

LEE COUNTY EMPLOYEE HANDBOOK

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INTRODUCTION

This Lee County Employee Handbook has been designed to outline and summarize the many procedures, rules and benefits enjoyed by employees of the County. This handbook is based on policies and procedures adopted by the County Commission. We all want the County to be the best possible place to work. We are striving to make that happen, which requires continually improving communications. If you have any questions about anything in this handbook, please ask your supervisor for clarification or contact the Personnel Department.

This handbook is only a starting point--we will continue to add to it and improve it as we go forward together. Lee County reserves the right to change this handbook at any time. We will find needs for changes as new challenges and opportunities add value to our working relationship. A brief summary of employee benefits, employee rights and employee responsibilities are included. This handbook is derived from the most recent version of the Personnel Policies and Procedures Manual and revokes and supersedes all prior handbooks and associated directives and amendments. Each department may adopt *additional* policies tailored to its specific needs. These may address work schedules, leave rotations, dress codes, communications with general public, and communications with departmental supervisors as long as such policies do not conflict with applicable duly adopted County Commission Policies*.

This handbook is only a guideline. Additional guidelines and/or clarification may be provided from the Commission Office through memo or other directional documentation.

Due to the state constitutional nature of the Sheriff's Office, Sheriff Service employees are not covered under many sections of this handbook. The Sheriff, at his or her discretion, may have internal policies and procedures that exceed or parallel County policies and should be referenced for certain areas in this handbook marked with an asterisk (*).

Please note: Just because an individual may receive a paycheck with the Lee County logo on said check, it does not in any way imply that an individual is an employee of the County. There are some payees identified as non-county payees (i.e. state employees for which the county is required by law to pay a supplement and employees of entities for which we provide a payroll processing service) and certain unclassified service (i.e. elected officials), for which the County Commission policies do not apply.

COUNTY POLICIES

EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of Lee County for the Appointing Authorities to recruit, hire, train, promote, discipline, and discharge in all eligible job groups without unlawful discrimination based on age, sex, genetics, religion, race, color, national origin, creed, marital status, political affiliation or disability.

* FOR THE GOOD OF LEE COUNTY

Nothing contained herein should be construed as preventing the removal of any employee for the good of Lee County citizens, now or in the future, in the manner prescribed by applicable laws and the Policies and Procedures in which this handbook is based.

OPEN DOOR POLICY

You should feel free at any time to discuss problems of any nature that affect your ability to perform your job or your working relationship. If you need help or have questions, you should first discuss your concern with your supervisor. However, the County Commission Office specializes in the management of the internal affairs of county governance. Employees are welcome to talk directly to the County Administrator and/or the Personnel Department about any matter of concern. Employees, along with their Department Heads, MUST coordinate with the County Commission Office to arrange a convenient time to meet.

POLITICAL ACTIVITY

County employees may and are encouraged to participate fully and actively in the political process, except as restricted by law: Section 17-1-7 of the Code of Alabama states “No person in the employment ofa county.....shall use any state, county, or city funds, property or time, for any political activities. Any person who is in the employment of...a county....shall be on approved leave to engage in political action or the person shall be on personal time before or after work and on holidays.” County employees are restricted only in their political activities in campaigns for County office and their on-the-job political activities for any candidate for any office. The County Personnel Department will advise all employees who have questions concerning their rights and applicable restrictions. No employee shall be penalized in any way for permitted political activity, or lack thereof.

SMOKE FREE WORKPLACE

Lee County is committed to providing a safe and healthy workplace and to promoting the health and well-being of its employees and its citizens. Smoking is defined as the act of lighting, smoking, or carrying a lighted or smoldering cigar, cigarette, or pipe of any kind. Smoking is prohibited inside all County facilities and vehicles including: (1) All areas of buildings that can be occupied by County employees and citizens and (2) all vehicles owned or leased by the County or any vehicle used in the course of County business. Employees who wish to smoke must do so only during scheduled break times and in designated areas. All waste must be disposed of properly in an appropriate smoking waste disposal receptacle. Violations of this policy may result in disciplinary action.

EMPLOYEE CLASSIFICATIONS

Full-Time Employee—considered to be regular in need and assigned to Classified Service positions scheduled to work at designated full-time hours.

Part-Time Employee—considered to be seasonal or irregular in need and assigned to Classified Service positions scheduled to work at designated part-time hours. Part-Time Employees are not eligible for the full range of benefits enjoyed by full-time employees.

Probationary Employee —applies to all employees who are hired for positions in the classified full-time status or classified part-time status service who will initially be placed in a probationary status until they have successfully completed the established training period.

Temporary Employee—considered to be temporary in need and assigned to a Classified Service position or project to perform special functions and/or temporary work. Temporary status employment will not normally exceed six (6) consecutive months in duration. Temporary status employment will not count as continuous years of service if a temporary status individual is later hired for a position in the full-time status Classified Service or part-time status Classified Service. Temporary employees are not eligible for benefits and may be excluded from certain employee rights under the Personnel Policies and Procedures.

PHYSICAL EXAMINATIONS/BACKGROUND CHECKS

Some departments may require a prospective employee to pass a physical examination after receiving a conditional offer of employment, but prior to beginning work. Such examinations will be reviewed to assure job-relatedness and consistency with business necessity. Likewise, some employees may be required to submit to a background check to determine suitability for a particular position with the County. Employment is conditional on the successful results of such inquiries.

VALID DRIVER’S LICENSE REQUIREMENT

If you are required to drive a vehicle during the regular performance of your duties, you must maintain a valid driver’s license at all times. Loss of a valid driver’s license may cause you to be suspended without pay and/or dismissed depending on the circumstances that caused the loss of license.

* PROBATION/TRAINING PERIOD

Once hired, it is in the best interest of all concerned that you become thoroughly familiar with your duties and responsibilities and that you be properly trained in your job. A training period of at least six (6) months will begin your employment (or one year for certain positions). Your supervisor will help you by

providing training, assistance and supervision to aid you in becoming thoroughly familiar with your duties and responsibilities and to help you adjust to your new job.

During your probation period, your attitude toward your work, co-workers and the public; the quality of your work; your willingness to assume responsibility; your personal appearance; your attendance and punctuality; and your ability to perform your job duties will be observed and evaluated by your supervisor. This period of time also gives you the opportunity to decide whether you wish to continue your service.

Your probation period will be considered complete when your supervisor provides written notification to you in the form of a Performance Evaluation. A probation period may be extended for a three-month period if additional observation is judged to be necessary by your supervisor and Appointing Authority.

Anyone in their probation period may be terminated with or without cause.

* PERFORMANCE EVALUATIONS

The County recognizes that you like to know how you are doing on the job; therefore, in addition to the day-to-day comments from supervisors, a need exists to occasionally review all phases of your work performance. You should receive a Performance Evaluation at the completion of your probation period and again annually on your anniversary date. It is helpful to remind your supervisor when it is time for your review. You are encouraged to participate in your Performance Evaluation by expressing your opinion, asking questions and making suggestions concerning your job.

The purpose of these evaluations is to provide both you and your supervisor with a periodic evaluation of your performance on the job, to identify any areas where you can improve your performance and to highlight the areas of exceptional job performance. The performance evaluation allows you to discuss your goals and express your comments and any concerns regarding your job.

You will be given the opportunity to include your comments on the Performance Evaluation form, and will be requested to sign the form. The Performance Evaluation program is intended to assist its employees in attaining maximum development of their individual talents and abilities and to establish a basis for determining merit increases.

* TRANSFERS/PROMOTIONS

If after your probation period you are interested in other positions that may become available within the County during your employment, you should complete an Internal Transfer/Promotion Form in addition to an employment application. Transfers and promotions are granted at the discretion and approval of the involved Appointing Authorities. Upon entering into a new position, you are subject to a six month probation (or one year for certain positions) period; however, you will continue to accrue annual and sick leave and will be allowed to use your annual and sick leave at the time of change. Probation periods implemented in a transfer or promotion may affect the timing of a merit increase depending upon your anniversary date.

DRESS CODE AND UNIFORMS

All employees are required to maintain as neat and safe an appearance as possible. Employees should recognize that their appearance is a reflection on the County and should groom themselves accordingly. Employees are expected to maintain themselves in a manner that will favorably impress members of the general public. Ask your supervisor for specific guidelines unique to your department.

PERSONNEL INFORMATION

An employment and personnel record is maintained for each employee. To assure that you receive all the benefits to which you are entitled under all conditions of employment, it is important that you keep your personnel records up-to-date at all times. If you have a change in marital status, number of dependents, address, telephone number, insurance beneficiary, legal name, etc., you should promptly furnish a written

notice of such change to your supervisor and/or the Personnel Department. If necessary, you will then be contacted to sign the required change forms.

- * Personnel records are maintained by the Personnel Office. The information contained in these records is confidential to the greatest degree possible, but may be subject to review under State and Federal Public Access Legislation. You may request to view your personnel file by making an appointment with the Personnel Department at least 24 hours in advance. Files will be reviewed in the presence of a representative of the Personnel Department.

EMPLOYEE CONDUCT

* CODE OF ETHICS

Identification of those activities which are not consistent with the standards required of employees and thus, contrary to the best interest of Lee County. All classes of employees (including unclassified) covered by the Lee County personnel system are subject to these provisions.

The following actions by employees will be considered as conflicts of interest and possible violations of the State's Ethics Law:

- A. Use of official position or office for personal gain as defined by Code of Alabama, 1975, Title 36, Chapter 25, Section 5.
- B. Offering, soliciting, or receiving things of value for the purpose of influencing official action...etc., as defined by Code of Alabama, 1975, Title 36, Chapter 25, Section 7.
- C. Use or disclosure of confidential information for private financial gain as defined by Code of Alabama, 1975, Title 36, Chapter 25, Section 8.
- D. Employees entering into contracts which are to be paid out of government funds without competitive bidding as defined by Code of Alabama, 1975, Title 36, Chapter 25, Section 11.
- E. Offering, soliciting or giving a thing(s) of value to or by member(s) of a regulatory body as defined by Code of Alabama, 1975, Title 36, Chapter 25, Section 12.

Violation of any part of this section will be grounds for disciplinary action up to and including dismissal. If a potential violation of the State Ethics Law has occurred, the Personnel Department is required to report such potential violation to the State Ethics Commission.

When further guidance is needed, employees should consult with their Appointing Authority or the Personnel Department.

* SEXUAL & OTHER UNLAWFUL HARASSMENT

It is the policy of Lee County Commission that all employees should be able to enjoy a work environment free from all forms of unlawful discrimination, including sexual harassment. Any employee who violates this policy will be subject to appropriate discipline, up to and including discharge.

Employees who engage in sexual and/or other unlawful harassment not only may hurt others, but may also expose both themselves and the Commission to potential legal liability. Consequently, Lee County Commission will not condone or tolerate any conduct in the workplace on the part of its employees—whatever their position—if that conduct violates the right of someone else to be free from harassment. Actions, words, jokes, or comments based on an individual's sex, race, color, national origin, age, religion, or disability will not be tolerated.

Sexual Harassment includes any unwelcome sexual conduct that is either made a condition of employment or that creates an offensive, intimidating or hostile working environment. As the Equal Employment Opportunity Commission guidelines state:

Unwelcome sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature constitute unlawful sexual harassment when:

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

All forms of unwanted sexual conduct—whether they are unwelcome sexual advances; suggestive or lewd remarks; sexually oriented teasing or joking; unwanted hugs, touches, kisses or other physical contact; displays of sexually explicit pictures, cartoons or other materials; requests for sexual favor; or any other unwelcome sexual behavior or attention—constitute sexual harassment, for the purposes of this policy, when they are made a condition of employment or create a hostile working environment.

If you feel you are a victim of sexual or other unlawful harassment, you should bring the matter to the immediate attention of your supervisor and/or Appointing Authority. If that would be uncomfortable, you should contact the Personnel Department. Employees who become aware of possible sexual or other unlawful harassment—even if they are not themselves victims—should bring the matter to the attention of their Supervisor, Appointing Authority, or the Personnel Department. The availability of this reporting procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his/her behavior is unwelcome and requesting that it be discontinued.

All allegations of sexual and other unlawful harassment will be investigated and in as confidential a manner as possible. Individuals who complain about sexual harassment or who bring this type of information forward in good faith will not jeopardize their employment opportunities within the County in any way.

Retaliation against individuals who report possible sexual or other unlawful harassment will not be tolerated by the Lee County Commission.

* EMPLOYEE FRATERNIZATION

In order to reduce the potential for sexual harassment, avoid favoritism or perceived favoritism and to prevent employee morale problems, the Lee County Commission has established a firm directive in regard to fraternization.

Lee County may employ the spouse of an employee, but shall not place them in a position where one has direct supervision over the other. Relationships between employees and their supervisors should be strictly business oriented. Supervisors shall not involve themselves in any relationship, which is defined as fraternization with a subordinate. Anyone with knowledge of relationships between employees and their supervisors should report promptly to the Appointing Authority. If the supervisor in question is the Appointing Authority, the report will be taken by the Personnel Department.

ELECTRONIC COMMUNICATIONS

You should check with your Appointing Authority or Supervisor to determine if there are additional policies or procedures regarding the use of electronic equipment & communications specific to your department.

CELL PHONES AND PDA DEVICES

This policy applies to the use of county-provided and personal cell phones and PDA's while acting in the scope of your employment with Lee County. The "use" of cell phones and PDA's includes, but is not limited to, receiving or placing calls, text messaging and the reading of, Internet usage, receiving or responding to email, and checking phone messages.

If you are issued a county-provided electronic device, you are expected to protect the equipment from loss, damage, or theft. Upon separation of employment, or at any time upon request, you may be asked to produce the phone or device for return or inspection.

Usage While Driving

Employees are prohibited from using cell phones or PDA's while driving when:

1. Operating a county vehicle at any time, to include non-working hours;
2. Operating any vehicle in the performance of his/her duties;
3. Operating any vehicle while engaging in any business related to county operations.

Regardless of the circumstances, including slow or stopped traffic, employees are required to pull off to the side of the road and safely stop the vehicle before using their cell phone or PDA.

Employees who violate this policy and are involved in accidents or charged with traffic violations resulting from the use of his/her cell phone or PDA while driving, may be solely responsible for liabilities that result from such actions.

Certain employees may be issued hands-free devices by the Appointing Authority due to the positions he/she holds; however, "typing," "texting," and/or "reading" are strictly prohibited at all times while driving.

All employees are expected to follow applicable state, federal and local laws or regulations regarding the use of cell phones and PDA's at all times.

E-MAIL, INTERNET, TELEPHONIC & COMPUTER RESOURCES

Definitions:

Electronic Technology Resources-include, but are not limited to, file servers, routers, switches, hubs, modems, workstations, stand-alone computers, cell phones, PDAs and other hand-held devices with network capabilities, laptops, printers, scanners, software, internal or external data communication networks, and telephonic equipment. This term may also be referred to in this policy as technology resources" or "electronic resources".

Users- refers to all employees and other persons or entities accessing or using any of Lee County's electronic technology resources.

E-mail- the ability to compose and distribute messages, documents, files, software, or images by electronic means over a phone line or network connection. This includes external and internal e-mail.

Software-the computer programs that reside on any type computer to perform a desired function. It encompasses programs provided by the manufacturer, a vendor or developed by in-house staff.

Network Resources-include the hardware and software necessary to connect computers and resources into a communication system.

Internet- an international network of independent computer systems. The World Wide Web is one of the most recognized means of using the Internet.

Employees should be mindful that all technology resources owned by Lee County are County property. These systems are in place for county business activities and to facilitate an employee's ability to do his/her job efficiently and productively. All technology resources and all information transmitted by, received from and stored on Lee County systems are the property of Lee County and as such, are subject to inspection. This includes email, or other documents created, sent and/or received through the use of any County owned resource. Lee County reserves and exercises the right for business purposes to audit and monitor the information on all systems, electronic mail and information stored on computer systems or media, with or without advance notice. This might include investigation of theft, unauthorized disclosure of confidential business or proprietary information, suspected violation of a County Personnel

Policy or Procedure, personal abuse of the system or monitoring workflow and productivity. The County owns software which will be used to monitor Internet sites visited.

Users can have no expectations of privacy in anything they create, send, store or receive on any County owned electronic technology resource. Electronic documents and communications may become evidence in legal cases. It is suggested to compose voicemail, e-mail and other electronic communication with the expectation that it will become public. At all times when an employee is using Lee County electronic technology resources, he or she is representing the County and must use the same good judgment that would be used in written correspondence or in determining "appropriate conduct". Lee County employees are expected to use County provided electronic resources responsibly and professionally.

Lee County's technology resources are for business purposes only. Limited personal use is a privilege, not a right. As such, the privilege may be revoked at any time and for any reason. Abuse of the privilege may result in disciplinary action. Personal use shall not impede the conduct of County business, affect job responsibilities, or disrupt the system and shall be limited to personal time (breaks). Supervisors, Department Heads, and Appointing Authorities should monitor the extent of personal use of these resources during working hours.

All persons using Lee County's electronic technology resources must comply with all software licenses, copyright laws, and all other State and/or Federal laws governing intellectual properties. Authorization to use the County's email systems and access the Internet will be granted by the Appointing Authority on an as-needed basis.

The following are examples of violations of this policy for users of the County's electronic technology resources. It shall be deemed a violation of this policy to:

- (1) Use Electronic Technology Resources for excessive or inappropriate personal use (including the sending of chain letters and mass e-mails);
- (2) Solicit or advertise for personal or commercial gain;
- (3) Solicit or advertise for outside organizations, religious, charitable or political causes;
- (4) Create, send, store and/or intentionally view messages or material that may reasonably be regarded as offensive, obscene, disruptive, illegal, fraudulent, profane, embarrassing or libelous. These include information that may be construed as harassment or disparagement of others based on age, sex, religion, race, color, national origin, creed, marital status, political affiliation or disability.

Users encountering or receiving such material should immediately report the incident to his/her Supervisor, Department Head, Appointing Authority, or the Personnel Department.

- (5) To send or receive copyrighted materials, proprietary information or similar materials without express authorization from the author;
- (6) Attempt to access another employee's e-mail without permission;
- (7) Use another employee's access code to view, alter or distribute information without the express authorization of that employee;
- (8) Use County electronic technology resources to access and use sensitive or

confidential information in a manner not originally intended;

- (9) Load employee owned or non-County purchased software on County electronic technology resources, whether intended for legitimate business matters, personal purposes or amusement; this includes shareware, freeware, personal software or Internet distributed programs.
- (10) Use electronic resources in any illegal, malicious or inappropriate manner, including any manner that would compromise the integrity of Lee County and its business in any way.

Employees who violate the Electronic Communications Policy, other related county policy, state, or federal law may be subject to disciplinary action up to and including termination. Depending on the nature of the violation, employees (and other users) may be denied access privileges or turned over to law enforcement officials.

Because of the nature of Sheriff's Office operations, exceptions to this policy may exist for legitimate law enforcement reasons for Sheriff Service employees. Exceptions and violations of this policy, as well as related disciplinary actions, will be determined at the discretion of the Sheriff.

TELEPHONE USAGE

Excessive personal calls during the workday, regardless of the phone used, can interfere with productivity and be distracting to others. Employees are expected to limit personal phone transactions on work time and to ensure that friends and family are aware of our policy.

When you are talking to people over the telephone, you represent Lee County and your department. What you say, as well as how you say it, can affect the image of the County and your department.

Use these telephone tips:

1. Answer promptly;
2. Identify yourself;
3. Transfer calls promptly;
4. Speak clearly;
5. Hang up gently

*

DISCIPLINARY ACTION

You are expected to follow County and departmental policies and conduct yourself in a mature, safe, and responsible manner while at work. Employees may be disciplined for violations of established County Policies and Procedures and/or for the good of the County. The decision to issue a warning or take more serious action will depend on the nature of the offense and the circumstances involved. Normally, disciplinary action will be administered by an employee's supervisor or Appointing Authority. The supervisor and/or Appointing Authority retain the discretion to determine if a violation of policy has occurred and if disciplinary action is warranted. No employee will be disciplined for any legal political activity or absence thereof.

TYPES OF DISCIPLINARY ACTIONS

Employees are subject to the following types of disciplinary action by their supervisor or Appointing Authority for unacceptable conduct that falls under the intent of this section. Disciplinary action may be taken at any level according to the nature of the offense. The following are types of disciplinary actions:

- 1.) Counseling
- 2.) Written Warning - Merit raises may not be considered for someone who receives three written warnings, or has received one written warning and has not shown improvement. Three written warnings may constitute dismissal.
- 3.) Suspension Without Pay - An individual who has been suspended is not eligible for merit raise consideration for at least a year following the disciplinary action.
- 4.) Dismissal From Service

Although these procedures suggest an order of consequences due to severity and frequency of incidents, the Appointing Authority reserves the right to skip any or all of these steps when disciplinary action becomes necessary because of misconduct.

An employee that believes a Commission policy or procedure was misapplied or not followed properly in relation to disciplinary action may file a Review of Suspension/Dismissal or Grievance within 3 working days. Further information and forms regarding these procedures may be obtained from the Personnel Department.

TYPES OF OFFENSES

Examples of employee actions that are considered to be unacceptable are grouped below. Disciplinary actions should be based on the facts and circumstances in each individual situation. These offenses and actions, as described, are neither all inclusive, nor automatic. Supervisors and Appointing Authorities are permitted, and expected, to treat individual situations according to the circumstances and facts involved. **THESE ARE EXAMPLES. ANY ACTIONS** that are contrary to the good of the County and the Citizens of the County can be considered an offense, which warrants disciplinary action.

Group One Offenses:

Offenses that may result in disciplinary action and categorized as Group One Offenses are as follows:

- (1) Failure to give proper notice of an absence which could be anticipated (unauthorized absences);
- (2) Irregular attendance and/or excessive absenteeism;
- (3) Tardiness (not at his/her assigned work station at the beginning of the first hour of the employee's work day or late returning from breaks or lunch);
- (4) Interfering with the work of others to include offensive personal habits which interfere with efficient operations;
- (5) Excessive inefficiency, including waste, poor job performance, poor judgment, loafing or leaving the work area without permission, and defective workmanship;
- (6) Violation of normal safety practices to include failure to report a work related accident or injury;
- (7) Improper use and/or care of County property;
- (8) Unauthorized solicitation;
- (9) Political activities during working time;
- (10) Misconduct to include lack of cooperation, contravention of civil or criminal law, and any disgraceful conduct which reflects unfavorably on the County as an employer while on duty;
- (11) Similar situations that meet the intended definitions for a group one offense.

Group Two Offenses

The first such offense of a Group Two violation will normally constitute a suspension without pay or grounds for dismissal!

- (1) Violation of the County's Substance Abuse Policy which includes possession and/or use of alcohol, un-prescribed drugs, or similar intoxicants while on County property or on the job;
- (2) Operation of a County vehicle or County equipment while under the use or influence (as defined in the Substance Abuse Policy) of intoxicants such as alcohol, or illegal un-prescribed drugs, and/or prescribed drugs which induce an unsafe mental or physical state;
- (3) Loss of a driver's license and/or driving privileges, when the employee's job requires the operation of a motor vehicle in the performance of his/her duties (this includes Commercial Driver's Licenses);
- (4) Use of a deadly weapon and/or force on County property;
- (5) Deliberate falsification of applications or resumes, records and/or personal misrepresentation of statements given to a supervisor, an official, an Appointing

- Authority, the public, or the Personnel Department;
- (6) Dishonesty as related to an individual's job duties and/or profession, use of benefits, or the use of one's official position for personal advantages;
 - (7) Fighting, except when the employee is a victim of an unwarranted assault;
 - (8) Insubordination;
 - (9) Conviction of a criminal offense;
 - (10) Theft, destruction, unauthorized, careless or negligent use, or damage of County property or the property of others;
 - (11) Horseplay on the job;
 - (12) Gambling;
 - (13) Violation of safety practices that might endanger the life or health of the employee or others;
 - (14) Intentional violation of County administrative regulations, department rules, lawful orders or directions made or given by a supervisor;
 - (15) Membership in any organization which advocates the overthrow of the United States government by force or violence;
 - (16) Acceptance of any consideration of value or gratuity which was given to improperly influence the employee in the performance of his/her duties;
 - (17) Refusal to be examined by a County authorized fully licensed physician when so directed by the County for a matter in relation to the individual job duties, the safety of employees and the general wellbeing of the citizens of Lee County;
 - (18) Political activities that are violations of federal and/or state laws and these policies and procedures;
 - (19) Harassment (including sexual harassment) or discrimination;
 - (20) Sleeping on the job, except when authorized by department or County rules;
 - (21) Abusive personal conduct or language toward the public or fellow employees, or abusive public criticism of a superior or other County official;
 - (22) Violation of any duly adopted County policy or Federal or State regulations in the performance of one's duties;
 - (23) Conduct or actions determined to be a conflict of interest as defined by state law and/or County Policies or procedures;
 - (24) Misuse of confidential information or records or the use of such records for personal gain or the gain of family or friends;
 - (25) Falsifying reports of hours worked by oneself or others;
 - (26) Passing NSF checks or IOU slips to the County;
 - (27) Repeated violation of group one type offenses;
 - (28) Similar types of violations that meet the intended definition of a group two offense.

SEPARATIONS

DISMISSAL FOR CAUSE

Any employee may be dismissed for cause and the Good of Lee County including but not limited to the inability to perform the duties required of the position held.

RESIGNATION

You may resign by submitting, in writing, the reason and the effective date of your resignation to your supervisor. Notification may be given as far in advance as possible, but at least a two (2) week notice is requested. Failure to provide proper notice may affect rehire eligibility.

Any unauthorized absence from work for a period of three (3) consecutive working days may be considered a voluntary resignation.

REDUCTION IN FORCE

It may become necessary to reduce the working force due to the lack of funds, from the elimination of a

service, or for the Good of Lee County, as determined by the County Commission. Any person who is rehired to full or part time status and within one (1) year after being separated in this manner, will have any unused sick leave previously earned and not used credited to his/her leave balance.

RETIREMENT

Whenever an employee meets the conditions for retirement as set forth in the Employee Retirement Systems of Alabama Regulations and Lee County Procedures, he/she may elect to retire and receive benefits as set by the Retirement Systems of Alabama. The Notice of Retirement should be submitted to the Personnel Department no earlier than ninety (90) days, nor later than forty-five (45) days prior to the requested effective date. The County will provide individual medical coverage for all employees who retire with twenty-five years or more of service with Lee County until that employee becomes eligible for Medicare, as long as that employee meets the criteria as set forth by the State Employee's Insurance Board.

*

GRIEVANCE/ COMPLAINT PROCEDURE

The intent is to provide a fair, consistent and constructive problem solving mechanism for use by all employees. The County recognizes that problems may arise with regard to interpretation or application of the County's policies and that occasional disagreements with fellow workers or supervisors may arise. If you find yourself in this situation, or if you feel that you have been unfairly treated in the resolution of a problem, you are encouraged to bring that concern forward for further discussion and resolution. Action under this complaint procedure will be met with sincerity and a desire to achieve a mutual understanding of the situation. The County assures all employees access to additional supervisory personnel. However, every effort should be made to deal with the concerns at your closest supervisory level. Employees wishing to file a grievance may contact the Personnel Department for the appropriate process and forms for doing so. In summary:

Step 1: Employee's wishing to report an alleged violation or misapplication of a Lee County policy, rule, regulation, or procedure has three (3) working days from the date of the alleged violation or misapplication to submit a written grievance statement to his/her direct supervisor and must explain the employee's grievance in sufficient detail and identify the remedy being sought. Grievance forms may be obtained from the Personnel Department.

Step 2: If the employee is not satisfied with the written response given in the first step of the grievance procedure, he/she has three (3) working days after the receipt of the first written response to appeal that decision in writing directly to the appropriate Appointing Authority.

Step 3: If, after the first two steps of the grievance procedure, the employee still believes that a Commission policy or procedure was misapplied or not followed properly, the employee has three (3) working days to submit a written request for review by the County Administrator and the Personnel Department.

Step 4: The Employee has three (3) working days from the notice of determination to request for a grievance hearing in front of the County Commission regardless of the results of the determination in the third step.

You may contact your supervisor or the Personnel Department if you wish to know more about this process. This process does not apply to temporary employees or employees within their probation period (unless it is in reference to harassment or discrimination); appeals of suspensions or dismissals; or appeals to County-wide pay reductions, reductions in force, or furloughs which are part of a general plan to reduce salaries and wages as an economic measure, when such reductions are based on operations and/or services and not individuals (unless believed to be discriminatory).

SAFETY

The County realizes that accidents not only cause personal injury, pain and hardship, but are also expensive. The County makes efforts to provide safe working conditions, equipment and work procedures. All employees are expected and required to practice safety at all times. If you observe any unsafe conditions or work practices, you should report them to your supervisor or Appointing Authority **immediately**.

Most accidents are preventable through proper care, use and maintenance of equipment and facilities, alertness on the job and thorough, good housekeeping practices. Most accidents are the result of unsafe work practices. At any time during your employment, if you find that you are physically unable to perform the functions of your job, your concerns should be brought to the attention of your supervisor and the Personnel Department so that reasonable accommodation may be discussed and considered if appropriate in your situation.

ACCIDENTS & WORKMEN'S COMPENSATION

All job-related accidents and injuries, no matter how slight, should be reported immediately, or within twenty-four (24) hours, to your supervisor and completion of an *Employee Incident Report* form is required. A mandatory drug and alcohol screen shall be administered as soon as possible. Failure to follow these steps may result in loss or delay in receipt of authorized benefits and/or disciplinary action up to and including dismissal. Even if no permanent physical injury or property damage occurs, problems can often arise later if accidents are not reported immediately and the appropriate accident forms are not promptly and accurately completed.

The County provides Workmen's Compensation Insurance coverage for employees in accordance with state law for any qualifying injury they may sustain on the job. You are required to immediately report all job related injuries, in writing, to your supervisor and/or the Personnel Department.

If you need to seek medical attention for an injury sustained on the job, you must do so through your supervisor, Appointing Authority or the Personnel Department. Any documentation provided to you by the doctor is expected to be promptly returned to your supervisor or the Personnel Department. This may include prescriptions, light duty slips, physical therapy appointments, visit status reports, etc. Employees should be aware that medical care for work related injuries must be approved in advance through the County's workmen's comp insurance carrier; therefore, you should maintain constant communication (at least weekly) with your supervisor, Appointing Authority or the Personnel Department as to your status while recovering from a work related injury to ensure appropriate and timely care.

If you are required to miss work to recover from a work related injury, you will receive no further wages, but may receive benefits through workmen's compensation. You are not permitted to receive vacation, sick, or personal leave while receiving worker's compensation benefits; however, since the first three days of a workmen's compensation absence are not compensable (unless the absence exceeds 21 calendar days), you may utilize your sick leave for those three days if necessary. However, if the absence does result in payment of workmen's compensation benefits, your sick leave balance will be adjusted for any sick time used and all associated pay shall be returned to the County.

You should contact the Personnel Department for specific details on other rules and policies covering eligibility requirements and/or benefits.

SUBSTANCE ABUSE POLICY

The County is concerned about the effects of the use of illegal drugs and the use and abuse of alcohol upon the health and safety of its employees. It is the policy of the County to foster a work environment free from the effects of both the illegal use of controlled substances and the use of alcoholic beverages. The use of drugs and alcohol impairs employees' judgment, which may result in increased safety risks, hazards to the public, employee injuries, faulty decision-making and reduced productivity.

The County and the Appointing Authorities require all employees to report to work without any alcohol, illegal, or mind-altering substances in their system. All employees are required to be in a state of mind and physical condition free from the influence of drugs and alcohol and fit to complete their assigned duties safely and competently during work hours. This prohibition also covers all legal or prescription drugs that impair an employee's ability to perform his/her job safely. As a result, employees must inform their supervisor when they are legitimately taking medication that may affect their ability to work in order to avoid any safety hazards or violations, to prevent committing errors and to avoid violating the alcohol and drug policies. The purpose of any controlled substance or alcohol testing which is conducted by the County is not to identify the existence of a disability.

It is also the policy of the County to prohibit the use, possession, transportation, dispensing, or manufacture of illegal drugs or alcohol on its premises or while at work. Any employee convicted of off-the-job sale, distribution, dispensation, manufacture, or use or possession of illegal controlled substances or alcohol shall be suspended, either with or without pay, pending an investigation by the Appointing Authority. The Appointing Authority's investigation may result in disciplinary action at the discretion of the Appointing Authority, including discharge. Employees convicted of off-the-job use or possession of illegal or controlled substances or alcohol shall undergo testing to assist the County in determining fitness for duty.

Any employee, who tests positive, refuses to be tested, refuses to sign a consent form, refuses to cooperate in the completion of documentation or in an investigation in accordance with the provisions of this policy (or is otherwise in violation of the substance abuse policies/procedures) shall be subject to disciplinary action or immediate discharge by the Appointing Authority.

Tests will be performed to determine the presence of drugs as well as alcohol. This includes for safety sensitive positions: pre-employment testing, random testing, and return to duty testing; and reasonable cause and post-accident testing for all employees. In order to alleviate concerns regarding the safety of its employees and the public, the County reserves the right to require employees in safety sensitive positions to submit at any time to random controlled substance and alcohol tests to determine the presence of prohibited substances. Testing procedures require employees to read and sign a consent form provided by the County. Upon arrival at the collection site, the employee must provide proof of identification and then will be required to complete a controlled substance and alcohol custody and control form.

The HR/Safety Manager will notify the employee directly of the results of any positive controlled substance and alcohol test in order to give the employee an opportunity to challenge the findings. An employee has the option of having the other portion of the split sample tested at another laboratory. The employee must notify the Personnel Department within 72 hours after notification of a positive sample that he/she desires this retest at his/her own cost. Any employee may request the opportunity to discuss a positive test with the Personnel Department or the designated MRO at the time the test results are revealed.

Reasonable Cause Testing: The Personnel Department or Appointing Authority may schedule a controlled substance and alcohol test when behavioral observations indicated to the employee's supervisor that *any employee* may be involved in illegal use of a controlled substance, use of alcohol, abuse of legal drugs, is a substance abuser, or is otherwise in violation of the County's substance abuse policy. Factors which might lead to a decision to test an employee for substance abuse may include, but are not restricted to (1) Excessive Absenteeism or tardiness; (2) Unexplained significant job performance deterioration; (3) Significant change in personality (repeated abusive behavior, insolence, insubordination, irritability, hyperactivity; (4) Reliable reports from other sources of habitual or regular drug use; (5) Unexplained absences from normal worksites; (6) Unusual behavior which cannot be readily explained; (7) Drastic changes in appearance and demeanor; (8) Reddened eyes or abnormal pupils; (9) Odors of drugs or alcohol; (10) Slurred speech; (11) Difficulty in motor coordination; (12) Outside activities such as being arrested for possession, use, or sale of drugs; (13) On-the-job accidents if reasonable cause to believe drugs or alcohol use was a contributing factor. Any employee who refuses, fails to cooperate, or delays

without reasonable cause to submit to a test within a 24 hour period will be considered a refusal and will be subject to termination.

Return to Duty Testing: Employees in safety sensitive positions that have been out for extended periods of twenty-one (21) calendar days or longer are required to undergo a return to duty controlled substance test before returning to duty.

Post Accident Testing: All employees are required to report all injury or damage related accidents and submit to a post-accident controlled substance and alcohol test as soon as possible after an accident, but not to exceed twenty-four hours after the accident. Any employee subject to post-accident testing must refrain from consuming alcohol or taking any controlled substance for eight hours following an accident, or until he/she submits to testing, whichever comes first. An employee who is subject to post-accident testing must remain available, or may be considered to have refused to submit to testing. Even if an employee does not desire to seek medical attention, if an accident or injury is reported, he/she must submit to a controlled substance and alcohol test. Any employee, who tests positive, refuses to be tested, refuses to sign a consent form, or refuses to cooperate in the completion of documentation in accordance with the provisions of this procedure, shall be subject to the denial of workers' compensation benefits.

Rehabilitation: Employees may voluntarily identify himself/herself to his/her supervisor, Appointing Authority or Personnel Department as being in need of drug and/or alcohol rehabilitation. This must take place prior to a positive test result, prior to notification for testing, and/or prior to an incident of suspected violation, and he/she will have 45 days from the first date of leave to complete the intensive portion of the treatment and return to duty. In addition to certain other requirements, employees are required to present a certificate of completion and will be subject to disciplinary action or discharge if certification is not provided.

A self-identifying employee will not be disciplined if he or she meets all of the following criteria:

- (1) Obtains counseling and successfully completes a drug and/or alcohol rehabilitation program at the employee's expense or in accordance with the insurance provided in the employee benefits package.
- (2) Agrees to follow up controlled substance and alcohol testing for twelve months after return to work authorization.
- (3) A probation period will be reinstated for an employee who seeks rehabilitation and will last for at least twelve months. Before the conclusion of this probationary period, a certification of successful completion of the entire treatment program must be presented.
- (4) Thereafter, refrains from using illegal drugs or alcohol or otherwise being in violation of this Substance Abuse Policy or Drug and Alcohol Program.
- (5) Employees seeking to return to work from leave of absence granted under this policy or employees being treated on an outpatient basis shall execute these forms before being considered for return to work or while they are being treated on outpatient basis: a. *Medical Information Authorization and Release Form*; b. *Employee Consent for Substance-Abuse Testing Form*; and c. *Return to Work Authorization*
- (6) Refusal to sign any of these forms, refusal to submit to substance-abuse testing as required in this policy, and/or failure to successfully complete the inpatient and/or outpatient treatment of the program will subject the employee to immediate dismissal.

The leave of absence for treatment will be subjected to the policies covered under FMLA with the additional requirements of this section. Employees seeking to return to work from leave of absence

granted under this policy for rehabilitation of substance abuse shall provide the Personnel Department with a written statement from the facility or the attending physician stating that the employee has successfully completed the initial intensive segment of the rehabilitation program and that arrangements have been made for an aftercare or continuing-care program. Employees seeking to return to work from leave of absence granted under this policy for substance abuse rehabilitation must undergo a controlled substance and alcohol test before returning to work. Those having a confirmed positive result from such testing are subject to dismissal. In no event may an employee who is undergoing rehabilitation be allowed to return to work without a *Return to Work Authorization* from the treating physician. Until the rehabilitation program is completed, the employee shall be placed on FMLA status and may utilize sick leave, annual leave, or leave without pay until the *Return to Work Authorization* has been certified by the County MRO and they are determined fit to return to duty.

A copy of the full Substance Abuse Policy may be obtained by request from the Personnel Department.

WAGES AND HOURS

SALARY

Rates of pay will be determined from an assigned pay grade in the County Commission approved Pay Plan for each position.

Pay increases (merit pay based on performance) may be awarded to eligible employees on their anniversary date only when funds have been budgeted and approved for the fiscal year by the County Commission for such purpose. An anniversary date is the employee's date of hire; except for, those hired prior to October 1998, whose anniversary date will be October 1st of each year. Such increases will be effective on the first day of the next FULL pay period following the effective date of the increase AND only after receipt of the annual evaluation form by the Personnel Department. THE RESPONSIBILITY of annual evaluations and timely submittal is incumbent on the supervisor and employee. If you have not received an evaluation by your anniversary date and have requested said evaluation from your supervisor, you should **NOTIFY** the Personnel Department.

If you have questions about your salary or anniversary date, please contact your supervisor or department head.

PAYDAY

Employees shall be paid bi-weekly. Payroll checks will be issued one week after the end of the pay period. Payroll checks will generally be issued on the Friday following the end of the pay period. All employees are paid one week in arrears (paid only through the end of a pay period). Utilizing direct deposit for paychecks is encouraged.

Individuals, who have lost their paycheck and desire a check to be reissued, must reimburse the County for any stop payment fees on the lost paycheck (if incurred).

If you should have questions regarding your paycheck or if you feel your paycheck is in error, notify your supervisor or the Personnel Department immediately.

WORK WEEK

The weekly work schedule shall be determined by your supervisor and/or Appointing Authority with special provisions made in departments that require additional hours to meet existing conditions or emergency situations. Typically, the normal workweek for full time classified employees shall be 40 hours per week; and the normal daily work schedule shall be five days per week, eight hours per day plus a meal period (law enforcement personnel may have varied schedules). The workweek begins on Saturday and ends on Friday.

OVERTIME/COMPENSATORY TIME

Overtime and compensatory time is earned depending on the type of position you work in. If you are unsure of your exempt or non-exempt classification with regard to this policy, please ask your Appointing Authority or the Personnel Department for guidance.

Overtime: Working overtime is sometimes necessary; however, advance approval (when feasible) to work overtime must be secured from your Department Head (or designee). Exempt employees are not eligible for overtime payments. Non-exempt employees earn overtime at a rate of one and one-half hours for every hour of time worked as described below:

1. Employees engaged in law enforcement begin to earn overtime after 171 hours in a twenty-eight (28) day work period.
2. All other County employees in non-exempt positions begin to earn overtime after forty (40) hours of *physical* work in a week.

Holidays and paid leave hours during a week DO NOT count towards the forty (40) hour total, unless an employee is called in for an emergency situation, which has been certified by the Appointing Authority, and as defined in the 'Definitions' section of the handbook. Employees called in for emergency situations will receive the rate of time and one-half hours for each hour worked during the actual emergency. A non-exempt employee who has holiday hours and/or paid leave during a work week that is in excess of 40 hours, has not *actually* worked over 40 hours in that week and was not on an emergency call, may choose to be paid straight pay hours, reduce the paid leave taken during the pay period (if applicable) and/or receive hour for hour compensatory time.

Compensatory Time: In accordance with the Fair Labor Standards Act, the County has a policy of granting compensatory time off in lieu of overtime.

Compensatory time is granted at the rate of one and one-half hours for every hour of overtime (as defined above) worked for non-exempt employees with the following maximum accrual amounts:

Non-exempt classified employees may accrue up to a maximum of 240 hours of compensatory time.

Law Enforcement, public safety, emergency response and seasonal employees may accrue up to a maximum of 480 hours of compensatory time.

Exempt classified employees are also eligible to earn compensatory time at an hour-for-hour rate up to a maximum of 160 hours, after they have worked 45 hours in a workweek. Those exempt classified employees engaged public safety activities, and/or emergency response activities may accrue up to a maximum of 320 hours. Exempt classified employees who are engaged in law enforcement may accrue up to a maximum of 320 hours of compensatory time for time worked in excess of 171 hours in a 28-day pay cycle.

Once the maximum amounts have been reached, exempt employees will cease the accrual of compensatory time and non-exempt employees must begin being paid monetary overtime for future hours worked as overtime.

When using compensatory time off, you must make your request as far in advance as possible by utilizing a *Leave Request Form*. As with any leave, compensatory time should be approved by your supervisor *in advance* of each absence, except in unusual circumstances. Compensatory time should be used before taking any annual leave and can be used in lieu of sick leave at your discretion. Failure to comply with this requirement may result in the absence being treated as an unauthorized absence without pay. Any unused compensatory time up to the maximum amount of your allowed accrual, will be paid upon separation at your final regular rate.

BREAK PERIODS

At the discretion of your supervisor, you may be allowed break periods in the first half of your shift and again during the second half of your shift. All breaks must be coordinated through your supervisor.

ATTENDANCE

The County makes every effort to maintain an adequate and reliable workforce. You are responsible for notifying your supervisor when and if you must be away from your job. Always do this as far in advance as possible. In cases of unexpected absence or tardiness, notice should be given *no later than one hour in advance* of the starting time of your scheduled shift. If you are absent from work, such absence must be approved by your supervisor according to the terms of a policy recognized and set forth in this Handbook or you will be considered absent without leave subject to discipline.

When you have notified your supervisor in advance and have obtained the supervisor's permission to be absent, the absence is excused. When your supervisor has not been notified, or has not given permission, the absence is unexcused. Unexcused absences and unexcused tardiness may result in disciplinary action. Three consecutive shifts of unexcused absence will result in a determination that you have voluntarily quit your employment.

Where absence is the result of personal illness, the Appointing Authority may require written certification from a physician before excusing the absence and before permitting you to return to work.

When tardiness and absenteeism is repetitive and excessive, or when patterns of tardiness or absenteeism are evidenced, you may be subject to providing appropriate documentation, as well as subject to disciplinary action.

Hours of work will be recorded by rounding to the nearest quarter hour and will be certified by each employee and attested by his/her direct supervisor in the form of a timesheet or other approved attendance record. This record shall reflect all absences and indicate the type of leave taken. Falsification or intentional neglect of maintaining proper attendance records is subject to disciplinary action up to and including dismissal (i.e. Timesheets).

There may be further requirements as outlined under sick and vacation leave, as well as in the FMLA policy for certain types of absences.

BENEFITS

Lee County provides all full-time employees with a number of excellent benefits that are designed to provide flexibility and financial advantage to its employees including accrued paid time off, health insurance, life insurance, retirement, voluntary insurance payroll deductions, and educational reimbursement. Refer to the Benefit Summary provided by the Personnel Department for a listing of your benefits. Part-Time hourly and temporary positions are not eligible for these benefits.

EDUCATIONAL REIMBURSEMENT

Employees may be eligible to receive reimbursement for one half of the cost of tuition, books, and fees associated with approved courses, at an accredited two or four year institution, that have a direct relation to the employee's current job. The employee must be a full-time non-probationary employee to be eligible. Approval must be requested prior to mid-term of any course work, and at least a B grade in the course must be obtained. Appropriate forms provided by the County must be utilized. Further information regarding this benefit may be requested from the Personnel Department.

VACATION

Employees earn annual leave as outlined below; however, probationary *employees shall not have the privilege of using earned annual leave until they have completed six months of their probation period.* Earned leave will be for each full calendar month worked and will be posted to the employee's leave

account on the last day of the calendar month. Eligible employees shall earn annual leave according to the following schedule:

<u>Years of Service</u>	<u>Earned Leave per Year</u>
Zero to six years	6.67 hours per month (10 days per year)
First complete calendar month after your 6 th anniversary	8.0 hours per month (12 days per year)
First complete calendar month after your 11 th anniversary	10.0 hours per month (15 days per year)
First complete calendar month after your 15 th anniversary	12.0 hours per month (18 days per year)

No more than 288 hours of annual leave may be accrued and carried forward into the next year. Leave in excess of 288 hours (36 Days) must be taken by December 31 of the year in which it is earned. *If the leave is not taken, the employee forfeits any leave in excess of 288 hours (36 days) as of January 1 of the next year.* No employee will accrue annual leave while on a non-pay status for five (5) days or more in a calendar month, unless it is for a valid workers' compensation loss-time claim. Annual Leave will not be paid out in lieu of taking time off. Any unused annual leave will be paid out upon separation, unless an employee is still classified as probationary status.

Your supervisor or Appointing Authority must approve annual leave in advance, except in unusual circumstances. Requests for annual leave shall be made as far in advance as possible of the time desired utilizing the *Leave Request Form*. Failure to comply with this requirement may result in the absence being treated as an unauthorized absence without pay, unexcused and subject the employee to disciplinary action.

SICK LEAVE

An eligible employee will earn credit for paid sick leave at the rate of eight (8) hours of leave per full calendar month worked and may accumulate up to one thousand and forty hours (1040) of sick leave (130 days). Sick leave days shall not be accumulated while an employee is in a non-pay status for five (5) days or more in a calendar month, unless it is for a valid workers' compensation loss-time claim.

Upon separation, accrued sick leave hours will not be paid. Any unjustified or fraudulent use of sick leave may be punishable by loss of pay, charged as annual leave, or disciplinary action (to include dismissal when appropriate). **An Appointing Authority may require, at his/her discretion, a written physician's statement if he/she has reasonable cause to believe an employee is abusing sick leave.** Sick leave is not a benefit payable upon demand. It is provided to ensure that an employee who is unable to work due to illness does not feel compelled to do so.

Sick leave with pay shall be granted for the following reasons:

- (1) When an employee is unable to work due to personal illness or injury incurred off duty, or when the employee's presence may endanger the health of fellow workers;
- (2) Keeping a doctor, dentist, or optometrist appointment;
- (3) Assistance of a *dependent* for a personal illness, injury or keeping a doctor's appointment. *Dependent* is defined in this specific policy as an employee's (a.) Spouse; (b.) Unmarried Child; or (c.) Parent;
- (4) Serious illness or incapacitation of a family member as defined in the FMLA policy for Lee County Commission or Sheriff's Office;
- (5) Maternity Leave
- (6) For Hospice Care of an immediate member of the family (as defined in the Bereavement Leave Policy).

In order to be granted sick leave, an employee must meet the following conditions:

- (1) The employee shall notify his/her immediate supervisor one hour in advance of his/her usual reporting time, or one hour thereafter of his/her inability to work. Failure to do so may be cause for denial of sick leave for the period of absence. Denial of sick leave shall result in the employee being charged with annual leave, compensatory time, or Leave Without Pay, and subject to disciplinary action.
- (2) For periods of absence in excess of three (3) consecutive days (shifts), the employee will be required to submit a medical certificate signed by a licensed physician certifying that the employee or his/her dependent has been incapacitated for work for the period of absence.
- (3) If the employee or his/her dependent is instructed by a physician to remain off work for a period to exceed five (5) days, the employee will then be required to apply for Family Medical Leave utilizing the *Leave Request Form* and to provide a *Medical Certification* from that physician. Under FMLA, an employee must exhaust all available leave (excluding compensatory) before going on non-paid status.
- (4) An employee can use any accrued annual leave as though it were sick leave only after the employee's sick leave is exhausted.
- (5) Sick leave will be charged in **whole hour units**.

Employees should use annual leave or compensatory time for time taken off for other family members and situations not listed above. If other leave is not available, exceptions may be made under the Leave Without Pay policy at the discretion of the Appointing Authority.

When an employee is absent due to an injury for which compensation is provided under the Workman's Compensation Law of Alabama, benefits will be paid in accordance with such law and these policies and procedures. Sick leave will not be granted when an employee is receiving workman's compensation benefits.

An individual can retire from County Service with up to one thousand and forty (1040) hours of sick leave credit; he or she may, in accordance with the Retirement System's regulations, convert such amount and receive up to six (6) months of retirement credit.

Whenever an employee of the County is absent from work for an extended period of more than 5 days and meets the criteria listed below, the Chairman of the County Commission may declare an "employee sick leave emergency". At which time any employee may donate part of his/her accumulated sick leave in 8-hour increments and up to 160 hours. An employee leaving, or known to be leaving County service may not donate sick leave.

*The employee **MUST** meet **ALL** of the following criteria in order to be granted emergency sick leave:*

1. The absence is for an extended period of more than 5 days;
2. The absence is for the employee or his/her dependent (as defined in the Sick Leave Policy);
3. The absence is for a serious health condition (as defined in the FMLA policy) or terminal illness, encountered under circumstances beyond control, and lasting longer than 5 days; or for Hospice care of an immediate member of the family (as defined in the Bereavement Leave Policy);
4. The condition or illness has been evidenced by a written physician's certification;
5. The employee has completed an Authorization Form to allow the use of his/her medical information in making a determination of eligibility for donated time;
6. The employee has exhausted all of his/her accumulated sick leave, vacation days, and compensatory time. (*Determined by the Appointing Authority on a case-by-case basis, a probationary employee may utilize accrued annual leave in order to be eligible for donated sick leave.*)

Note: Non-probationary employees may donate annual leave in increments of eight (8) hours for qualifying or non-qualifying absences. Unlike sick leave, annual leave is entitled to the employee.

MILITARY LEAVE

Authorization of military leave will be in accordance with the Code of Alabama, 1975, Section 31-2-13.

All employees, except temporary positions, who are active members of the Alabama National Guard, Naval Militia, or the Alabama State Guard organized in lieu of the National Guard, or of any other reserve component of the armed forces of the United States, shall be entitled to military leave of absence from their respective duties on all days that they should be engaged in field or coast defense or other training, or on other service ordered under the National Defense Act, or of the federal laws governing the United States Reserves, without loss of pay grade and step, annual leave or sick leave.

Notwithstanding the foregoing, no such person granted leave of absence with pay shall be paid for more than twenty-one (21) working days calculated at eight (8) hours per day for a maximum of one hundred sixty-eight (168) working hours per calendar year. After an employee exhausts the military leave benefit, he/she may request to be paid for any unused accrued compensatory or annual leave time for the remainder of his/her absence, but is not required to do so. The employee shall indicate the use of this time on the initial *Leave Request Form* submitted to the supervisor.

Those eligible employees will be entitled, in addition to the above, to be paid for no more than twenty-one (21) working days calculated as eight (8) hours per day for a maximum of one hundred and sixty-eight (168) hours in any calendar year at any one time when called to duty by the Governor in the active service of the state.

An eligible employee who wishes to be granted military leave should request leave as soon as he or she becomes aware of the projected dates of service. He or she will submit military orders and a *Leave Request Form*, as soon as practical, to the Appointing Authority who will forward a copy to the Personnel Department.

Once an employee goes into a non-pay status under Military Leave, a Cancellation Form and a copy of the orders will be sent to the State Employees' Insurance Board. The State Employees' Insurance Board will then offer the employee and any covered dependents COBRA-like coverage for the duration of the leave. Upon return, the employee will have the option to reinstate his/her single and/or family coverage, effective on the date of return to paid status.

OTHER PAID LEAVE

Any employee is authorized leave with pay for the following reasons provided the absence is on a normal scheduled workday for the employee. Such leave will not be charged against the annual or sick leave of an employee who earns annual or sick leave, and only one type of leave will be paid for that day. The number of hours of leave granted for each day will not exceed the number of hours the *employee is normally scheduled to work for that day.*

Holidays: The approved holiday schedule will be adopted by the Commission near the beginning of each calendar year. Because of the variety of County services, all employees may not be able to observe holidays on the same day. If your work schedule requires a deviation from the holiday schedule, your supervisor will inform you. If you are required to work an authorized holiday or if the holiday falls on your scheduled off day, you will be given another day off (hour for hour compensatory time) or paid (hour for hour) for the holiday at the discretion of the Appointing Authority.

To be entitled to receive holiday pay for an authorized paid holiday, an eligible employee must be present at work, or on *approved* leave with pay, on his or her scheduled work days immediately preceding and

following the paid holiday. If the employee is in a non-pay status for either of these days, holiday pay will not be paid. Appointing Authorities may require documentation for absences immediately before, after, or on a holiday in order for an employee to be eligible for holiday pay.

Bereavement Leave: Employees are allowed up to 3 days/shifts of bereavement leave to tend to matters associated with the passing of an immediate member of the family. Immediate members include spouses, children, parents, brothers, sisters, step-parents, step-children, step-siblings, parents-in-law, brother and sisters-in-law, grandparents, grandparents-in-law, and grandchildren. Bereavement days must be utilized during the time period beginning on or after the date of passing and within two (2) days after the date of the funeral. Bereavement leave will only be paid for regular scheduled workdays. Employees may use annual leave for someone other than an immediate family member. This will be decided by the Appointing Authority on a case-by-case basis. Employees requesting bereavement leave are required to supply an obituary to his/her department head or Appointing Authority who will forward a copy with the timesheet to the Personnel Department. A *Leave Request Form* must be submitted in advance for approval.

Civic/Legal Leave: Paid leave will be granted for jury duty or for court attendance as a witness in cases not involving personal litigation. The employee must present a copy of the summons (or letter from the court) to their supervisor, who will forward a copy of such to the Personnel Department. The employee is required to return to work when their service is no longer required for the day and/or their duty time period has been completed. Attendance in court by law enforcement officers, or other employees in an official capacity shall not be considered as leave, but as standard work hours. Any fees provided an employee who is attending court in an official capacity will be turned over to the County. Paid leave may be granted for voting. The length of time granted for voting will be NO MORE than one hour and will be granted at the start or end of a workday. A *Leave Request Form* must be submitted in advance for approval.

Hazardous Weather: When considered necessary for the safety of County employees, the Commission Chairman may authorize a late arrival time or an early departure time for hazardous weather conditions. Such time will be reported on department reports as hazardous weather and considered the same as holiday pay for compensation purposes. When a hazardous weather situation occurs, employees who are required to perform essential County operations may be required to report to work. Your supervisor will notify you if your attendance for work is required.

***LEAVE WITHOUT PAY (LWOP)**

Employees in a non-pay status for approved FMLA or military leave are not categorized as LWOP. An employee who has two (2) instances of LWOP in excess of one (1) hour during their established annual performance appraisal rating period will not be eligible for a merit raise for the effective rating period. An employee who has three (3) instances of LWOP in excess of one hour during their established annual performance appraisal rating period may be terminated from his/her employment. Exceptions for certain special circumstances may be considered by an employee's Appointing Authority.

FAMILY MEDICAL LEAVE

The Lee County Commission understands the importance of family issues to its workforce. Because employees may find it necessary to take leave from their jobs for a temporary period to address certain family responsibilities or their own serious health conditions, and in order to comply with the Family and Medical Leave Act of 1993 (FMLA), as amended and revised on January 16, 2009, the Lee County Commission has established a policy. What follows is a summarized version of the policy; however, to obtain a full copy of the policy or for more information, contact the HR/Safety Manager in the Personnel Department.

ELIGIBILITY

An employee is eligible if the employee has been employed for at least 12 months by Lee County. The 12

months of service need not be consecutive. Separate periods of employment will be counted, provided that the break(s) in service does not exceed seven (7) years, unless due to military obligations. Additionally, an employee must have physically worked at least 1,250 hours during the 12-month period prior to the time leave would begin under this policy. Hours are calculated based upon actual hours that the employee worked, including overtime. The Personnel Department will make the eligibility determination and will provide a Determination Letter after all appropriate documentation has been submitted by the employee.

Available leave will be calculated by determining the amount of leave used by an employee for the 12 months prior to each day for which leave is requested and subtracting that number from the total of days equal to 12 work weeks. This is referred to as the "rolling" method of calculation.

TYPES OF FAMILY AND MEDICAL LEAVES

Family and Medical Types of Leave:

The Appointing Authority will grant an eligible employee leave for up to 12 weeks during a 12-month period, if the procedures in this policy are followed and leave is requested for any of the following reasons: (1) The birth or adoption of a child, or receiving a child for foster care; (2) To care for a "family member" of the employee if that individual has a serious health condition; or (3) The employee's own serious health condition that makes it impossible to perform essential job functions.

An employee cannot take 12 weeks of sick leave and 12 weeks of parental leave during the same 12-month period under these provisions. If the leave is for birth, adoption, or foster care placement, the leave must be completed within 12 months of the date of birth, date of adoption, or placement. If a husband and wife both work for the County, and are eligible for leave, they are only entitled to a combined 12 work weeks of leave taken for birth, adoption, foster care, or to care for a parent.

Military Family Leave

Except as mentioned below, an employee's rights and obligations to Servicemember FMLA Leave are governed by the same requirements outlined elsewhere in the overall FMLA policy.

Servicemember Family Leave: An eligible employee may take leave for a family member or next of kin who is a covered servicemember and is recovering from a serious illness or injury sustained in the line of duty on active duty. The employee is entitled to up to 26 weeks of leave available during a single 12-month period to care for the servicemember, during which an employee may take only a combined total of 26 weeks of all types of FMLA leave. (Note: The single 12-month period begins on the first day the employee takes leave for this reason, and ends 12-months later.) If a husband and wife both work for the County, and are eligible for leave, they are only entitled to a combined total of 26 work weeks of leave taken for servicemember family leave (or a combination of all other types of leave and servicemember leave).

Leave due to Qualifying Exigency: Eligible employees are entitled to receive up to 12 weeks of leave because of any qualifying exigency arising out of the fact that the "family member" of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. Qualifying exigencies are subject to verification for applicability and may include: issues arising from the family member's short-notice deployment (i.e. seven or less days of notice) for a period of seven days from the date of notification; attending certain military events and related activities; certain child care and related activities arising from the active duty or call to active duty status of the family member; certain financial and legal arrangements to address the family member's absence; attending certain counseling sessions; taking up to five days of leave to spend time with the family member who is on short-term temporary rest and recuperation leave during deployment; attending to certain post-deployment activities for a period of 90-days following the termination of the family member's active duty status, and addressing issues arising from the death of the family member; and additional activities that arise out of active duty, provided that the County and employee agree, including agreement on timing and duration of leave.

PROCEDURES FOR REQUESTING LEAVE

All requests for family or medical leave should be initiated through your immediate supervisor by the completion of a *Leave Request Form*. If for any reason you do not wish to inform your supervisor and/or Appointing Authority of the reason for leave, or if there are any questions about your supervisor's and/or Appointing Authority's response, please contact the Human Resources/Safety Manager. Absent extenuating circumstances, you are expected to follow customary notice and procedural requirements as outlined in this Handbook when requesting leave or FMLA may be delayed or denied and you may be subject to appropriate disciplinary action. When requesting leave, you must provide sufficient information to make your supervisor aware of the need for FMLA leave and the anticipated timing and duration of the leave, including if the absence is for a condition previously taken for or certified as FMLA. Employees who fraudulently obtain FMLA may be subject to disciplinary action up to and including dismissal.

Foreseeable Leave: If the need for any type of family or medical leave is foreseeable, you must provide notice to your supervisor not less than 30 days prior to the start of the leave by completing a *Leave Request Form*. Leave may be denied unless there is a reasonable cause for the delay. If leave is denied for lack of notice, you may designate leave to start 30 days after notice is given. If you are requesting military family leave due to a qualifying exigency, you must notify your supervisor as soon as is reasonable and practicable.

Failure to report to work when FMLA leave has been delayed or denied will be treated as an unexcused absence under the County's attendance policy. You will not be paid for any missed days or permitted to substitute paid leave, and will be subject to discipline.

Unforeseeable Leave: Employees are expected to promptly notify their supervisor and complete the *Leave Request Form* as soon as they learn of the need for leave. If the leave is not foreseeable, you must provide notice to your supervisor as soon as possible and practical. If you are unable to reach a supervisor or Appointing Authority in the event of a medical emergency, you or a family member should contact the Personnel Department and give the same information by telephone at (334) 737-3639, or fax to (334) 742-9478 and a number where you can be reached.

Except for medical emergencies, failure to call or notify a supervisor prior to a scheduled workday may be treated as an unexcused absence. If you are unable to report for work, you must contact your supervisor as soon as possible, but no later than one hour in advance of the beginning of the shift. Employees will not be paid for any missed days or permitted to substitute paid leave, and will be subject to discipline.

Scheduling Leave: FMLA can be taken all at once, or under certain circumstances, on an intermittent or reduced schedule basis. If the leave is for the planned medical treatment of your serious health condition or that of a family member, or requires intermittent or reduced schedule leave, you may be required by your supervisor to arrange a particular schedule or to reschedule appointments or treatments so as not to unduly disrupt the operations, subject to the consent of the health care provider for medical absences.

Requests for intermittent or reduced schedule (part-time) leave after the birth, adoption, or foster care placement of a child will be considered on a case-by-case basis. The request should be made to the Appointing Authority. The Appointing Authority reserves the right to refuse leave, or to cancel any such arrangement on 14 days' notice, if he/she concludes that the needs of office/department require the employee's presence on a full-time basis.

Providing Certification: The Personnel Department will require proof of necessity for all types of family or medical leave and will provide the appropriate certification forms to you when the leave is requested. It is your responsibility to ensure certifications are completed appropriately. Unless otherwise specified, appropriate certification forms must be submitted to the Personnel Department within 15 calendar days of the date requested by the Personnel Department. If the County has reason to doubt the validity of a medical certification, additional requests may be made of you; inquiries to the health care provider may

be made; and/or the County reserves the right to require, upon request by the Appointing Authority and approval of the Chief Administrative Officer, you get a second opinion of medical necessity for leave from an independent medical provider selected and paid by the County. If the two opinions conflict, the conflict may be resolved through a third opinion by a provider agreed upon by you and the County, and paid by the County. The third opinion shall be considered final and binding. Additionally, you may be required to provide re-certification(s) while absent under FMLA. Failure to submit timely certifications may cause an absence to be delayed, denied, or treated as unexcused and subject you to disciplinary action.

Additional periodic re-certification and reporting may be required of you. Failure to comply with report deadlines and re-certification requirements may be construed as an indication that you chose to voluntarily resign from your position.

USE OF ACCRUED PAID TIME

You will be required to use all of your accrued annual and sick leave while on FMLA and before going on a non-pay status. You may request to utilize any accrued comp time, but are not required to do so. If comp time is elected, this time does not count toward your FMLA annual entitlement. You will need to let your supervisor know that you choose to utilize your comp time so that he/she can appropriately complete your timesheet for payroll purposes. In the case of your and/or a "family member's" illness or serious health condition (including childbirth), you are required to draw available paid sick leave, which is limited to the actual period of medical disability. If you elect to remain on leave beyond the period of medical disability (as with childbirth), you may draw other earned paid time off. In the case of leave for adoption or foster care placement, you must at least draw accrued vacation hours down to zero before utilizing sick leave. In the case of servicemember family leave, you may utilize sick leave if all criteria is otherwise met under the Sick Leave Policy. In the case of military family leave due to a qualifying exigency, you must utilize annual leave hours before going on a non-paid status. Sick leave is not available for this type of leave unless otherwise meets the criteria under the Sick Leave Policy. Once all paid leave has been exhausted, you will remain on a non-pay status until your return. Non-pay status may affect your benefits, so it is beneficial for you to consult with the Personnel Department before your leave, if possible. Your supervisor or the Personnel Department may require you to periodically report while on leave.

Holidays while on FMLA leave will be paid if you are in a paid status on the shift before and after the holiday as according to the policy outlined in section 7.0. Work holidays falling on days when an employee is out on FMLA will count toward the employee's statutory 12 week entitlement, if the employee is out for the entire workweek.

HEALTH BENEFITS

The County will maintain your health insurance coverage while on approved FMLA. You are required to continue to pay your portion of any health insurance premiums normally deducted from your paycheck. This amount shall be paid before the first of the month for the next month's coverage by tendering a check payable to Lee County Commission. If you fail to make the required payments for health coverage within 30 days of the date that such payments are due, health coverage will be discontinued. All outstanding premiums due Lee County will be deducted from your pay upon return. If you are on an intermittent or reduced schedule, you must maintain a schedule representing 60% of full-time in order to maintain benefits eligibility. (For the standard 40 hour workweek, the employee must work at least 24 hours to maintain benefits eligibility). If you notify the County that you are not returning from leave, the County shall terminate your health benefits and you will no longer have a right to reinstatement to the same or equivalent position. You will however, be entitled to continuation of health benefits in accordance with the Consolidated Omnibus Budget Reconciliation Act ("COBRA") and the provisions of the health plan. The repayment of premiums may be required of you under certain circumstances.

RETURN TO WORK

If the time you are projected to be absent proves longer or shorter than anticipated, you will be required to

provide reasonable notice (i.e., within two business days) of the changed circumstances when foreseeable. If your leave does not exceed the total time allowed under this policy and at the election of the Appointing Authority, you will be returned to your same position or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment, unless you would have been terminated in the absence of any leave. If your absence was due to your own personal health condition, at least two days prior to your anticipated return, a *Medical Release to Return to Work Form* completed by your physician must be received and approved by the Personnel Department before returning to work. If you fail to provide Medical Clearance Certifications/Fitness for Duty Releases, job restoration may be delayed until it is provided, or reinstatement may be denied. The County reserves the right to make additional medical inquiries and/or require follow-up examinations, at its expense, to ensure that employees can safely perform all the functions of the job. Employees in safety sensitive positions that have been out for extended periods (twenty-one [21] calendar days) of approved leave shall be required to undergo a return to duty controlled substance and/or alcohol test before returning to duty.

Employees who fail to return to work after FMLA leave shall be treated as having voluntarily terminated their employment.

You may not engage in gainful employment while on authorized leave unless written permission is granted in advance by the County Commission.

You and the County have various rights and obligations under FMLA. For further information regarding the County's policy, benefit status while on leave, or FMLA in general, contact the HR/Safety Manager. This is a summary of the County's FMLA policy; a full, detailed copy of the County's FMLA policy may be obtained from the Personnel Department.

SUMMARY AND A CLOSING WORD

The material presented in this handbook in regard to policies, benefits and relationships is, of course, in a condensed form. For further clarification or a full description of any policy outlined in this handbook, please ask your supervisor, department head, Appointing Authority or the Personnel Department.

While the County intends to continue the foregoing policies, benefits and rules, it reserves the right to make any changes at any time as, in its judgment, may be advisable. At times and in some cases, the application of these principles, rules and policies may be affected by government regulations. We will, of course, fully comply with all laws and government regulations. You may be assured that no changes will be made except after due consideration of the mutual advantages, benefits and responsibilities of the County and its employees.

The information provided in this handbook and its updates and supplements, contains guidelines which reflect general policies and procedures, as well as summaries of County benefit plans, and in no way creates a contract or agreement of employment. Nothing contained in this handbook, its updates, or supplements, alters or prevents the County or the employee from terminating employment at any time for any reason, subject to applicable federal and state laws.

Your eligibility for any particular benefit plan is not established merely by your receiving this handbook. Participation depends upon having qualified under specific plan provisions or, in some cases, upon your voluntary participation. Please refer to each plan to determine your eligibility.

We look forward to a mutually rewarding relationship!

DEFINITIONS

GENERAL

Appointing Authority - The Probate Judge, Sheriff (for applicable Sections), Revenue Commissioner, County Engineer, Chief Administrative Officer, and EMA Director. The Chairman of the Board of Registrars, and District Court Judges (Court Referral Program) work in conjunction with the Chief Administrative Officer as the Appointing Authority of their respective departments.

County - Lee County, Alabama (References to Lee County does not mean the Lee County Commission)

County Commission or Commission - Lee County Commission

Emergency (for overtime purposes) – A temporary situation that poses a direct threat to public safety or health and in which time is of the essence, to the extent that the needs of the emergency are met, an Appointing Authority is allowed to declare emergency overtime compensation for the employees involved.

Family Member - "Family member" includes the employee's spouse, son, daughter, or parent (but not a parent "in-law"). A "son" or "daughter" is any child under 18 who is the biological child of the employee, who is adopted by the employee, or whom the employee supervises on a day-to-day basis and for whom the employee is financially responsible. A "son" or "daughter" is also a child over 18 who are incapable of self-care because of a mental or physical disability. A parent is any individual who assumed day-to-day and financial responsibility for the employee when the employee was a child.

Personnel Department - HR/Safety Manager, Benefits Coordinator, and the HR Technician.

Safety Sensitive Position- Those positions and classifications with the County whose negligent performance may cause harm to the employee, co-employees or public at large. Eligible positions with the County include, but are not limited to, the following:

- (1) Dispatchers
- (2) Emergency Management Agency Personnel if their job duties involve notification of natural disasters, other public safety warnings, and clean ups
- (3) Persons who operate heavy equipment and/or required to operate a County (or other) vehicle in the course of their duties
- (4) Employees with the Highway Department who assist with traffic control and warning duties, including flagging
- (5) Persons who are required to have a commercial drivers license (CDL) to perform the duties of their job position. CDL drivers must not only abide by County regulations, but are subject to testing requirements mandated by the Federal Highway Administration (FHWA) and the Department of Transportation (DOT) pursuant to the Omnibus of Transportation Employee Testing Act of 1991. See, 49 C.F.R. Part 40
- (6) Solid Waste Enforcement Personnel
- (7) Building Inspectors
- (8) Animal Control Personnel
- (9) Detention Center personnel, E-911 dispatchers, operators, deputies, and other persons (as designated by and subject to policy set by the Sheriff) who assist the public with reported emergencies.

Sheriff Service - All jobs/positions in the carrying out of the Sheriff's state constitutional responsibilities which are considered to be regular in nature and these jobs/positions are *included for budgetary and administrative purposes* in the pay and classification position plan as adopted and amended by the County Commission. All classes, types and levels of Deputies, Dispatchers (Communications), Correction Personnel (including Medical), Civil Processors, Court Security, and Transport Personnel.

SUBSTANCE ABUSE POLICY DEFINITIONS

County Premises - includes all property owned, leased, used or under the control of Lee County, including, but not limited to, the job site of any employees, structures, building offices, facilities, vehicles and equipment, or transportation to and from those locations while in the course and scope of County employment.

Employee - means any and all employees of the County including other personnel hired, appointed, or supervised by elected officials or Appointing Authorities which operate with County funds.

Alcohol - means distilled or fermented beverage containing ethyl alcohol, including beer and wine.

Controlled Substance - means any substance defined or classified as a controlled substance according to law. Title II of the Comprehensive Drug Abuse Prevention Act of 1970 (Controlled Substance Act), as it is amended from time to time, provides the basic standard. Controlled substances include, but are not limited to, any and all forms of marijuana, stimulants or hallucinogens, the sale, purchase, transfer, use or possession of which are prohibited or restricted by law.

Illegal/ Unauthorized Drug - means any drug which is legally obtainable but has not been legally obtained or illegal/unauthorized drugs, prescribed drugs not legally obtained, and prescribed drugs not being used for prescribed purposes.

Legal Drug - means prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they have been prescribed by an employee's treating physician.

Possession - means actual or constructive care, custody, control or immediate access. Constructive care, custody, control, or immediate access includes but is not limited to, an office, vehicle, or equipment assigned to or used by an employee.

Accident - means any on the job accident. "Accident" includes vehicular accidents, acts or omissions causing an accident or injury to any person, or damage to equipment or property belonging to the County.

Collection Site - means a place designated by the County where employees present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of specified controlled substances and/or alcohol. The site will possess necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and transportation or shipment of the samples to a laboratory.

Under the Influence - means being unable to perform work in a safe and productive manner; being in a physical or mental condition which creates a risk to the safety and well-being of the individual, other employees, or the public and/or having any laboratory evidence of the presence of drugs, or alcohol, or a prohibited or controlled substance in the employee's body.

Medical Review Officer (MRO) - means a licensed Physician (medical doctor) responsible for receiving laboratory results generated by the County's controlled substance and alcohol testing program. The MRO shall have knowledge of substance abuse disorders and have appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his or her medical history and any other relevant biomedical information.

Reasonable Cause - means that the County believes the actions, appearances, or conduct of an employee on duty is indicative of the use of a controlled substance or alcohol.

Substance Abuse - means the possession, use or distribution of illegal drugs, use of alcohol, or abuse of legal drugs in a manner prohibited by county policy.

FMLA POLICY DEFINITIONS

Family member - includes the employee's spouse (as defined or recognized by state law), son, daughter, or parent (but not a parent "in-law"). A "son" or "daughter" is any child under 18 who is the biological child of the employee, who is adopted by the employee, or whom the employee supervises on a day to day basis and for whom the employee is financially responsible. A "son" or "daughter" is also a child over 18 who is incapable of self-care because of a mental or physical disability. A parent is any individual who assumed day to day and financial responsibility for the employee when the employee was a child.

Serious health condition- defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. The "continuing treatment" test for a serious health condition under the FMLA regulations may be met through (1) a period of incapacity of more than three consecutive, full calendar days plus treatment by a health care provider twice, or once with a continuing regimen of treatment, (2) any period of incapacity related to pregnancy or for prenatal care, (3) any period of incapacity or treatment for a chronic serious health condition, (4) a period of incapacity for permanent or long-term conditions for which treatment may not be effective, or (5) any period of incapacity to receive multiple treatments (including recovery from those treatments) for restorative surgery, or for a condition which would likely result in an incapacity of more than three consecutive, full calendar days absent medical treatment.

Health Care Provider -s any doctor of medicine or osteopathy, podiatrist, dentist, clinical psychologist, chiropractors (certain limitations apply), optometrist, and nurse practitioner, or nurse midwife performing within the scope of their practice as defined under state law.

Active Duty - duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

Contingency operation - has the same meaning given such term in section 101(a)(13) of title 10, United States Code.

Covered Servicemember - a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

Outpatient status- with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to: a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

Next of kin- used with respect to an individual, means the nearest blood relative of that individual.

Serious injury or illness- in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the servicemember in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

**RECEIPT OF HANDBOOK
AND ACKNOWLEDGMENT OF TERMS**

v. April 2010

I have received my copy of the Lee County Employee Handbook which outlines certain policies, practices and employee benefit guidelines relating to my employment with the County. I acknowledge my responsibility to read and understand the information contained in the handbook and further understand that this receipt will be placed in my personnel file.

I hereby consent to compensatory time off as a method of compensation for all overtime hours worked as described in the handbook.

As an employee of Lee County, I recognize and understand the policy regarding the Lee County's electronic and voice mail systems, and computers. I am aware that violations of this policy may subject me to disciplinary action, up to and including discharge from employment.

I understand that the policies, practices and employee benefits described in the handbook are general guidelines that are subject to change and revision at the discretion of the County at any time. Therefore, it is understood that changes in policies may supersede, revise or eliminate the policies, practices and benefits in the handbook.

* I further understand that the handbook does not constitute a contract of employment, or a contract of employment for any specific duration, and that my employment relationship is terminable at will and may be ended by either the County or me at any time for any reason.

* I understand that each department may adopt additional policies tailored to its specific needs. Such policies are to be read consistently with those included in this handbook. In the event information contained in a departmental policy statement is inconsistent with the provisions of this handbook, the handbook statement governs.

NOTE: Sheriff's Office Employees serve at the pleasure of the Sheriff for the carrying out his/her State Constitutional responsibilities and should refer to the Sheriff's Office Employees section below for replacement of the above two noted (*) paragraphs.

Print:

Employee Name: _____ Department: _____

Employee Signature

Date

Witness

Date

SHERIFF'S OFFICE EMPLOYEES ONLY:

_____ I further understand that the handbook does not constitute a contract of employment, or a
initial contract of employment for any specific duration, and that my employment relationship is terminable at will and may be ended by either the Sheriff or me at any time for any reason.

_____ I understand that the Sheriff's Office may have internal policies and procedures that exceed or
initial parallel County policies and should be referenced for certain areas in this handbook as marked.

