee shall not work for any other County department or agency which would or could create a possibility of overtime pay.

Pay Increases

The annual budget may include salary increases effective July 1 (or the first day of the pay period immediately following July 1) for the budget year; accordingly, the Judge/Executive shall review the compensation structure during the budget process and any recommended adjustments shall be included in the budget proposed to the Fiscal Court. The Judge/Executive may request other pay increases and, unless authorized otherwise by Kentucky Revised Statutes, all pay adjustments are subject to approval of the Fiscal Court.

Payroll Deductions

Applicable taxes, court-ordered garnishments, and employee contributions to benefits/programs approved by the Fiscal Court and applying to all employees shall be deducted from the participating employee's earnings.

Work-Related Injuries and Temporary Total Disability Pay

Any employee who sustains a workplace injury or occupational disease must notify their supervisor immediately. The employee or the supervisor shall report the injury by contacting the workers compensation insurance provider KACO at 866-367-5226 within 24 hours. (Please note the group health insurance plan will not cover work-related injuries.)

If the situation requires emergency treatment, call 911 to obtain immediate assistance. For emergency care, the individual can also be taken to an emergency room at any hospital and the injury can be reported later. Failure to properly report injuries may result in compliance problems and lead to difficulty in processing claims.

After reporting the injury, the supervisor shall conduct a thorough accident investigation and complete an accident report within 24 hours. The completed accident report shall be submitted to the Director of Human Resources.

Most individuals are able to return to work the same day or next day, with no work restrictions. If an employee has work restrictions, these must be brought to the supervisor's attention upon return to work. The supervisor shall review restrictions to determine if work modifications can be made to accommodate limitations.

If the employee is unable to return to work or if a modified duty assignment is not available, he/she shall be placed on leave. During the first seven calendar days, the employee may use their sick leave to remain in a paid leave status. If the employee is unable to work for eight calendar days or more due to a work-related injury, he/she becomes eligible for Temporary Total Disability (TTD) benefits. The weekly benefits for TTD are two-thirds (2/3) of the employee's average weekly wage, but no more than the state's average weekly wage. If the employee is unable to work for 15 days or more, he/she is entitled to payment of TTD benefits for the first seven calendar days. The employee may request reinstatement of sick leave used during the first seven calendar days by signing the check over to Mercer County Fiscal Court (SCFC).

Upon return to work, the employee is expected to provide a medical release to resume work or a release with restrictions which indicates limitations and the expected duration of restrictions. When possible, the County will attempt to establish modified duty assignments to accommodate short-term work restrictions.

If the employee's absence also qualifies as a serious health condition under the provisions of the Family and Medical Leave (FML) policy, the employee will be notified of FML rights and the leave periods shall run concurrently.

Employees shall continue to accrue sick leave and vacation leave while receiving TTD benefits due to a work-related injury or illness for a period up to six months after the accident or illness, provided the

employee continues to be employed by the County.

The County shall continue to contribute the employer's share of health insurance for up to six months. The employee portion of the premium must be paid by the first day of the month for the month to be covered. Failure to pay the premium will result in termination of coverage and a COBRA notice will be issued.

In addition, an employee shall be responsible for paying for any supplemental insurance plans that are normally payroll deducted and shall be paid prior to the first day of the month for the month to be covered. If payment is not made by the first of the month, coverage will be cancelled.

Return to Work – Modified Duty

Modified duty is used by department heads and the Human Resources Director to permit employees recovering from a work-related injury to return to work in a limited capacity. To the extent possible and as permitted by law and these policies, the County will attempt to accommodate work restrictions to allow such employees to return to work. However, modified duty is not required to be offered to every employee, such as where it would be impossible, unreasonable, or impracticable to do so. Each employee will be considered for a return-to-work assignment on a case-by-case basis with consideration for work restrictions and the availability of suitable work. Modified duty may be eliminated at any time depending on the availability of modified work and the ability of the employee to perform assigned tasks or when the employee is released to return to regular duty without restrictions. The employee will be required to provide regular updates on their status and a modified duty assignment shall not last longer than six months.

An employee is not required to accept an offer of modified duty. However, if the employee with a work-related injury, has a doctor's permission to perform the modified tasks, and refuses to accept the offer, the employee will forfeit the right to receive temporary total disability workers' compensation benefits.

Work-Related Travel and Expense Reimbursement

Employees will be reimbursed for actual expenditures for pre-authorized travel expenses incurred in the performance of their work, but not for commuting to and from the workplace. Any cost incurred should be the most economically consistent and within the county's best interest.

1. Any employee of the Mercer County Fiscal Court incurring expenses for prior approved county related business shall be reimbursed as follows:
 - a. Official travel in privately owned vehicles shall be reimbursed at the current approved mileage rate set by the Mercer County Fiscal Court.
 - b. Air travel shall not be 1st class unless other rates are unavailable.
 - c. Lodging shall be reimbursable at the actual expense. Receipts must be provided for lodging.
 - d. Conference and registration fees shall be approved in advance by the Judge/Executive and may be prepaid when necessary and appropriate.
 - e. Use of rental vehicles must be approved in advance, or justification provided that shows the use of such vehicle was more feasible than other types of available transportation.

- f. An employee shall be reimbursed for meals at the following rates if the employee's travel requires an overnight stay, or if travel outside the county is required during specified hours, as follows:

Breakfast – travel (6:30-9 am) - ten (10) dollars

Lunch – travel (11 am-2 pm) – fifteen (15) dollars

Dinner – travel (5-9 pm) - twenty (20) dollars

You can only claim a meal if you are traveling during the entire time span of that meal. For example, if you return by 7 pm, you cannot claim dinner. If you leave at 8 am, you cannot claim breakfast.

If a meal is provided by the conference you are attending, no reimbursement will be made if you choose to dine elsewhere.

There is NO reimbursement for snacks purchased apart from a meal.

There is NO reimbursement for alcohol.

The request for reimbursement shall include receipts for expenditures and shall be submitted within 30 days of return. Request for reimbursement shall be signed by the supervisor.

EMPLOYEE BENEFITS

Retirement

Mercer County participates in the County Employees Retirement System.

Holidays

Any full-time employees occupying regular positions shall receive time off at the regular rate of pay for each holiday. Part time employees do not receive pay for holidays. The following list shows the holidays when employees may expect to receive a paid holiday.

New Years Day

Martin Luther King, Jr Day

Presidents Day

Good Friday

Memorial Day

Juneteenth

Independence Day

Labor Day

Columbus Day

Veterans Day

Thanksgiving Day

Thanksgiving (extra day)

Christmas Eve

Christmas Day

New Years Eve

When any holiday listed above falls on a Saturday, it will be observed on the preceding Friday. When any holiday listed above falls on a Sunday, it will be observed on the following Monday.

In addition to the above, any day may be designated as a holiday by proclamation of the County Judge/Executive with the approval of the Fiscal court.

Holiday pay is at the regular pay rate. When it is essential for a non-exempt employee to work on a holiday, the employee shall receive overtime pay.

Vacation Leave

All regular full-time employees occupying established positions shall receive vacation leave as follows:

<u>Length of Continuous County Service</u>	<u>Earned Vacation</u>
0-12 Months of service	6 working days
1-5 years of service	12 working days
6-10 years of service	15 working days
11-20 years of service	18 working days
21 years and over	21 working days

Working day, as used in this policy, shall be established by the normal working schedule of the employee.

For example, Road Department employee's normal workday is eight (8) hours, while office employees' normal workday is (7.5) hours.

Vacation leave is earned and accrued on a monthly basis according to the schedule above. Employees must work 15 days in a given month in order to accrue vacation time.

No employee shall be allowed to utilize accrued vacation leave until the employee has successfully completed the initial introductory period. Employees on a promotional introductory period may take accrued vacation leave. New employees have a 6-month probationary period and will not be allowed to take vacation leave; however, if a supervisor approves time off, it will be time off without pay.

Vacation leave of a week or more must be requested at least one (1) month in advance. Vacation leave of less than one (1) week must be requested at least three (3) days in advance. If extenuating circumstances exist, the employee may be allowed to utilize vacation leave with less than the required notification if approved by the Supervisor or Judge/Executive. Vacation leave may not be approved if the employee's services are required at the requested time.

Upon separation of employment, employees shall be compensated for all unused vacation leave, provided they give proper notice as defined herein and have returned any and all County-issued property such as keys, uniforms, passwords, etc.

Former employees who are rehired by the county, whose past employment was voluntarily terminated, or who were terminated for reasonable cause, shall be considered as new employees for calculation of vacation leave.

Upon receiving approval from their supervisor, employees absent because of sickness, injury or disability may use accrued vacation leave only after accrued sick leave has been exhausted.

Vacation leave must be taken in increments of not less than one (1) hour.

Employees shall be allowed to carry forward a maximum of 30 days' vacation leave from year to year. Leave in excess of this amount shall be forfeited without pay.

The Finance Officer and the Director of Human Resources shall ensure that accurate records are kept for vacation leave allowance, vacation leave taken, and accrued leave for each employee.

Employees on approved vacation time may not request sick leave for that period should they become ill during their vacation.

For accrual purposes, employees reporting to work on or before the 15th day of the month shall accrue the full amount of vacation leave for that month. Employees reporting to work on the 16th of the month or later shall not accrue vacation leave until the following month. Employees must work at least 15 days in a given month in order to accrue vacation leave for that month.

An employee may donate accumulated vacation/sick time to another employee, who has a medical condition and has already exhausted all of their sick and vacation time, within the county workforce by filling out the required form (can be found in the Forms Appendix).

- a. Employees may not solicit vacation/sick time from their fellow employees.
- b. Employees must have exhausted all paid leave before accepting donated time.
- c. Time will be charged to employees in the order that the donation was received.
- d. Any unused donated time will be returned to the original donor(s).
- e. Employees donating sick time must have a balance of no less than eighty (80) hours after making their donation.

Sick Leave

Sick leave is provided so that an employee will not be seriously handicapped financially if he/she is unable to work because of illness. Sick leave abuse may be cause for dismissal.

1. All employees occupying full-time regular positions shall receive one (1) day of sick leave credit for each month of service, which shall be credited monthly. For purposes of this policy, an employee's workday is considered to be the same as stated in the county's "Vacation Leave" policy.
2. For accrual purposes, employees reporting to work on or before the 15th day of the month shall accrue the full amount of sick leave for that month. Employees reporting to work on the 16th day of the month or later shall not accrue sick leave until the following month.
 - a. Sick leave credit may be utilized by employees when they are unable to perform their duties because of sickness, injury, childbirth, when they are quarantined or when their absence from work is required due to sickness in the immediate family.
 - b. All foreseeable leave for such purposes shall require specific prior written approval of the supervisor or Judge/Executive.
 - c. In the event sick leave is taken for three (3) consecutive days for any purpose, the supervisor or HR Director may require a certificate from a medical doctor giving information as to the circumstances involved.
 - d. If the supervisor suspects that the employee is abusing sick leave, he/she may require a certificate from a medical doctor for any sick leave request provided that the employee is advised prior to his/her next sick leave request.
3. When an employee takes sick leave, his/her immediate supervisor shall be informed of the fact and reason(s) thereof as soon as possible, but in any event not later than the start of the employee's work shift. Failure to notify the supervisor may be cause for disallowing the use of sick leave during the period of absence.

4. Absence for a part of a day is chargeable to sick leave and shall be charged proportionately in an amount not smaller than one (1) hour.
5. Absences on account of sickness, injury, or disability in excess of that authorization for such purposes may, at the request of the employee, and with the approval of the supervisor, be charged to vacation leave credit.
6. Employees shall be allowed to accrue 130 days of sick leave. Upon termination of employment with the county, unused sick leave shall be forfeited without pay.
7. Former employees who are rehired by the county, whose past employment was involuntarily terminated without reasonable cause, shall be given credit for sick leave hours that were previously forfeited without pay.
8. In any event if sick leave is taken before or after a Holiday or Vacation leave, a certificate from a medical doctor will be required.
9. The Finance Officer and the HR Director shall keep records of sick leave allowance, sick leave taken, and balance of sick leave allowance for individual employees. An employee fraudulently obtaining sick leave, or a supervisor falsely certifying sick leave allowance for absence from work, may be suspended or dismissed. Abuse of sick leave shall be cause for disciplinary action, up to and including dismissal.

Funeral Leave

Employees occupying regular full-time positions shall be granted three (3) paid working days off in case of death in the immediate family. For the purposes of this policy, immediate family is defined as spouse, child (includes step and foster), parent/legal guardian, brother, sister (includes step), grandparent, grandchild, current in-law of the same relation, and any relative domiciled in the employee's household.

In the event an employee desires to extend leave beyond three (3) working days due to a death in the immediate family, the employee may use vacation leave, or time without pay upon receiving approval from the Judge/Executive.

Special Leave

The Judge/Executive may authorize special leaves of absence with or without pay for employees occupying regular positions for any period deemed beneficial to the county. The Judge/Executive may authorize an employee to be absent without pay for personal reasons for a period or periods not exceeding ten (10) working days in any calendar year.

Military Leave (KRS 61.394)

All employees are covered under provisions of the Uniformed Services Employment and Reemployment Act (USERRA). USERRA prohibits employment discrimination against a person on the basis of past military service, current military obligations, or intent to serve. An employer must not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment to a person on the basis of past, present, or future service obligation. In addition, KRS 61.394 requires that any employee of the Commonwealth of Kentucky, who is a member of the National Guard or any reserve component of the Armed Forces of the United States, or of the Reserve Corps of the United States Public Health Service (uniformed Services), shall be entitled to leave of absence from their

respective duties without loss of time, pay, regular leave, impairment of efficiency rating, or any other rights or benefits to which they are entitled, while in the performance of duty or training in the service of this state or of the United States under competent orders as specified in this section.

In any one (1) federal fiscal year (Oct. 1 – Sept. 30), any employee, while on military leave, shall be paid his/her usual rate of pay for a period not exceeding twenty-one (21) calendar days. For example, if an employee works Monday-Friday and will be gone on military leave from all of Friday through Monday, 4 calendar days will be used. The employee would be paid for Friday and Monday as scheduled. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued. KRS 61.396 extends the provisions of KRS 61.394 to officers and employees of counties, municipalities, school districts or other political subdivisions of the state.

An employee serving an introductory period that is required to attend mandatory military training shall have the length of the introductory period extended by the time required for military training.

A request for military leave must be presented in writing to the Human Resources Director or Judge/Executive not less than two (2) weeks prior to the beginning of the leave period.

Family and Medical Leave

All employees who have completed one year of service and who worked a minimum of twelve hundred and fifty (1250) hours during the preceding twelve months shall be allowed up to twelve (12) weeks of leave time during a 12-month period for the following reasons:

- For an employee's serious health condition that makes the employee unable to perform the essential functions of his or her job
- For the birth of a newborn child or placement of a child with the employee for adoption or foster care
- In order to care for a spouse, child or parent with a serious health condition.
- For qualifying exigencies arising out of the fact that the employee's spouse, child or parent is on active duty or called to active-duty status as a member of the National Guard or Reserves in support of a contingency operation.
- To care for a covered service member with a serious injury or illness.

It is the employee's responsibility to provide sufficient information to the supervisor so they can reasonably determine whether the FMLA may apply to the leave request.

Spouse means a husband or wife as defined or recognized in the state where the individual was married and includes individuals in a common law or same-sex marriage. Spouse also includes a husband or wife in a marriage that was validly entered into outside of the United States, if the marriage could have been entered into in at least one state.

Child means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability" at the time that FMLA leave is to commence.

Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. This term does not include parents "in law."

Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an oversight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity (inability to work) of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regiment of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Amount of Leave

An eligible employee can take up to 12 weeks of FMLA leave during any 12-month period. The MCFC will measure the 12-month period as a 12-month period measured forward from the first date an employee used leave under this policy.

An eligible employee can take up to 26 weeks for the FMLA military caregiver leave during a single 12-month period. For this military caregiver leave, the MCFC will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

Eligible spouses who both work for the MCFC may only take a combined total of 12 weeks of leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition. Both may only take a combined total of 26 weeks of leave to care for a covered injured or ill service member (if each spouse is a parent, spouse, child or next of kin of the service member).

Intermittent Leave or a Reduced Work Schedule

Employees may take FMLA leave in one consecutive block of time, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member) in a 12-month period.

The MCFC may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth or placement for adoption or foster care.

For the birth, adoption or foster care of a child, leave must be taken on a continuous basis. It cannot be taken on a reduced schedule or intermittent basis. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

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 County's operations.

Employee Notice Requirement

All employees requesting FMLA leave must provide verbal or written notice of the need for leave to the supervisor or Director of Human Resources.

When the need for the leave is foreseeable, the employee must provide at least 30 days' notice. When an employee becomes aware of a need for FMLA leave fewer than 30 days in advance, the employee must provide notice of the need for the leave either the same day the need for leave is discovered or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

Within five business days after the employee has provided this notice, the Director of Human Resources or designee will complete and provide the employee with a Notice of Eligibility and Rights and request a medical certification or other supporting documentation as necessary.

Designation of FMLA Leave

Within five business days after the employee has submitted the required certification or other documentation, the Director of Human Resources or designee will complete and provide the employee with a written response to the employee's request for FMLA leave using the FMLA Designation Notice.

Employee Status and Benefits During Leave

The MCFC will continue an employee's health benefits during the leave period at the same level and under the same conditions as if the employee was continuously at work.

While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of insurance premiums. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received by the Payroll Administrator on or before the first day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The MCFC will provide 15 days' notification prior to the employee's loss of coverage.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the MCFC will require the employee to reimburse the MCFC the amount it paid for the employee's health insurance premium during the leave period.

If the employee contributes to a life insurance or disability plan, the MCFC will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the County may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the MCFC will discontinue coverage during the leave. If the MCFC maintains coverage, the MCFC may recover the costs incurred for paying

the employee's share of any premiums, whether or not the employee returns to work.

Employee Status After Leave

An employee who takes leave under this policy may be asked to provide a fitness for duty clearance from a health care provider. This requirement will be included in the response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one that is virtually identical in terms of pay, benefits and working conditions. The MCFC may choose to exempt certain key employees from this requirement and not return them to the same or similar position when doing so will cause substantial and grievous economic injury to business operations. Key employees will be given written notice at the time FMLA leave is requested of his or her status as a key employee.

Use of Paid and Unpaid Leave

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid sick or vacation prior to being eligible for unpaid leave. Sick leave shall run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

Disability leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, when a female employee takes six weeks of pregnancy, the six weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement. The employee will then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all paid vacation prior to being eligible for unpaid leave.

An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation or sick leave (as long as the reason for the absence is covered by the sick leave policy) prior to being eligible for unpaid leave.

(Note: Generally, employment ends if an employee is unable to return to work upon exhaustion of FML. However, an employee with a continuing serious health condition, may continue to be employed if the individual chooses to apply for long-term disability benefits. In such a case, employment will end if the application is denied or upon eligibility for benefits which is six months from the onset of disability. In addition, upon exhaustion of FML, the employee will be responsible for the full cost of health insurance, employee and employer share.)

Voting Leave

Employees are encouraged to exercise their voting rights at all national, state, and local elections. All employees should be able to vote either before or after regularly assigned work hours or on a variety of early voting days. However, when this is not possible due to work schedules, Supervisors and

Judge/Executive are authorized to grant up to four (4) hours of paid leave to vote. Employees who vote in distant communities are encouraged to exercise their right to vote by absentee ballot.

Voting leave shall be paid leave. The county maintains the authority to specify the hours during which the employee may take voting leave.

Any employee who takes voting leave but fails to vote, shall be subject to personnel action, up to and including termination from employment.

Jury Duty/Court Leave

When an employee is required to serve on a jury, or when required by proper authority to be a witness in job-related legal proceedings, the employee shall be compensated at the normal rate of pay.

Employees shall be absent from work only during the times required by the courts.

Employees summoned as a plaintiff or a defendant in a proceeding involving or arising from a personal business shall not be entitled to leave with pay but may use accrued vacation leave during the absence.

The employee is allowed to retain the allowance he/she receives from the court for jury duty.

Employment Benefits

Insurance coverage begins on the first day of the second month from date of hire, and ends on the last day of employment.

Health Insurance

The County will make available medical benefits for full-time employees and eligible dependents. The medical insurance coverage and the amounts paid by the County and its employees are determined by the Fiscal Court. All participating employees are subject to terms and conditions of the group insurance plans provided by the county.

Dental/Vision Insurance

Full-time employees are eligible to participate in the Dental/Vision plan provided by the Fiscal Court.

Retirement

Full-time employees are eligible to participate in the County Employee Retirement System (CERS).

Social Security

By law, all employees automatically participate in the Social Security program. Employee contributions are automatically withheld from employee earnings and matched by employer contributions. Contribution rates are determined by the U.S. Congress.

Life Insurance

The County provides regular full-time employees with a life insurance policy containing a death benefit of \$20,000. An individual may purchase additional voluntary coverage up to \$150,000 without evidence of insurability.

Worker's Compensation Insurance

The County will pay total costs (coverage applies to all employees).

Unemployment Insurance

Unemployment insurance for all employees is funded entirely by the County. Unemployment compensation is not automatic, nor is the payment of benefits a decision made by the County. The right to collect benefits must be proven by the separated employee. Information concerning eligibility for benefits is available from the state unemployment office.

Liability Insurance

The county maintains comprehensive liability insurance for all employees.

Appendix A: Grievance Procedure

County Employees:

- Unless an employee or employee group is procedurally covered otherwise by state or federal law, any employee of the MCFC who occupies an established full-time or part-time position and who feels aggrieved by an act or decision by the administration, supervisory personnel or other employees shall have the right to process the grievance in accordance with the following procedure:
 - The aggrieved employee shall present the grievance to the immediate supervisor within seven calendar days of its occurrence or knowledge of its occurrence (Note: grievances may be submitted directly to the Judge/Executive if the grievance is against the immediate supervisor). The grievance and all subsequent appeals shall be in writing and shall set forth the reasons and grounds for the grievance with a statement of relief sought. The immediate supervisor shall attempt to address the matter and shall respond to the employee in writing or other means within seven calendar days.
 - The Grievance Procedure Form shall be used. Both the grievance and proposed solution to grievance sections shall be specific as to facts, names, facility involved, dates, places, etc. State the specific law, policy, rule, regulation, procedure, condition of employment, past practice or agreement that was involved and how it was violated.
 - Any employee who feels that he/she has been subjected to harassment or discrimination shall not file a grievance but shall file a complaint directly with his/her Judge/Executive or the Director of Human Resources. Please also see the Respectful Workplace policy.
 - Group grievances crossing departmental lines shall be forwarded directly to the Director of Human Resources.
 - An investigation may be conducted at any level of grievance by the recipient of the grievance.
 - If the grievance remains unresolved, it may be presented by the aggrieved employee to the employee's Judge/Executive within three working days after receiving the immediate supervisor's response. The Judge/Executive may agree with the immediate supervisor and return the grievance without further action or may conduct a more extensive investigation into the grievance; the Judge/Executive shall respond to the employee in writing or other means within thirty calendar days after receiving the grievance.
 - If the grievance remains unresolved, it may be presented by the aggrieved employee to the Fiscal Court within five calendar days after receiving the Judge/Executive's response. The Fiscal Court may (1) agree with the Judge/Executive and return the grievance without further action, (2) conduct a more extensive investigation into the grievance, and/or (3) schedule a hearing. The decision of the Fiscal Court shall be final.
- If a hearing is held at any level, either the County or the aggrieved employee may be represented by Counsel and may request witnesses to appear at the hearing.

GRIEVANCE PROCEDURE FORM

TO: _____

From: _____

I wish to file the following grievance:

Proposed solution to grievance:

Signature _____

Date _____

Response of _____

Received _____ Signature _____ Returned _____

The attached sheet shall be completed to continue the grievance at each level.

After receiving the response from _____ on _____
(Date)

() I am satisfied with the resolution of the grievance;

() I am dissatisfied with the resolution of the grievance, and wish to appeal the decision to the next higher level.

Signature _____

Response of _____ Date _____

Received _____ Signature _____ Returned _____

After receiving the response from _____ on _____
(Date)

() I am satisfied with the resolution of the grievance;

() I am dissatisfied with the resolution of the grievance, and wish to appeal the decision to the next higher level.

Signature _____

Response of _____ Date _____

Received _____ Signature _____ Returned _____

Use additional sheet(s) to continue grievance.

Appendix B: Drug-Free Workplace Act of 1988

- The purpose of this policy is to maintain a safe workplace for all employees and provide the MCFC the authority to remove any dangers caused by drugs in the workplace, including termination of disciplinary action as defined herein. Furthermore, the MCFC shall advise employees of available sources of counseling, rehabilitation, and employee assistance.
- Mercer County Fiscal Court, all County government facilitates and employees shall be drug-free in compliance with the Drug-Free Workplace Act of 1988 PL 100-690, Title V, Subtitle D), including any future amendments to said Act. This publication details this policy, a statement on dangers of drugs in the workplace, sources of information and assistance, and is the basis of the form each employee shall be required to sign agreeing to and assuring compliance.
- No County employee shall engage in unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace. Controlled substances means all controlled substances listed within schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further decided by regulation 21 at CFR 1308.11 through 1308.15, including any future additions or amendments.
 - A. Each employee shall be required to notify the County Judge-Executive within five (5) days of any criminal drug statute conviction for a violation in the workplace, or otherwise. Within thirty (30) days, the county shall take appropriate action.
 - B. Any employee found to be abusing drugs, but not convicted of any drug statute violation, will be subject to appropriate personnel action up to and including termination, or be required to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes.
 - C. The employer is not required to pay for this rehabilitation. Any employee violating the terms of this policy is subject to immediate dismissal.
- Drugs with Potential for Abuse:
 - Barbiturates (Nembutal, Scona, Amytal, Tuinal, etc.): These are central system depressants that are highly addictive both mentally and physically; they have a high potential for causing overdose reactions and severe and dangerous withdrawal complications.
 - Minor tranquilizers (Librium, Valium, etc.): These have an effect similar to barbiturates and alcohol but are less powerful in their effect and less likely to produce physical and psychological dependency, although psychological dependency is still very common among users.
 - Narcotics (opium, morphine, heroin): These are drugs that act upon the central nervous system and parasympathetic nervous system to reduce pain, induce sleep and give a calming effect. They are very physically and psychologically addicting and, because of the haphazard manner in which they are manufactured and sold, frequently are used excessively.
 - Stimulants (amphetamines, cocaine): These are drugs that affect the central nervous system, causing increased alertness and activity and bringing on a feeling of confidence and well-being. They cause psychological dependency but their ability to cause actual physical dependency is not clear. They can have negative psychological effects when overused.
 - Hallucinogens (LSD, mescaline, psilocybin, PCP, etc.): These drugs act upon the central nervous system and produce changes in perception with accompanying excitement to

the user. They are not likely to cause psychological or physical dependency. They are somewhat unreliable in their effect and may cause extreme anxiety reactions or panic states in some users.

- Marijuana or Medical marijuana: The active ingredient in marijuana is THC, which is sometimes classified as a hallucinogen. The actual amount of this chemical in marijuana is quite low, however, and hallucinations are rare. It generally has an intoxicating effect and may heighten sensory perception, especially auditory perception. There are almost no observable physical effects due to marijuana use. It can produce a psychological dependence somewhat similar to caffeine and has no potential for physical dependence.
- Volatile substances (gasoline, paint thinner, lighter fluid, airplane glues, etc.): These substances act on the central nervous system and produce an intoxicating effect. They can be extremely dangerous, causing either brain damage or death from overdose.

Appendix C: Drug and Alcohol Testing Policy

A. PURPOSE

Consistent with the Mercer County Fiscal Court's policy to maintain a safe, healthy drug-free work environment in compliance with the Drug Free Work Place Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991, and in the interest of assuring the safety of the general public by employing persons in sensitive positions that do not abuse alcohol or illegal drugs, the following policies are adopted and strictly adhered to by Mercer County. For purposes of complying with federal drug and alcohol regulations, the substance abuse testing procedures for employees covered by the Omnibus Transportation Employee Testing Act of 1991 (Commercial Driver's License) shall be established and administered separately from Mercer County's overall substance abuse testing program.

B. Applicability

This policy applies to all employees that are subject to appointment by the Judge/Executive, with approval from the Mercer County Fiscal Court. Additionally, all applicants for such Mercer County employment are subject to pre-employment drug testing.

C. Definitions

Accident: For the purposes of this policy an "accident" is an incident which results in the need for a reasonable person to file a police report or to seek medical attention. All incidents meeting this standard shall be considered cause for post-accident drug/alcohol testing of the employee.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl and isopropyl alcohol.

Alcohol concentration (or content): Means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

Controlled substance: Has the meaning as assigned by 21 U.S.C. 802 and includes all substances listed on Schedule I through V as they may be revised from time to time (21 CFR 1308) i.e., marijuana (THC metabolite), cocaine, amphetamines; opiates (including heroin); phencyclidine (PCP).

Driver: Means any person who operates a motor vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to any employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer.

Medical Review Officer (MRO): Means a licensed M.D. or D.O. (Doctor of Osteopathy) with the

knowledge of drug abuse disorders who is employed or use to conduct drug tests in accordance with this policy.

Random Selection Process: Means that alcohol and drug tests are unannounced. Tests conducted randomly.

Reasonable Cause: Means that the employer believes the actions, appearance or conduct of an employee who is on duty are indicative of substance abuse. Justification for such a conclusion may be actions, appearance or conduct consistent with those conditions identified on page 50 of this policy, or other identifiable actions, appearance of conduct that raise the suspicion of appropriately trained persons. Reasonable suspicion will be determined by two or more supervisory personnel who will attest to their observations. The Executive Authority will make the final determination.

On Duty Time: Means all time from the time the employee begins work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. On duty time shall include all time waiting to work or working unless relieved from duty by the employer.

Drug and Alcohol Test: The compulsory production and submission of urine, breath, or blood sample by an employee in accordance with procedures contained herein for chemical analysis to detect drug and/or alcohol use. A seven (7) panel drug test will be utilized.

Under the Influence: An individual is considered to be under the influence of intoxicants when the individual's blood alcohol content exceeds 0.02%. An individual is considered to be under the influence of a controlled substance when any detectable amount of the substance is identified through employee testing.

Positive Drug Screen: Means positive identification of alcohol, a drug or a metabolite which has been confirmed by sophisticated scientific laboratory tests.

Detectable Amount: For the purposes of this policy, detectable amount is defined as the cutoff level defined by federal or state regulation.

Employee: An individual employed by the County

He or his also means her or hers in appropriate context.

Substance Abuse Professional (SAP): This is a doctor who specializes in counseling or helping a person deal with his substance abuse problems.

D. Administrator

The County Judge-Executive will serve as the program administrator (PA) of this policy.

E. PROHIBITIONS

The following conduct is strictly prohibited and will, subject an employee to immediate discipline:

1. Alcohol Prohibitions

- a. The unlawful buying, selling, transportation, possession, providing of alcohol while on duty.
- b. Use during the four (4) hours before reporting for duty.
- c. Reporting for normal duty or remaining on duty to perform work with an alcohol concentration of 0.02 or greater.
- d. Use of alcohol during eight (8) hours following an accident, or until he/she undergoes a post-accident test.

Employees found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall immediately be removed from their duties. The employee shall receive a written reprimand which indicates any further violations of the policy will result in the employee's dismissal.

Employees found to have an alcohol concentration of greater than 0.04 shall immediately be removed from their duties and subjected to other actions outlined in this policy, including personnel actions up to, and including dismissal from employment.

2. Drug Prohibitions

- a. The use of any drug is prohibited if the drug could affect job performance, including, but not limited to:
 1. Use of any drug, except by doctor's prescription, and then only if the doctor has advised the employee that the drug will not adversely affect the employee's ability to safely perform the duties of his/her job;
 - ii. Testing positive for drugs; and
 - iii. Refusing to take a required test.
- b. Failure to notify the supervisor if alcohol or a controlled substance is ingested unintentionally or if the employee is made to ingest a controlled substance so that appropriate medical steps may be taken to ensure the employee's health and safety;
- c. Failure to notify the supervisor of any alcohol or criminal drug statute charge or conviction no later than five (5) days after such charge or conviction relating to alcohol or drug abuse or misuse. However, notification of conviction does not insulate the employee from disciplinary action;
- d. An employee will not be disciplined for reporting personal use of alcohol or prescribed medications when called to perform additional duties outside normal work hours unless that employee has been officially put on call.
- e. An employee will inform his supervisor of any therapeutic drug and/or prescription use that could adversely affect his performance prior to performing any duties.
- f. Employees found to be in violation of the Mercer County Fiscal Court's substance abuse policies are subject to appropriate personnel action, up to and including dismissal from employment.

F. Preconditions to Drug and Alcohol Testing

The Mercer County Fiscal Court shall contract with a Department of Health and Human Services' certified laboratory.

G. Types of Testing

1. Pre-employment testing

All offers of employment are made contingent upon passing a medical review, including an alcohol and drug test. If the test is confirmed positive for drugs or alcohol, the candidate will be disqualified with no further action to be taken. Job applicants, who are denied employment because of a positive test, may reapply for employment after six (6) months. The records will be maintained in the applicant's confidential medical file.

2. Reasonable Suspicion

If an employee's work performance or behavior is indicative of possible alcohol or drug abuse or misuse as demonstrated by the following behaviors/symptoms, or if the employer observes specific, contemporaneous, articulable conduct pertaining to the appearance, behavior, speech or body odors of the employee that indicate the he/she may be in violation of this policy, an appropriately trained supervisor, with the concurrence of the PA or another appropriately trained supervisor, will require the employee to submit to a breath test or urinalysis. The following conditions, which should not be construed to be all inclusive, are signs of possible alcohol or drug abuse:

- Abnormally dilated or constricted pupils
 - Glazed stare - redness of eyes
 - Change of speech
 - Constant sniffing
 - Increased absences
 - Redness under nose
 - Sudden weight loss
 - Needle marks
 - Change in personality
 - Increased appetite for sweets
 - Forgetfulness - performance faltering poor concentration
 - Borrowing money from co-workers, seeking an advance in pay, or other unusual display of need for money.
 - Constant fatigue or hyperactivity
 - Smell of alcohol
 - Difficulty walking
 - Excessive, unexplained absences
 - Dulled mental processes
 - Slowed reaction rate
- a. Supervisors must notify the Judge-Executive if they have reason to believe one or more of the above listed conditions is indicated, and that the substance abuse is affecting an employee's performance or behavior in any manner. Job performance and policy violations must be specific.

- b. The PA will arrange to observe or talk to the employee. If the PA and supervisor concur on reasonable suspicion, the PA will immediately arrange for the specified test.
- c. The employee will be required to release any evidence relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline or suspension. All confiscated evidence will be receipted for with signatures of both the receiving supervisor and the provider.
- d. If upon questioning by the supervisor, the employee admits to use but requests assistance, the PA may arrange for assessment by the substance abuse professional (SAP). Reassignment to job duties will be conditioned on completing the SAP's guidelines and return to work testing.
- e. The supervisor shall, within 24 hours, or before the results of the alcohol or controlled substance testing is released, document the particular facts related to the behavior or performance problems and present documentation to the PA.
- f. The PA shall cause the removal of the employee from Mercer County property and ensure that the employee is transported to the collection site. Under no circumstances will the employee be allowed to drive any vehicle until a confirmed negative test result is received.
- g. All supervisors will receive a minimum of one (1) hour training on alcohol abuse and one (1) hour training on drug abuse to assist them in identifying abuse behavioral characteristics.

3. POST ACCIDENT TESTING

An "accident" is an incident which results in the need to file a police report or to seek medical attention. Mercer County may require testing on minor accidents not involving the need for a police report if there is reasonable suspicion that alcohol or drugs were involved. All employees are required to provide a breath test and a urine specimen to be tested within eight (8) hours after an accident. The employee shall remain readily available for testing or he will be deemed to have refused testing. If the employee is seriously injured and cannot provide a specimen at the time of the accident, he shall provide the necessary authorization for obtaining the hospital reports and other documents that would indicate whether there were any controlled substances in his system. Adherence by the employee to the post-accident testing requirements is a condition of continued employment with Mercer County.

4. Random Selection

In addition to employees required to be randomly tested by the Omnibus Transportation Employee Testing Act of 1991, Mercer County will conduct mandatory random testing for all employees as follows:

- a. A selection process which removes discretion in selection will be adopted by the Mercer County Fiscal Court.
- b. The random testing will be reasonably spaced over a twelve (12) month period.
- c. Once notified, the employee will immediately proceed to the collection site. The employee will not be notified prior to duty that he/she is to be tested. If the employee is not scheduled to work, he/she will not be randomly tested until drawn again.

5. RETURN-TO-DUTY TESTING

Before an employee returns to duty after engaging in conduct prohibited by this policy, the

employee shall undergo a return to duty alcohol test with a result of less than a 0.02 breath alcohol concentration (BAC) or receive a confirmed negative result from a controlled substance urinalysis test.

H. Collection of Breath and Urine Specimens and Laboratory Analysis

1. Breath alcohol testing

Breath alcohol testing will be conducted at a prearranged location by a qualified Breath Alcohol Technician according to CFR 49 Part 40 procedures. Refusal to provide breath will be considered a positive test and the employee will be removed from the job site

2. Specimen collection

Specimen collection will be conducted in accordance with applicable state and federal law. The collection procedures will be designed to ensure the security and integrity of the specimen provided by each employee, and those procedures will strictly follow federal chain-of-custody guidelines. Every effort will be made to maintain the dignity of each employee submitting specimen for analysis in accordance with these procedures.

3. Laboratory analysis

Only a laboratory certified by the department of Health and Human Services (DHHS) to perform urinalysis for the detection of the presence of controlled substances will be retained by the Mercer County Fiscal Court. The laboratory will be required to maintain strict compliance with federally approved chain of custody procedures, quality control, maintenance and scientific analytical methodologies.

4. Follow-up testing

Following a determination that an employee is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the County shall see that the employee is subject to unannounced follow-up testing as directed by the SAP as required by 382 CFR 605(c)(2)

I. Consequences: Appeal of Test Results

1. Alcohol and drug abuse may not only threaten the safety and productivity of all employees, but causes serious individual health consequences.
2. An employee testing positive for alcohol or drug use is subject to disciplinary action. Refusal to submit to testing will also be considered a positive test. Refusal includes not providing a breath or urine sample as directed, neglecting to sign appropriate control forms, using alcohol within 8 hours of an accident unless a test sample has been taken earlier, or engaging in conduct that clearly obstructs the testing process.

Any employee testing positive for the presence of a controlled substance will be contacted by Mercer County's MRO. The employee will be allowed to explain and present medical documentation to explain any permissible use of drugs. All such discussions between the employee and the VIRO will be confidential. If medically supportable reasons exist to explain the positive result, the VIRO will report the test result to Mercer County as negative.

Within 72 hours after the employee has been notified of a positive test result for drugs, he may request a retest of the split sample. The signed request will be provided to the VIRO in writing, who will then initiate the new laboratory analysis. If a different result is detected by the subsequent laboratory, the test will be voided by the VIRO, and the PA will be notified. A new sample may be requested as appropriate.

3. The employee may seek assistance, from a substance abuse professional who, in conjunction with the MRO, will take appropriate action, which may include diagnosing the problem and recommending treatment.
 - a. If the employee acknowledges a substance abuse problem, requests assistance and completes the substance abuse treatment recommended by the SAP, these may be considered to be mitigating factors.
 - b. The employee's successful completion of an approved treatment program may be a condition of continued employment.
 - c. An employee will be required to submit to at least 6 unannounced drug tests during the first year and follow-up testing may be conducted for up to 60 months. Failure to adhere to this condition is grounds for immediate termination.
 - d. Nothing in these policies shall be deemed as precluding the County from dismissing any employee who has been found to be in violation of these policies. There is no express responsibility to retain an employee, or to provide assistance beyond referral information regarding rehabilitative resources.

J. CONFIDENTIALITY

Under no circumstance, unless required or authorized by law, will alcohol or drug testing information or results for any employee or applicant be released without written request from the applicable employee. Employees are entitled, upon written request, to obtain copies of any records pertaining to his use of alcohol or controlled substances, including any records pertaining to his alcohol or controlled substances tests. Mercer County will have three (3) working days to provide copies.

Collection of breath and urine samples must always be documented and sealed with a tamperproof system in the presence of the employee, to ensure that all tests can be correctly traced to the employee. Drug and alcohol test analysis from the DHHS approved laboratory will be forwarded directly to the MRO for confidential record keeping.

K. Record Retention

Mercer County shall maintain records of its alcohol misuse and controlled substance abuse prevention programs in a secured location as prescribed by 382 CFR 401.

Appendix D: Progressive Discipline

Generally, the Mercer County Fiscal Court believes in the application of progressive discipline. However, the county reserves the right to skip any step or requirement in the disciplinary • action sequence outlined below depending on the severity of the misconduct or when the facts or circumstances otherwise warrant.

Further, it is also noted that in establishing the following disciplinary procedures it is specifically not the County's intention to create any employment situation that compromises its "at will" employment status. As expressly stated in these policies' Statement of Purpose, nothing in these policies is intended to create a contract of employment. Any individual may voluntarily leave employment or be terminated by the County at any time, for any lawful reason or for no reason at all. Any oral, written statement, custom or courses of dealing to the contrary are hereby expressly disavowed..

When an employee fails to follow any rule, regulation, operating procedure or job requirement, one of the following measures shall apply, depending upon the circumstances involved and the severity of the offense:

A. Verbal Warning

1. In the case of a minor infraction, the immediate supervisor shall administer the verbal reprimand as soon as possible after the offense.
2. The date of the verbal reprimand, along with a description of the occurrence which prompted the reprimand and any comments the employee may have, shall be noted by the person giving the reprimand in his/her supervisory file.
3. The verbal warning sheet shall be signed by both the person issuing the verbal warning and the individual being reprimanded. The individual being reprimanded may or may not concur with the verbal warning and shall note such on the warning..

. B. Written Warning

1. In the case of either a second minor infraction or a more serious first infraction, the immediate supervisor shall give the employee written warning specifying the reason(s) for such warning and noting any previous verbal and/or written warnings.
2. After issuing a written warning the County may choose to have the employee's performance reviewed on a daily basis for improvement. In doing so, the County shall explain the consequences of further infractions
3. The employee shall sign the written warning, or the warning shall be signed by a witness. A copy of the written warning shall be forwarded to the HR Director to be placed in the employee's personnel file.

C. Suspension

1. After either a serious violation or repeated minor violations, the supervisor shall request, in writing, that the Judge/Executive, suspend the employee with or without pay. The request shall include the reason(s) for the suspension, if any, along with details of previous disciplinary actions taken against the employee, if any.
2. The County Judge/Executive, with the approval of the fiscal court, may suspend an employee for any period up to and including four (4) calendar weeks, depending upon the offense's severity. Other Constitutional Officers may also exercise this authority, without the approval of the fiscal court.
3. When a decision to suspend an employee is made, the Judge/Executive shall provide written notification to the employee within three (3) working days. The notice shall include the reason(s) for the suspension, if any, and the duration of the suspension.
4. Employees suspended without pay for a period of four (4) calendar weeks shall not be eligible for County benefits, including accrual of sick and vacation time, and the County's contribution to life and medical insurance.

D. Suspension with Pay

In situations where the county has become aware of alleged misconduct by an employee which, if substantiated, could result in disciplinary action, the appointing authority may suspend the employee with pay if it is determined the action is necessary to assure public confidence in governmental oversight of its employees, or to assure the integrity of county's inquiry into the allegations.

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

1. The county shall, if possible, immediately provide verbal notification to the employee, followed by written notification, within three (3) working days, informing him/her of the suspension and the nature of the allegations being investigated.
2. Consistent with existing personnel procedures, the county shall immediately begin an investigation into the allegations against the employee. This investigation shall be carried out expeditiously, and in no instances shall it be delayed beyond what is considered reasonable and necessary to conduct a complete investigation.
3. Upon reaching a determination as to the culpability of the employee, the appointing authority shall take action as follows:
 - a. In the event the allegations against the employee are valid, the appointing authority shall invoke disciplinary action as deemed appropriate. These actions shall not include payment of wages in the event the suspension is extended beyond the investigative period; or
 - b. In the event the allegations against the employee are proven to be false, the employee shall immediately be reinstated to his/her position.

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

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

E. Dismissal

When an offense is repeated, or misconduct is serious enough for discharge on the first offense, a supervisor or department head may recommend dismissal of an employee. The recommendation shall include the reason(s) for dismissal, if any, details of previous disciplinary action taken against the employee, if any, and the recommended effective date and time of discharge.

Upon review of the supervisor or department head's recommendation to dismiss, and after receiving the approval of the fiscal court, the County Judge/Executive shall provide the employee with a Letter of Intent-to-Dismiss containing:

1. Reason(s) for dismissal, if any;
2. Details of previous disciplinary action(s) taken against the employee, if any; and
3. Recommended effective date and time of the intended discharge.

F. Right to Respond

1. An employee who has been notified of intent to dismiss him/her has the right to appear personally or with counsel before the Fiscal Court to respond to the Letter of Intent to Dismiss. Other Constitutional Officers operating under these policies shall serve as the hearing authority under this policy.
2. The request to respond must be made within five (5) working days of the employee's receipt of the Letter of Intent to Dismiss, excluding the day it was received. If the employee does not submit such a request within five (5) working days, it will be deemed that the employee has waived his/her right to respond.
3. The employee's meeting with the fiscal court shall be held within five (5) working days after receipt of the employee's request, excluding the day it was received.
4. The meeting is informal. It gives the employee the opportunity to respond to charges contained in the Letter of Intent to Dismiss.

5. Within five (5) working days, excluding the day of the meeting, the Mercer County Fiscal Court shall make a final determination on the termination. The employee will be notified, in writing, of the fiscal court's decision by the County Judge-Executive. The decision of the fiscal court shall be final.
6. Such action shall be recorded in the employee's personnel file.

G. Common Infractions

The following is a list of common infractions. While this list does not include all actions that call for disciplinary action, it is intended as a guide to assist in avoiding activities that are in conflict with the principles and goals of an efficient work force. Mercer County's judgment, and the "at will" nature of Mercer County, and not that of any individual employee, is the benchmark for what is acceptable and what is not. An employee's conduct is not made acceptable solely because the employee believes it to be. Nor may an employee excuse his or her conduct because this manual does not specifically prohibit the objectionable conduct. Mercer County expects that employees recognize that inappropriate conduct, from rudeness to theft, is unacceptable. The decision as to what is inappropriate is left in MCFC hands and sole discretion.

1. Absenteeism, lateness, extended meal times;
2. Gambling while on duty;
3. Abuse of sick leave;
4. Unexcused absence for one (1) calendar day without calling;
5. Insubordination;
6. Deliberately abusing, destroying, defacing, removing, neglecting or stealing County property, tools, equipment, or the property, tools or equipment of others on Mercer County premises;
7. Leaving work without authorization;
8. Intoxication or use of intoxicants while on duty;
9. Reporting to work under the influence of drugs or alcohol;
10. Unauthorized use of county property or vehicles;
11. The use of threatening, profane or abusing abusive language toward other employees, horseplay, threatening or intimidating other employees, fighting or provoking a fight;
12. The issuing and carrying of firearms or other dangerous weapons on County premises will be limited to the following departments and permission will be given by the department head/County official: Sheriff's office, Jail, Juvenile Probation/Detention, Road Dept Supervisor, EMA.
13. Mistreatment (physical or verbal) of citizens; employees
14. Willful neglect or abuse of county property;
15. Deliberate falsification of any County records;
16. Conviction of a felony;
17. Improper discussion or disclosure of confidential information;
18. Failure to comply with established safety practices or procedures;
19. Failure to report all arrests or traffic violations received during the conduct of County business. Such incidents are to be reported to the County Judge/Executive's Office immediately. Payment of penalties will be the responsibility of the employee.
20. Willful, deliberate or repeated violations of safety rules;

21. Failure to immediately report a motor vehicle accident or on-the-job injury to the Mercer County Judge/Executive. Injuries are also to be reported to the Workmen's Compensation Office within twenty-four (24) hours of occurrence;
22. Harassment, including sexual harassment;
23. Supplying false information on employment application;
24. Incompetency or inefficiency on the job;
25. Dishonesty;
26. Failure to maintain personal hygiene or appropriate dress; and
27. Creating or contributing to unsanitary conditions;
28. Violation of established employer policies.
29. Defamation of the County's image by unauthorized dissemination (via any media) of County's business outside the work place;
30. Working in an unsafe manner that may lead to injury to the individual, a fellow employee, or The general public.
31. Improper use of a county computer, telephone, or cell phone.
32. Deliberately delaying or restricting performance or inciting to delay or restrict performance.

Appendix E: Forms

1. Verbal Reprimand
2. Written Reprimand
3. Annual Leave Donation
4. Outside Employment Request
5. Employee Evaluation
6. Performance Improvement Plan

**Mercer County Personnel Action Form
Verbal Reprimand**

Name of Employee _____

Action or event that prompted verbal warning: _____

Signature of Supervisor: _____ **Date:** _____

Explain why the action or event needs a verbal warning _____

Recommendation(s) for improvement _____

Employee _____ **Agrees** _____ **Disagrees**

Signature of Employee: _____ **Date:** _____

Signature of County Judge-Executive _____

Date: _____

MERCER COUNTY PERSONNEL POLICIES AND PROCEDURES

Mercer County Personnel Action Form
Written Reprimand

Name of Employee _____

Action or event that prompted written warning: _____

Signature of Supervisor: _____ Date: _____

Explain why the action or event needs a written warning _____

Recommendation(s) for improvement _____

Employee _____ Agrees _____ Disagrees

Signature of Employee: _____ Date: _____

Signature of County Judge-Executive _____

Date: _____

MERCER COUNTY PERSONNEL POLICIES AND PROCEDURES

Annual Leave Donation Form

Name of Individual Donating Leave _____

Number of Annual Leave Hours Accumulated _____

Number of Hours to be Donated _____

Person to Whom Leave is Being Donated _____

Signature of Employee _____

Date _____

MERCER COUNTY PERSONNEL POLICIES AND PROCEDURES

Outside Employment Request Form

Name of Employee _____

Department _____

Position _____

Name of Outside Employer _____

Address _____

Phone Number _____

Type of Business _____

Type of Work you will be Performing _____

of Hours you Plan to Work Per Week _____

Hours you Plan to Work: From _____ To: _____

Does the Employer do business with the County? _____ Yes _____ No

Will you be available to the County in the event of an emergency?
_____ Yes _____ No

Explain how the outside employment will not affect your job with the
County _____

Signature of Employee

Date:

Signature of Supervisor , if approved

Date:

Signature of County Judge-Executive, if approved

Date

MERCER COUNTY PERSONNEL POLICIES AND PROCEDURES

MERCER COUNTY EMPLOYEE EVALUATION

The purpose of evaluation is the improvement of employee performance. The evaluation is to be positive in nature, which may include an unsatisfactory evaluation with constructive recommendations for improvement and offer of assistance where appropriate. The evaluation procedure is to be continuous in nature.

Employees will be evaluated twice in their 180 days of employment. Those with more than one year of service will be evaluated annually (see **EMPLOYEE EVALUATION** form).

Any employee may be evaluated or receive a performance improvement plan for unsatisfactory service at any time. Negative evaluations must specify shortcomings and be accompanied by a performance improvement plan (see **PERFORMANCE IMPROVEMENT PLAN** form).

The written evaluation will be done by the immediate supervisor and such other supervisors as deemed advisable by the Mercer County Judge-Executive. The evaluation will be written, with a copy presented to the employee at a conference with the supervisor responsible for the evaluation (see **GUIDE FOR EVALUATION DISCUSSION** form).

The supervisor meets with employee to discuss:

- The purposes and uses of performance evaluation reports.
- When necessary, make suggestions for changes or improvements.
- If unsatisfactory evaluation, a written plan for improvement must be attached.

The employee has ten days to make written comments to attach to the evaluation and these comments shall be part of the individual personnel file.

Definition of Terms

Exceeds Requirements: Performance exceeds basic requirements.

Meets Requirements: Performance meets standards. Opportunities for growth exist.

Needs Improvement: Performance does not meet standards. Performance needs improvement to merit retention in this position.

Unsatisfactory: Performance does not meet standards. Serious weakness in work performance, efficiency or attitude. Lack of improvement may lead to dismissal.

MERCER COUNTY PERSONNEL POLICIES AND PROCEDURES

MERCER COUNTY
EMPLOYEE EVALUATION

NAME:	YEAR:
JOB TITLE:	DEPARTMENT:

☐ Probationary Employee Evaluation ☐ Regular Employee Evaluation

For Probationary Employee Only:

☐ Third Month Evaluation Do you recommend continuing employment? ☐ Yes ☐ No

☐ Fifth Month Evaluation: Do you recommend regular full time status? ☐ Yes ☐ No

Performance Areas	Exceeds Requirements	Meets Requirements	Needs Improvement*	Unsatisfactory*
Knowledge of required skills. Has mastery of skills that are necessary to perform duties required of the position.				
Acceptance & implementation of suggestions. Accepts constructive criticism from the immediate supervisor and takes steps to implement the suggestions for improvement or change.				
Quality of work. Work performed is accurate, thorough, neat, and meets the expected standards of quality.				
Amount of work performed. Completes assigned work on time.				
Adjusts to work situation. Demonstrates flexibility in order to accommodate special needs.				
Work habits. Demonstrates ability to organize work, care for equipment, use safety considerations, works without close supervision, and uses initiative.				
Initiative. Alert to				

MERCER COUNTY PERSONNEL POLICIES AND PROCEDURES

opportunities to improve methods and skills.				
Attitude & cooperation. Gets along well with fellow employees, works harmoniously with others, shows enthusiasm for work, and interacts well with the public.				
Uses good judgment. Is capable of arriving at a logical decision appropriate to assignment.				
Personal appearance. Demonstrates cleanliness, good grooming, and appropriate attire.				
Punctuality Adheres to arrival, rest periods and departure times				
Attendance Demonstrates good observance of working hours.				

**If "needs improvement" or "unsatisfactory" evaluation, a written performance improvement plan must be attached.*

☐	Meets Requirements
☐	Needs Improvement
☐	Unsatisfactory

NAME:	YEAR:
JOB TITLE:	DEPARTMENT:

COMMENTS (EVALUATOR):

(This section must be completed for all employees with specific goals regardless of employee's length of service).

MERCER COUNTY PERSONNEL POLICIES AND PROCEDURES

Evaluator Signature: _____ Date: _____

COMMENTS (EMPLOYEE):

Employee Signature*: _____ Date: _____

**This signature indicates that the employee has seen and discussed the evaluations report. It does not necessarily indicate complete agreement with all factors of the evaluation.*

The employee has ten days from the date of the evaluation conference to submit a written response that will be attached to the evaluation and become part of the employee's personnel file.

MERCER COUNTY PERSONNEL POLICIES AND PROCEDURES

MERCER COUNTY
PERFORMANCE IMPROVEMENT PLAN

NAME:	YEAR:
JOB TITLE:	DEPARTMENT:

Date: _____

The Performance Improvement Plan is designed to facilitate constructive discussion between you and your supervisor and to clarify the work performance you must improve. It is implemented, at the discretion of your supervisor, when it becomes necessary to help you improve your performance.

Your supervisor, with input from you, develops the improvement plan; to help you to attain the desired level of performance. The Performance Improvement Plan:

- Describes the performance problem(s) needing improvement.
- Establishes solutions that would lead to improvement.
- Identifies ways to measure progress toward improvement within established timeframes.

Your supervisor will monitor and provide feedback to you regarding your performance on the Performance Improvement Plan and may take additional disciplinary action, if warranted, through the County's Policies for Employee Conduct.

A Performance Improvement Plan is not required prior to termination nor is it intended as a promise to continue your employment. Either you or the County may terminate our relationship at any time, for any reason, with or without cause or notice subject to applicable law.

The following pages contain the Performance Improvement Plan action items which you must successfully complete.

Continued

MERCER COUNTY PERSONNEL POLICIES AND PROCEDURES

Performance Improvement Plan Action Item # _____

Section 1: Area for Performance Improvement (State specific examples to demonstrate the performance area needing improvement along with the negative impact that the poor performance has on the organization, _____ coworkers, _____ and/or _____ service.

--

Section 2: Performance Expectations:

A. Specific actions and/or results you must achieve to meet performance goals:

--

B. How results will be measured:

--

C. How performance expectations relate to organization's objectives and your responsibilities:

--

D. The timeframe in which performance goals must be met:

--

Section 3: Identify resources (training, equipment, supplies, assistance, etc.) needed to reach performance goals:

--

Section 4: Progress at review dates (State the frequency of follow-up meetings to review and assess progress towards performance goals):

Continued . . .

EMPLOYEE COMMENTS:

To the Employee:

The purpose of the Performance Improvement process is to give you the opportunity to understand and meet your supervisor's expectations.

MERCER COUNTY PERSONNEL POLICIES AND PROCEDURES

Do you agree to the action plan as described above? _____

If no, do you understand the actions to be taken? _____

Additional _____ employee _____ comments:

--

Employee's Signature

Date

Supervisor's Signature

Date

Section 6: Disposition of Performance Improvement Plan:

☐ Performance is at the level expected for job responsibilities. It is expected that a satisfactory level of performance will be maintained for the foreseeable future.

☐ Performance is not at the level expected for job responsibilities, and the following action is proposed:

- ☐ Final Performance Management Plan
- ☐ Transfer without reduction in pay
- ☐ Transfer with reduction in pay

- ☐ Demotion without reduction in pay
- ☐ Demotion with reduction in pay
- ☐ Termination of Employment

Supervisor's Signature

Date

Employee's Signature

Date

Appendix F: Code of Ethics:

***PLEASE SEE ATTACHED COPY OF ORIGINAL
CODE OF ETHICS ORDINANCE 2022-12***

MERCER COUNTY ORDINANCE NO. 2022-12

An ordinance establishing a code of ethical conduct applicable to the officers, employees and candidates of Mercer County, Kentucky and their agencies

WHEREAS, the General Assembly of the Commonwealth of Kentucky has enacted legislation requiring legislative bodies to enact and enforce a code of ethics governing the conduct of their elected and appointed officers and employees; and

WHEREAS, the officials of those legislative bodies are committed to the operation of government that manifests the highest moral and ethical stands among their officers and employees.

NOW, THEREFORE, Be it ordained by the Mercer County Fiscal court:

SECTION 1. Title This ordinance shall be known and may be cited as the "Mercer County Fiscal Court Code of Ethics"

SECTION 2. Findings. The Mercer County Fiscal Court finds and declares that:

- (A) Public office and employment are public trusts
- (B) Whenever the public perceives a conflict between private interests and public duties of an officer or employee, that confidence is imperiled.

SECTION 3. Definitions. As used in this ordinance, unless the context requires a different meaning:

- (A) "Business" means any corporation, limited or general partnership, sole proprietorship, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation or any other entity through which activity is conducted for profit.
- (B) "Board of Ethics" means the board vested by Ordinance 94-47 and this ordinance with the power to administer and enforce the ethics policy.
- (C) "Candidate" means any individual who seeks nomination or election to an office of the legislative body or as an officer in a county wide position. An individual becomes a candidate when the individual files a notification and declaration for nomination for office with the county clerk or secretary of state or is nominated for office by a political party or files a declaration of intent to be a write in candidate with the county clerk or secretary of state.
- (D) "Legislative Body agency" means any board, commission, authority, non-stock corporation or any other entity formed or created individually or jointly by the Mercer County Fiscal Court.

- (E) "Employee" means any person whether full time or part time and whether paid or unpaid who provides services or is employed by the Mercer County Fiscal Court. This term shall not include any contractor or subcontractor or any of their employees nor any employee of a School District or School Board.
- (F) "Family member" means spouse, parent, child, sibling, grand parent or grandchild.
- (G) "Immediate family member" means a spouse, an unemancipated child residing in the officer's or employee's household, or a person claimed by the officer or employee or the officer or employee's spouse as a dependent for tax purposes.
- (H) "Officer means any person, whether full or part time and whether paid or unpaid who is one of the following:
- (1) County Judge-Executive
 - (2) Fiscal Court Magistrate
 - (3) County Clerk
 - (4) Jailer, Coroner, Constable or Sheriff
 - (5) County Attorney
 - (6) Treasurer
 - (7) Any person who occupies a nonelected office created under the Kentucky Revised Statutes.
 - (8) "Legislative Body" means the Mercer County Fiscal Court.

STANDARD OF CONDUCT

SECTION 4. Conflicts of Interest. Every officer and employee of the Mercer County Fiscal Court and every agency of the Mercer County Fiscal Court shall comply with the following standards of conduct:

- (A) No officer or employee or any immediate family member of any officer or employee shall have an interest in a business or engage in any business, transaction or activity, which is in substantial conflict with the proper discharge of the officers or employees public duties.
- (B) No officer or employee shall intentionally use his or her official position with the Mercer County Fiscal Court to secure unwarranted privileges or advantages or himself or herself or others.
- (C) No officer or employee shall intentionally take or refrain from taking any discretionary action or agree to take or refrain from taking any discretionary, or agree to take or refrain from taking any discretionary action or induce or attempt to induce any other officer or employee to take or refrain from taking any discretionary action on any matter before the Legislative body or agency in order to obtain a financial benefit for any of the following:
- (1) The officer or employee.
 - (2) A family member.
 - (3) An outside employer.

- (4) Any business in which the officer or employee or family member has a financial interest.
 - (5) Any business with which the officer or employee or any family member is negotiating or seeking prospective employment or other business or professional relationship.
- (D) No officer or employee shall be deemed in violation of any provision in this section if, by reason of the officer's or employee's participation, vote, decision, action or inaction, no financial benefit accrues to the officer or employee, family member or outside employer or business as defined in this ordinance as a member of any business, occupation, profession or any other group to any greater extent than any gain could reasonably be expected to accrue to any other member of the business, occupation profession or other group.
- (E) Every officer or employee who has a prohibited financial interest which the officer or employee believes or has reason to believe may be affected by his or her participation vote, decision or other action taken within the scope of his or her public duties shall disclose the precise nature and value of the interest, in writing, to Legislative body or agency served by the officer or employee and said disclosure shall be entered on the official record of the proceedings of the governing body. The officer or employee shall then refrain from taking any action with respect to the matter that is the subject of the disclosure.

Section 5. Conflicts of Interest in Contracts

- (A) No officer or employee of the Mercer County Fiscal Court or agency shall directly or through other undertake, execute, hold or enjoy, in whole or in part, any contract made, entered into, awarded or granted by the Legislative Body or agency except as follows:
- (1) The prohibition in subsection (A) of this section shall not apply to contracts entered into before an elected officer filed as a candidate the Legislative Body or as an officer, before appointment to an agency office or board, or before being hired by the legislative body, agency, or appointment to fill any vacancies thereof. In such cases, this section shall apply to the renewal of said contract.
 - (2) The prohibition in subsection (A) of this section shall not apply if the contract is awarded after public notice and competitive bidding unless the officer or employee participates in establishing contract specifications, awarding the contract or managing contract performance after the contract is awarded.
 - (3) The prohibition in subsection (A) of this section shall not apply in cases where the following is satisfied by the Mercer County Fiscal Court or Agency and provided there are no other statutory prohibitions:

- (a) The specific nature of the contract transaction and the nature of the officer's or employee's interest in the contract are publicly disclosed at a meeting of the body and
 - (b) The disclosure is made part of the official record of the governing body before the contract is executed and
 - (c) A finding is made by the governing body or agency that the contract with the officer or employee is in the best interest of the public because of price, supply or other specific reasons and
 - (d) The finding is made a part of the official record of the governing body before the contract is executed.
- (B) Any violation of this section shall constitute a Class A misdemeanor and subject to prosecution in a Court of competent jurisdiction. Upon conviction the court may void any contract entered into in violation of this section and shall be grounds for potential removal of office and/or employment in accordance with the applicable provisions of state law, county ordinances or other regulations of the same.

SECTION 6. Receipt of Gifts. No officer or employee of the Mercer County Fiscal Court or agency shall directly or indirectly through any other person or business solicit or accept any gift or promise of any type, regardless of value, under circumstances in which it could be reasonably inferred that the gift was intended to influence or could be reasonably expected to influence the officer or employee in the performance of his or her public duties.

SECTION 7. Use of Fiscal Court or Agency property, equipment and personnel

- (A) No officer or employee of the Mercer County Fiscal Court or Agency shall use or permit the use of any time, funds, personnel equipment or other personal or real property for private use of any person unless:
- (1) The use is specifically authorized by a written policy.
 - (2) The use is available to the general public and then only to the extent and upon the terms that such use is available to the general public.

SECTION 8. Representation of Interest Before the Legislative Body.

- (A) No officer or employee of the Mercer County Fiscal Court or its agencies shall represent any person or business, other than the Fiscal Court or its agencies, in connection with any cause, proceeding, application or other matter pending before the Fiscal court or agency.
- (B) Nothing in this section shall prohibit an employee from representing another employee or employees where the representation is within the context of official labor union or similar responsibilities.

- (C) Nothing in this section shall prohibit any officer or employee from representing himself or herself in matters concerning their own interests.
- (D) No elected officer shall be prohibited from making an inquiry for information on behalf of a constituent if no compensation, reward or other thing of value is promised or given to the officer in return for the inquiry.
- (E) Nothing in this section shall prohibit the County Attorney in discharging their duties under the Kentucky Revised Statute or County Ordinances.

SECTION 9. Misuse of Confidential Information. No officer or employee of the Mercer County Fiscal Court or Agency shall intentionally use or disclose information acquired in the course of his or her official duties if the primary purpose of the use or disclosure is to further his or her own financial interest or that of another person or business.

SECTION 10. Post Employment Restrictions.

- (A) No officer or employee of the Fiscal Court or Agency shall appear or practice before the Fiscal Court or Agency with respect to any matter on which the officer or employee personally worked while in the service of the Fiscal Court or Agency for a period of one year after the termination of the officer or employee's service.

SECTION 11. Honoraria.

(A) No officer or employee of the Fiscal Court or Agency shall accept any compensation, honorarium or gift with a fair market value greater than \$100 in consideration of an appearance, speech, or article unless the appearance speech or article is both related to the officer or employee's activities outside municipal service and is unrelated to the officer or employee's public employment.

(B) Nothing in this section shall prohibit an officer or employee from receiving and retaining actual and reasonable out of pocket expenses incurred by the officer or employee in connection with an appearance, speech or article.

SECTION 12. Campaign Contributions

- (A) Any candidate for public office may accept campaign contributions and services provided they are in accordance with applicable campaign finance laws.

FINANCIAL DISCLOSURE

SECTION 13. Who must file. The following classes of officers and employees of the Fiscal Court and Agencies shall file an annual statement of financial interests with the Board of Ethics

- (A) All elected officers
- (B) All candidates for elected office
- (C) Members of the agency bodies (including but not limited to)

1. The Greater Harrodsburg/Mercer County Planning and Zoning Commission.
2. The Board of Adjustments and Appeals
3. Board of Assessments Appeals
4. Mercer County Public Library
5. Mercer County Fire Protection District
6. Mercer County Conservation District
7. North Mercer Water District
8. Sanitation Board
9. Anderson/Dean Park Board

(D) Members of the Board of Ethics

(E) Non-elected officers and employees of the Fiscal Court and Agencies who are authorized to make purchases of materials or services or award contracts, leases or agreements involving the expenditure of more than Five Hundred Dollars.

NEPOTISM

SECTION 14. Nepotism Prohibited.

(A) No officer or employee of the Legislative Body shall advocate, recommend or cause the:

- (1) Employment;
- (2) Appointment;
- (3) Promotion;
- (4) Transfer; or
- (5) Advancement

of a family member to an office or position of employment with the Legislative Body.

(B) No officer or employee of the Legislative Body shall supervise or manage the work of a family member who is in the family members chain of supervision.:

(C) No officer or employee shall participate in any action relating to the employment or discipline of a family member, except that this prohibition shall not prevent an elected or appointed official from voting on or participating in the development of a budget which includes compensation for a family member, provided that the family member is included only as a member of a class of persons or a group, and the family member benefits to no greater extent than any other similarly situated member of the class or group.

(D) The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibition, but which existed prior to the effective date of this ordinance. Persons grandfathered shall not have their job descriptions changed nor be promoted, but shall be entitled to cost of living increases granted similar employees.

ENFORCEMENT

SECTION 15. Board of Ethics Created.

- (A) There is hereby created a Board of Ethics which shall have the authorities, duties and responsibilities as set forth in this Ordinance to enforce the provisions of this Ordinance. This Board being the same as the Board of Ethics Created by joint ordinance of the Mercer County Fiscal Court, City of Burgin and City of Harrodsburg in the Greater Mercer County Code of Ethics in 1995. The Board of Ethics in existence at the time of passage of this ordinance shall remain in place.
- (B) The Board of Ethics shall consist of seven (7) members who shall be appointed by the executive authority of the Legislative Bodies, subject to the approval of each Legislative Body (if different from the executive authority.) No member of the Board of Ethics shall hold any elected or appointed office, whether paid or unpaid, or any position of employment with the Legislative Body or any Legislative Bodies agency. The members shall serve for a term of four (4) years; except that with respect to the members initially appointed, one (1) member shall be appointed by the City of Burgin for a term of four (4) years, three (3) members shall be appointed by Mercer County for two (2) years, three (3) year and four (4) year terms. Three (3) members shall be appointed by the City of Harrodsburg for a 2 year, 3 year and 4 year terms. Thereafter, all appointments shall be for a term of four (4) years. Each member of the Board of Ethics shall have been a resident of the respective appointing Legislative Body for at least one (1) year prior to the date of the appointment and shall reside in the Legislative Bodies jurisdiction throughout the term in office. The members of the Board of Ethics shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. The members may be re-appointed for any number of consecutive terms.
- (C) A member of the Board of Ethics may be removed by the executive authority, subject to the approval of the respective Legislative Body (if different from the executive authority) for misconduct, inability, or willful neglect of duties. Before any member of the Board of Ethics is removed from office under this section, the member shall be afforded the opportunity for a hearing before the executive authority and the Legislative Body (if different from the executive authority).
- (D) Vacancies on the Board of Ethics shall be filled within sixty (60) days by the appropriate executive authority, subject to the approval of the appropriate Legislative Body (if different from the executive authority). If a vacancy is not filled by the executive authority within sixty (60) days, the remaining members of the Board of Ethics shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.

- (E) Members of the Board of Ethics shall serve without compensation, unless otherwise approved by the respective Legislative Body, but shall be reimbursed for all necessary and reasonable expenses incurred in the performance of their duties.
- (F) The Board of Ethics shall, upon the initial appointment of its members and annually thereafter, elect a chairperson from among the membership. The chairperson shall be the presiding officer and a full voting member of the Board.
- (G) Meetings of the Board of Ethics shall be held, as necessary, upon the call of the chairperson or at the request of a majority of the members.
- (H) The presence of five (5) or more members shall constitute a quorum and the affirmative vote of a majority of the quorum shall be necessary for any official action to be taken. Any member of the Board of Ethics who has a conflict of interest with respect to any matter to be considered by the Board shall disclose the nature of the conflict, shall disqualify himself or herself from voting on the matter, and shall not be counted for purpose of establishing a quorum.
- (I) Minutes shall be kept for all proceedings of the Board of Ethics and the vote of each member on any issue decided by the Board shall be recorded in the minutes.

SECTION 16. Alternate Members. The executive authority of each Legislative Body, with the approval of the Legislative Body (if different than the executive authority) may appoint one (1) member of the Board of Ethics who may be called upon to serve when any regular member of the Board is temporarily unable to discharge his or her duties. An alternate member shall be appointed for a term of one (1) year. Alternate members shall meet all qualifications and be subject to all of the requirements of this Ordinance that apply to regular members.

SECTION 17: Facilities and Staff. Within the limits of the funds appropriated by the various Legislative Bodies in their annual budget, the Legislative Body shall provide the Board of Ethics, either directly or by contract or agreement, with the facility, materials, supplies, and staff needed for the conduct of business.

SECTION 18. Power and Duties of the Board of Ethics. The Board of Ethics shall have the following powers and duties:

- (A) To initiate on its own motion, receive and investigate complaints, hold hearings, and make findings of fact and determinations with regard to alleged violations of the provisions of this Ordinance.
- (B) To issue orders in connection with its investigations and hearings requiring persons to submit answers to questions that are relevant to the proceedings and to order testimony to be taken by deposition before any individual designated by the Board who has the power to administer oaths.
- (C) To administer oaths and to issue orders requiring the attendance and testimony of witnesses and the production of documentary evidence relating to an investigation or hearing being conducted by the Board.

- (D) To refer any information concerning violations of this Ordinance to the executive authority of the appropriate Legislative Body, the governing body of any Legislative Bodies' agency, the county attorney, or other appropriate person or body, as necessary.
- (E) To render advisory opinions to the Legislative Body and Legislative Bodies' agency officers and employees regarding whether a given set of facts and circumstances would constitute a violation of any provision of this Ordinance.
- (F) To enforce the provisions of this Ordinance with regard to all officers and employees of the Legislative Body and Legislative Bodies' agencies who are subject to its terms by issuing appropriate orders and imposing penalties authorized by this Ordinance.
- (G) To control and maintain all statements of financial interests that are required to be filed by this Ordinance and to ensure that the statements are available for public inspection in accordance with the requirements of this Ordinance and the Kentucky Open Records Act.
- (H) To develop and submit any reports regarding the conduct of its business that may be required by the various executive authorities or Legislative Body.
- (I) To adopt rules and regulations and to take other actions, as necessary, to implement the provisions of this Ordinance, provided that the rules, regulations, and actions are not in conflict with the provisions of this Ordinance or any state or federal law.

SECTION 19. Filings and Investigation of Complaints.

- (A) All complaints alleging any violation of the provisions of this Ordinance shall be submitted to the Board of Ethics, or the administrative official designated by the Board of Ethics, or the administrative official designated by the Board of Ethics. All complaints shall be in writing, signed by the complainant and shall meet any other requirements established by the Board of Ethics. The Board of Ethics shall acknowledge receipt of a complaint to the complainant within ten (10) working days to each officer or employee who is the subject of the complaint a copy of the complaint and a general statement of the applicable provisions of this Ordinance.
- (B) Within thirty (30) days of the receipt of a proper complaint, the Board of Ethics shall conduct a preliminary inquiry concerning the allegations contained in the complaint. The Board shall afford a person who is the subject of the complaint an opportunity to respond to the allegations in the complaint. The person shall have the right to be represented by counsel, to appear and to be heard under oath, and to offer evidence in response to the allegations.
- (C) All proceedings and records relating to a preliminary inquiry being conducted by the Board of Ethics shall be confidential until a final determination is made by the Board, except:
 1. The Board may turn over to the Commonwealth's attorney or county attorney evidence which may be used in criminal proceedings.

2. If the complainant or alleged violator publicly disclose the existence of the inquiry, and at its discretion, make public any documents which were issued to either party.
- (D) The Board shall make a determination based on preliminary inquiry whether the complaint is within its jurisdiction and, if so, whether it alleges a minimal factual basis to constitute a violation of this ordinance. If the Board concludes that the complaint is outside of its jurisdiction, frivolous or without factual basis, the Board shall immediately terminate the inquiry, reduce the conclusion to writing, and transmit a copy of its decision to the complainant and to all officers or employees against whom the complaint was filed.
- (E) If the Board of Ethics conclude, based upon its preliminary inquiry, that the complaint is within its jurisdiction and contains allegations sufficient to establish a minimal factual basis to constitute a violation, the Board shall notify the officer or employee who is the subject of the complaint and may:
1. Due to mitigating circumstances such as, lack of significant economic advantage or gain by the officer or employee, lack of economical loss to the Legislative Body and its taxpayers, or lack of significant reprimand to the officer or employee concerning the alleged violation and provide a copy of the confidential reprimand to the executive authority and governing body of the Legislative Bodies or Legislative Bodies' agency.
 2. Initiate a hearing to determine whether there has been a violation.
- (F) Any person who knowingly files with the Board a false complaint alleging a violation of any provision of this Ordinance by an officer or employee of the Legislative Bodies or any Legislative Bodies' agency shall be guilty of a Class A misdemeanor.

SECTION 20. Notice of Hearings. If the Board of Ethics determines that a hearing regarding allegations contained in the complaint is necessary, the Board shall issue an order setting the matter for a hearing within thirty (30) days of the date the order is issued, unless the alleged violator petitions and the Board consents to a later date. The order setting the matter for hearing, along with a copy of any pertinent regulations of the Board relating to the hearing shall be sent to the alleged violator within twenty-four (24) hours of the time the order setting a hearing is issued.

SECTION 21. Hearing Procedure.

- (A) The Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence shall not apply to hearings conducted in accordance with this section; however, the hearings shall be conducted in accordance with any additional rules and regulations adopted by the Board so as to afford all parties the full range of due process rights required by the nature of the proceedings.
- (B) Prior to the commencement of the hearing, the alleged violator, or his or her representative, shall have a reasonable opportunity to examine all documents and

records obtained or prepared by the Board in connection with the matter to be heard. The Board shall inform the alleged violator, or his or her representative, of any exculpatory evidence in its possession.

- (C) All testimony in a Board hearing shall be taken under oath, administered by the presiding officer. All parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses, to submit evidence, and to be represented by counsel. All witnesses shall have the right to be represented by counsel.
- (D) Any person whose name is mentioned during the hearing and who may be adversely affected thereby may appear personally before the Board, with or without counsel, to give a statement regarding the adverse mention, or may file a written statement regarding the adverse mention for incorporation into the record of the proceedings.
- (E) All hearings of the Board of Ethics shall be public, unless the members vote to go into executive session in accordance with KRS 61.810.
- (F) After the conclusion of the hearing, the Board of Ethics shall, as soon as practicable, begin deliberations in executive session for the purpose of reviewing the evidence before it and making a determination whether a violation of this Ordinance has been proven. Within thirty (30) days after completion of the hearing, the Board shall issue a written report of its findings and conclusions.
- (G) If the Board concludes in its report that no violation of this Ordinance has occurred, it shall immediately send written notice of this determination to the officer or employee who was the subject of the complaint and to the party who filed the complaint.
- (H) If the Board concludes in its report that in consideration of the evidence produced at the hearing there is clear and convincing proof of the violation of this Ordinance, the Board may:
 - 1. Issue an order requiring the violator to cease and desist the violation.
 - 2. In writing, publicly reprimand the violator for the violations and provide a copy of the reprimand to the executive authority and governing body (if different than the executive authority) of the Legislative Body or Legislative Bodies' agency with which the violator serves.
 - 3. In writing, recommend to the executive authority and the governing body (if different than the executive authority) that the violator be sanctioned as recommended by the Board, which may include a recommendation for discipline or dismissal, or removal from office.
 - 4. Issue an order requiring the violator to pay a civil penalty of not more than \$1,000.00.
 - 5. Refer evidence of criminal violations of this Ordinance or State Laws to the County Attorney or Commonwealth's Attorney of the jurisdiction for prosecution.

SECTION 22. Appeals. Any person who is found guilty of a violation of any provision of this Ordinance by the Board of Ethics may appeal the finding to the Circuit Court of the county within thirty (30) days after the date of the final action by the Board of Ethics by filing a petition with the Court against the Board. The Board shall transmit to the clerk of the Court all evidence considered by the Board at a public hearing.

SECTION 23. Limitation of Actions. Except when the period of limitation is otherwise established by State Law, an action for a violation of this Ordinance must be brought within one (1) year after the violation is discovered.

SECTION 24. Advisory Opinions.

- (A) The Board of Ethics may render advisory opinions concerning matters under its jurisdiction, based upon real or hypothetical facts and circumstances, upon its own initiative, or when requested by any officer or employee of the Legislative Body or Legislative Bodies' agency which is covered by this Ordinance.
- (B) An advisory opinion shall be requested in writing and shall state relevant facts and ask specific questions. The request for an advisory opinion shall remain confidential unless confidentiality is waived, in writing, by the requestor.
- (C) The Board may adopt regulations, consistent with the Kentucky Open Records Law, to establish criteria under which it will issue confidential advisory opinions. All other advisory opinions shall be public documents, except that before an advisory opinion is made public, it shall be modified so that the identity of any person associated with the opinion shall not be revealed.
- (D) The confidentiality of an advisory opinion may be waived either:
 - 1. In writing by the person who requested the opinion.
 - 2. By majority vote of the members of the Board, if a person makes or purports to make public the substance or any portion of any advisory opinion requested by or on behalf of the person. The Board may vote to make public the advisory opinion request and related materials.
- (E) A written advisory opinion issued by the Board shall be binding on the Board in any subsequent proceeding concerning the facts and circumstances of the particular case if no intervening facts or circumstances arise which would change the opinion of the Board if they had existed at the time the opinion was rendered. However, if any fact determined by the Board to be material was omitted or misstated in the request for an opinion, the Board shall be bound by the opinion.
- (F) A written advisory opinion issued by the Board shall be admissible in the defense of any criminal prosecution or civil proceeding for violations of this Ordinance for actions taken in reliance on that opinion.

SECTION 25. Reprisals Against Persons Disclosing Violations Prohibited.

- (A) No officer or employee of the Legislative Body or Legislative Bodies agency shall be subject to reprisal, or directly or indirectly use, or threaten to use, any official authority or influence in any manner whatsoever which tends to discourage, restrain, deter, prevent, interfere with, coerce, or discriminate against any person who in good faith reports, discloses, divulges, or otherwise brings to the attention of the Board of Ethics or any other agency or official of the Legislative body or the Commonwealth any facts or information relative to an actual or suspected violation of this Ordinance.
- (B) This section shall not be construed as:
1. Prohibiting disciplinary or punitive action if any officer or employee of the Legislative Body or Legislative Bodies' agency discloses information which he or she knows:
 - a. To be false or which he or she discloses with reckless disregard for its truth or falsity.
 - b. To be exempt from required disclosure under the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884.

SECTION 26. Penalties.

- (A) Except when another penalty is specifically set forth in this Ordinance, any officer or employee of who is found by the Board of Ethics to have violated any provision of this Ordinance shall be deemed guilty of a civil offense and may be subject to a civil fine imposed by the Board of Ethics not to exceed one thousand dollars (\$1,000.00), which may be recovered by the Legislative Body in a civil action in the nature of debt if the offender fails to pay the penalty within a prescribed period of time.
- (B) In addition to all other penalties which may be imposed under this Ordinance, any officer or employee who is found by the Board of Ethics to have violated any provision of this Ordinance shall forfeit to the Legislative Body or Legislative Body's agency an amount equal to the economic benefit or gain which the officer or employee is determined by the Board to have realized as a result of the violation. The amount of any forfeiture may be recovered by the Legislative Body in a civil action in the nature of debt, if the offender fails to pay the amount of the forfeiture within a prescribed period of time.
- (C) In addition to all other penalties which may be imposed under this Ordinance, a finding by the Board of Ethics that an officer or employee of the Legislative Body or Legislative Bodie's agency is guilty of a violation of this Ordinance shall be sufficient cause for removal, suspension, demotion, or other disciplinary action by the executive authority of the Legislative Body or Legislative Bodies' agency, or by any other officer or agency having the power of removal or discipline. Any action to remove or discipline any officer or employee for a violation of this Ordinance and regulations of the Legislative Body and all applicable laws of the Commonwealth.

SECTION 27. Severability. If any provision of this Ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provision of this Ordinance shall continue in full force and effect.

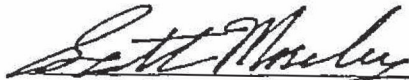
SECTION 28. Conflicting Ordinances Repealed. All other Ordinances and parts of Ordinances in conflict with this Ordinance is hereby repealed to the extent of the conflict.

SECTION 29. Effective date. This Ordinance shall take full force and effect upon adoption by the legislative body and publication as required by KRS 83A.060.

First reading given on the 26th day of July, 2022 at a regularly called meeting of the Mercer County Fiscal Court.

Second reading and adoption on the 30th day of August, 2022 by the Mercer County Fiscal Court.

Published in The Harrodsburg Herald on the 8th day of September, 2022.



Scott Moseley, County Judge/Executive

Appendix G: Protection of Personal Information

Mercer County Protection of Personal Information

Introduction

The purpose of this policy is to provide guidance to minimize the risk of disclosing personal information and setting practical guidelines for effectively responding to security incidents. A consistent response procedure is important to make sure appropriate actions are taken. This policy sets forth the procedures and practices pursuant to KRS 61.932 for local units of government to follow in order to:

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

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

Non-digital media containing personal information shall be physically controlled and securely stored in a manner meant to ensure that the media cannot be accessed by unauthorized individuals. This may require storing media in locked containers such as cabinets, drawers, rooms or similar locations, if unauthorized individuals have unescorted access to areas where personal information is stored. If personal information is stored in an electronic format, it shall be protected from access by unauthorized individuals. Such information must be protected by software (encryption) that prevents unauthorized access. If personal information is transmitted via e mail or other electronic means, it must be sent using appropriate encryption mechanisms.

Point of Contact

The Point of Contact shall be the County Judge/Executive. He/She will serve the following functions:

1. Maintain the Information Security Policy and be familiar with its requirements;
2. Ensure employees and others with access to personal information are aware of and understand the Information Security Policy;
3. Implement appropriate employee training regarding access to personal information and digital information protection;
4. Serve as contact for inquiries from other agencies regarding its Information Security Policy and any incidents;
5. Be responsible for ensuring compliance with the Information Security Policy and schedule a yearly review/audit of the I.T. infrastructure by a qualified technology specialist to determine and correct failures in compliance; and
6. Be responsible for responding to and reporting any incidents to the county's Information Technology specialist.

number). If personal information is placed on a portable computing device reasonable efforts must be taken, including physical controls and encryption, to protect the information from unauthorized access.

Additionally, each person using a portable computing device must sign a form approved by the Mercer County Fiscal Court indicating acceptance of the information acknowledging his/her understanding of the responsibility to protect the information. In the event the portable computing device is lost or stolen, the Mercer County Fiscal Court should be able to accurately recreate the personal information and must be able to provide notification to all affected persons/entities.

E Mail

This policy prohibits the unnecessary placement of personal information being transmitted in email format. However, if personal information must be sent in an email format that email must be encrypted from the initial device to the end device

Physical Security Procedures

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

Certain areas of Mercer County facilities shall be considered restricted access. Restricted access shall be defined as those areas where confidential information is being worked with on a regular basis. It is also defined as the area(s) where servers and other information technology equipment are located/stored. Those individuals that work with confidential information shall be ever vigilant of the information they are working with or the professional conversation they are having with a client or colleague and the possibility of unauthorized individuals that may see or hear some of the information, if it is not properly protected. Only employees of the Mercer County Fiscal Court will be allowed in these restricted areas.

Due to the nature of our business, all Mercer County Fiscal Court employees may from time to time be exposed to confidential information from within their department or another department. They, nonetheless, are bound by the code of conduct prohibiting the release of privileged or confidential information regardless of the department from which it came. Employees who fail to maintain confidentiality will be subject to termination.

Protection of Personal Information

The Mercer County Fiscal Court shall, when applicable, appropriately dispose of non-digital media. Non-digital media containing personal information must be properly stored and secured from view by unauthorized persons. Employees shall endeavor to protect all physical files from public or casual view. Such paperwork and other media shall be carried in some type of carrier that prevents disclosure of contents. Additionally, the carrier should be stored in a secure area when travelling out of the office.

Reporting of Incidents Involving Personal Information

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

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

1. Preliminary reporting and description of the incident;
2. Response, including evidence gathered;
3. Final assessment and corrective action taken; and
4. Final Reporting

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

1. Unauthorized access to personal data or resources;
2. Denial of service attacks;
3. Actual or anticipated widespread malware infections;
4. Data breaches;
5. Loss/Theft of Equipment;
6. Significant disruption of service;
7. Significant level of unauthorized scanning activity to or from host network

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

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

Software

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

Security software should be adequately tested to confirm functionality and to ensure that it is minimally disruptive to all associated operating systems, communications and other software, and by design or configuration, will not introduce any security exposures.

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

Systems, networks, and application software used to process personal information must adhere to the highest level of protection approved by the Commonwealth Office of Technology (COT). A list of approved software available is on the COT website. As an alternative the Mercer County Fiscal Court may use software not approved by COT, provided that such software provides comparable, or superior, protection.

Encryption

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

Access Control

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

Portable Computing Devices

This policy prohibits the unnecessary placement (download or input) of personal information on portable computing devices. All cell phones, laptops, tablets, and other portable devices must have password and/or pass code features enabled. This will help protect the phone from unauthorized use and will encrypt most devices in the case it is lost or stolen. Protected data that needs to be stored on a flash drive should only be stored on a secure flash drive with encryption functionality. Flash drives should only be used as a last resort. Additionally, when it becomes necessary to input personal information into a personal computing device, that information shall be uploaded to the system on a daily basis and deleted immediately thereafter in order to prevent an accumulation of personal information to collect on the devices. However, users, who in the course of Mercer County business, must place personal information on portable computing devices must be made aware of the risks involved and impact to the affected person/entities in the event of actual or suspected loss or disclosure of personal information. When it is determined that personal information must be placed on a portable computing device, every effort should be taken to minimize the amount of information required. If possible, information should be abbreviated to limit exposure (e.g., last four digits of the social security

All client files will be secured and the room where the contents are stored shall be a restricted area that requires a key to enter. Files will be kept in a locked, fire-proof cabinet when not in immediate use.

Types of Incidents

Threats to the security of personal information arise in many different ways. Such threats include, but are not limited to:

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

Destruction of Records Containing Personal Information

The Mercer County Fiscal Court has a records retention policy that is consistent with the Kentucky Department of Libraries and Archives. When records containing personal or confidential information are ready for destruction, the Mercer County Fiscal Court shall destroy the information completely to ensure the information cannot be recognized or reconstructed. In addition, any personal or confidential data contained on computer media must be obliterated and/or made indecipherable before disposing of tape, diskettes, CD-ROM, zip disk or other type of medium that may follow.

The Mercer County Fiscal Court's Information Technology specialist shall be charged with the task of developing appropriate and effective methods to effectively wipe all media of personal or confidential information. One of the following safeguards will be used depending on circumstances:

- Hire a document disposal contractor to dispose of material. The contractor shall be certified by a recognized trade association and should use disk sanitizing software and/or equipment approved by the US Department of Defense. The Mercer County Fiscal Court will review and evaluate the disposal company's information security policies and procedures. The Mercer County Fiscal Court shall review an independent audit of the disposal company's operations and/or its compliance with nationally recognized standards.
- The Mercer County Fiscal Court will utilize shredding equipment that performs cross-cut or confetti patterns where practical.
- The Mercer County Fiscal Court will utilize sanitizing or erasing software or equipment that is approved by the Department of Defense.
- When no other viable alternative is available, the Mercer County Fiscal Court will modify the information to make it unreadable, unusable or indecipherable through any means.

Departmental Policies

Notwithstanding the policies noted herein, departments of the Mercer County Fiscal Court may choose to affect policies and procedures that are more stringent, due to Federal requirements that may govern the department. In these cases, the Department may enact a more stringent policy with the assent of the County Judge/Executive. Under no circumstances shall any policy be less stringent than the Court approved policy, herein.

Policy Statement

The Mercer County Fiscal Court considers the protection of personal information of its employees to be of prime importance. Anytime the Mercer County Fiscal Court can reasonably enhance the protection of this information, it will strive to do so. It is not the intent of this policy to make it more difficult to do our jobs, but it is the clear intent to protect those whom we serve and employ.

Approved and Adopted by the Mercer County Fiscal Court on March 12, 2019