



# **CULLMAN COUNTY COMMISSION EMPLOYEE HANDBOOK**

**Cullman County  
Personnel Policies  
and Procedures**



**ADOPTED  
February 23, 2016  
REVISED  
March 8, 2016**

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## Introduction

We are pleased to introduce the revised Cullman County Commission employee handbook. This handbook has been designed to outline and summarize basic personnel policies, employee benefits, employee responsibilities and employee rights. This handbook is intended to be a useful tool for all Cullman County Commission employees. Compliance with this handbook, departmental rules and regulations, and any other County policy is mandatory for all employees, regardless of status or type unless exempted by law or statute.

This handbook was developed to provide general guidelines about the Cullman County Commission's policies and procedures for employees; however, it does not contain promises to any employee about how any particular situation will be handled. It is a guide to assist employees in becoming familiar with some of the benefits and obligations of employment. None of the guidelines in this handbook are intended, or to be construed as a guarantee of employment for any specific period of time of any specific type of work. These guidelines are subject to modification, amendment or revocation by the Cullman County Commission at any time, without advance notice.

Each department of the County may develop additional policies and procedures relating to their department, at their discretion. Additional policies and procedures may be more restrictive than the provision of this handbook, but may not be less restrictive.

It is the intention of the Cullman County Commission to adhere to all applicable state and federal laws, rules and regulations. Any personnel policy found to be in conflict with a state or federal law, specifically in accordance with *Ala. Code §45-22-120, et seq.*, as amended, will be changed to ensure compliance with the law.

**This handbook revokes and supersedes all prior handbooks, amendments and any policy or communication related to the employee handbook.** It is your responsibility to ensure you have the most up-to-date version of the handbook. All questions pertaining to information found in this handbook should be referred to your Supervisor, Department Head or the Personnel Department.

**Cullman County is an Equal Opportunity Employer**

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## I. General Personnel Policies

### I-A. Equal Employment / Workplace Discrimination Policy

Cullman County is an Equal Opportunity Employer and complies with all applicable state and federal laws, rules and guidelines, including, but not limited to, Title VII of the Civil Rights Act of 1964, governing discrimination in employment. Cullman County recruits, selects, trains and promotes all employee without regard to race, color, sex, religion, national origin, age, marital status, sexual orientation, political belief, actual or perceived disability or history of disability, genetic information, or status as a Vietnam-era or special disabled veteran except where specific age, sex or physical constitute a bona fide occupational qualification that is necessary to proper and efficient administration.

The Cullman County Commission hereby establishes and reaffirms its commitment to a clearly defined Equal Employment Opportunity Program (EEO) as set forth by the following guidelines:

- Equal opportunity for all our citizens is a historic American ideal, and it is the policy of the Cullman County Commission to maintain equal employment opportunity in the public service position of county government by considering job applicants and employees for hiring and advancement on the basis of job-pertinent individual differences and not on the basis of the extraneous factors such as race, religious creed, color, national origin, ancestry, sex, marital status, sexual orientation, medical condition, age or disability. The objective of this program is to continue to ensure nondiscrimination in all employment related decision.

### I-B. Non-Harassment Policy

Cullman County is committed to creating a workplace free from the unlawful harassment of employees by other employees and officials, or the unlawful harassment of its officials and employees by its vendors, customers or visitors. Likewise, Cullman County will not accept the unlawful harassment of a vendor, customer or visitor by any employee of Cullman County.

In keeping with the spirit and the intent of federal and state law, Cullman County strives to provide a comfortable work environment. Cullman County Commission is committed to a workplace that is free of discrimination and harassment based on race, sex, religious creed, color, national origin, ancestry or citizenship, disability or medical condition, age, or any other basis protected status. Same-sex harassment is also unlawful. Offensive or harassing behavior against any employee will not be tolerated. In addition, those County employees in a supervisory or managerial position will be responsible for taking proper action to end such behavior in their work areas.

In an effort to prevent sexual harassment and other forms of harassment from occurring, this policy against harassment will be communicated to each employee. No Cullman County employee is exempt from this policy.

#### 1. Prohibited Behavior.

Offensive conduct or harassment that is of a sexual nature or based on race, sex, religious creed, color, national origin, ancestry or citizenship, disability or medical condition, age, or any other basis protected status is prohibited. This includes, but is not limited to:

- a. Physical actions, written or spoken language and graphic communications;
- b. Unwelcome and unwanted physical contact;
- c. Graphic or suggestive comments about an individual's dress or body;
- d. Sexually degrading words to describe an individual;
- e. Expectations, requests, demands or pressure for sexual favors;
- f. The display of sexually suggestive objects or pictures, including nude photographs;
- g. Slurs, jokes, posters, cartoons and gestures that are offensive in nature.

The above-mentioned conducts are prohibited forms of harassment when any or all of the following is/are true:

- h. There is a promise or implied promise of preferential treatment or negative consequence regarding employment decisions or status;

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- i. Such conduct is intended to or has the effect of creating an intimidating or hostile or offensive work environment, or unreasonably interferes with a person's work performance;
  - j. A third party is offended by the sexual conduct or communications of others.

Cullman County encourages employee to address harassment directly when it occurs. Any incident of harassment shall be reported immediately to the Personnel Department or the respective Appointing Authority, Appointed Department Head, or supervisor in the manner as described under the section *I.C Equal Employment Opportunity/Employment Grievance Procedures*. If an employee is not satisfied with the results or action(s) taken as a result of his or her initial complaint, then the employee must report his or her complaint to the County Administrator.

All complaints for harassment will be investigated, and the results of the investigation will be reported to the complaining party. Investigation of a harassment complaint may include, but is not limited to, interviewing the complaining and accused parties as well as other employees and/or vendors necessary to obtain sufficient information upon which to make an assessment of the situation. While Cullman County will make every effort to be sensitive to privacy issues, there is no guarantee of confidentiality. Retaliation and/or discrimination against an employee who complains of harassment are strictly prohibited and also may be a violation of Title VII.

As with any form of harassment, the employee has the responsibility to report sexual harassment to an appropriate authority as soon as possible. He or she may report the harassing behavior to his or her immediate supervisor, Appointing Authority, Appointed Department Head, or the Personnel Department. The complaint of sexual harassment will be investigated promptly and impartially, with confidentiality maintained to the greatest extent possible. The complaining employee will be advised of the findings following the investigation.

Any employee, supervisor or Appointed Department Head who is found to have engaged in any form of harassment of another employee will be subject to appropriate disciplinary action, up to and including termination. Likewise, any employee, who has knowledge of such behavior, yet takes no action to report it or in the case of supervisors and managers, to end it, is also subject to disciplinary action.

If the complaining employee is dissatisfied with the outcome of the investigation, or if any form of harassment persists or re-occurs, the employee has the responsibility to report the occurrence or re-occurrence to the appropriate authority as soon as possible.

### **I-C. Equal Employment Opportunity / Employment Grievance Procedures**

If an employee or applicant feels he or she has been a victim of discrimination, the employee (or applicant) shall file a written complaint. Complaints by employees should be addressed to the employee's supervisor; if the supervisor is the subject of the complaint, it should be addressed to the employee's Appointed Department Head. Employees employed under the Revenue Commission Office should address the complaint to the Revenue Commissioner; employees employed under the Probate Office should address the complaint to the Probate Judge. If the Appointed Department Head, Revenue Commissioner or Probate Judge is the subject of the complaint, or if for any reason the employee is unable to follow this process as outlined, the complaint should be directly filed with the Human Resources (HR) Specialist, who would also serve as the EEO Officer for that purpose.

The written complaint should contain the following:

1. Date(s), time(s) and Location(s) of the incident/incidences that took place;
2. Description of each incident, including a statement as to any physical contact made and as to what was said and/or done;
3. Name(s) of witnesses, if any; and
4. The names of anyone with whom incident/incidences have been discussed.

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All complaints of discrimination will be investigated, and the results of the investigation will be reported to the complaining party. Investigation of a discrimination complaint may include, but is not limited to, interviewing the complaining party as well as other employees and/or others necessary to obtain sufficient information upon which to make an assessment of the situation. While every effort will be made to be sensitive to privacy issues, in the course of an investigation, Cullman County will discuss relevant information with appropriate parties on a need-to-know basis; and therefore, the information provided during the investigation may not be kept confidential. A record of the complaint and findings will become a part of the complaint investigation records and the file will be maintained separately from your personnel file.

The HR Specialist is principally responsible for investigating violations of the personnel policies of Cullman County. When appropriate the HR Specialist may explore informal means to resolve discrimination complaints. Informal dispute resolution procedures may include, but are not limited to, counseling the alleged violator or serving as a mediator between the two parties.

When the matter cannot be resolved informally, the HR Specialist or the appropriate party may prepare a written report of the investigation and a recommendation. Recommendations can include discipline for the violator as well as the restoration of any employment terms, conditions, or opportunities the complainant lost or was denied because of the discrimination.

If an employee is not satisfied with the resolution of the initial complaint, then the employee shall bring the complaint to the County Administrator in writing. The County Administrator will decide whether to approve the HR Specialist's recommendation, dismiss the complaint or order further investigation. In the event the complaint is against the County Administrator, the HR Specialist will submit his or her recommendation to a Department Head, not associated with the complaint, who will decide whether to approve the HR Specialist's recommendation, dismiss the complaint or order further investigation.

#### **I-D. Non-Disciplinary Administrative Grievance Procedures**

A grievance may be a complaint regarding some matter considered by an employee as unresolved and otherwise unsettled by Cullman County Commission procedure, rule or regulation already in effect.

##### *Step 1. (Applicable to Employees and Supervisors)*

The employee is expected to make every effort to resolve problems as they occur through informal means. Therefore, within five (5) calendar days after an employee knows, or should have known, of an alleged violation or misapplication of a Cullman County personnel rule, regulation or procedure, the employee shall discuss the grievance with his or her immediate supervisor or the next highest supervisor if the problem is with the immediate supervisor (collectively hereafter "supervisor"). If this informal discussion fails to resolve the problem, the employee should prepare a written description of the problem at issue, including reference to any applicable personnel rule, regulation or procedure, the discussion that was held with the supervisor and why the employee feels that no acceptable resolution was reached in the discussion. Any such written description shall be prepared and provided to the supervisor in question within three (3) working days of the discussion.

The supervisor should provide the employee an answer within three (3) working days of this initial meeting or receipt of said written description. The employee's signed written description of the grievance along with the response of the supervisor is required at this level.

##### *Step 2. (Employee, Supervisor, Appointing Authority or Appointed Department Head)*

Within three (3) working days from the receipt of the supervisor's final decision, the employee shall have the right to forward the decision to his or her Appointed Department Head. In the event the Appointed Department Head is actually the immediate supervisor, then to the Appointing Authority. Employees working in the Office of the Revenue

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Commissioner shall forward the decision to the Revenue Commissioner, and employees working in the Probate Office shall forward the decision to the Probate Judge. The appeal to the Appointed Department Head or the Appointing Authority must be in writing, must describe and attach the decisions of the employee's supervisor and Appointed Department Head and must specify the relief sought. The Appointing Authority or Appointed Department Head shall furnish the employee an answer within three (3) working days of receipt of the appeal forwarded by the employee.

Written record of the grievance is required by the Appointing Authority and/or Appointed Department Head and shall include the following:

1. A statement of rules, regulations or procedures that have been violated or misapplied, with the dates and descriptions of such violations or misapplication signed by the employee;
2. A copy of the written action taken by the supervisor;
3. The specific remedy that is being sought signed by the employee;
4. The specific final action of the Appointing Authority or Appointed Department Head with respect to the grievance signed by the Appointing Authority or Appointed Department Head; and
5. Any decision of the Appointing Authority or Appointed Department Head will be final in all matters that do not concern the termination, suspension without pay or involuntary demotion of an employee who has completed the probationary period.

#### **I-E. Anti-Retaliation**

Cullman County is committed to providing a work environment in which employees may complain about alleged discrimination or other problems, including harassment, without fear of retaliation. The County strictly prohibits discrimination against an employee because he or she has made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing regarding such alleged practices.

Any employee who wants to report an incident of retaliation should promptly report the matter. Employees can raise concerns and make reports without fear of reprisal or retribution. Any employee, supervisor, Appointing Authority or Appointed Department Head who becomes aware of possible retaliation shall promptly advise any of the persons listed above. Anyone engaging in retaliation will be subject to disciplinary action, up to and including immediate termination of employment.

#### **I-F. Workplace Rules of Conduct**

One of the County's paramount principles is to demonstrate respect and dignity in service to the citizens of Cullman County and interactions with each other. To assure orderly operations and provide the best possible work environment, the County from time to time establishes general work rules. Although it is not possible to list all the forms of behavior that are considered unacceptable in the workplace, the following are examples of some of the types of infractions which can result in disciplinary action up to and including termination. In order to avoid such severe consequences, just follow simple common sense, read and understand this list of examples and ask management before engaging in any questionable activity. Many of these policies and rules are outlined elsewhere in this handbook.

Examples of workplace rules of conduct for which an employee will be subject to progressive discipline under the Progressive Disciplinary Policy from counseling up to and including termination include, but are not limited to, the following:

1. Insubordination or lack of cooperation;
2. Failing to follow instructions or to perform work as requested;
3. Failing to meet reasonable standards of efficiency and productivity, or otherwise unsatisfactory job performance and/or repeated substandard work;
4. Unauthorized or excessive absences (including failure to report for work, late arrival, early departure or unauthorized absence from duty) from work;
5. Excessive break time or repeatedly attending to personal affairs on work time;

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6. Sleeping or giving the appearance of sleeping while on County property or during the time in which the employee is supposed to be working; or
  7. Failure to prepare and submit required reports and/or records in a timely manner.

Examples of workplace rules of conduct for which an employee may be subject to a letter of reprimand or other disciplinary action up to and including immediate termination as set forth in the progressive disciplinary policy include, but are not limited to, the following:

8. Abusing, damaging, wasting, stealing, inappropriately removing or possessing County property, records or the property of other employees.
9. Falsifying the employment application or making misrepresentations on any other personnel records;
10. Falsifying County reports or committing fraud with regard to any records (including time records, expense accounts, absence excuse, etc.);
11. Fighting, threatening violence or otherwise starting a disturbance on County premises or while performing job duties, including, but not limited to, assaulting or intimidating a County employee or non-employee;
12. Reporting to work in a condition unfit to perform his or her duties, including reporting to work with measurable amounts of illegal drugs, intoxicants, or controlled substances in the employee's system or being under the influence of alcohol or drugs or controlled substances;
13. Possessing, consuming or selling alcohol, illicit drugs or controlled substances on County premises or while performing job duties and/or any violation of the County Drug-Free Workplace Policy;
14. Violating a County safety, fire prevention, health, or security rule, policy or practice – or creating or contributing to unhealthy or unsanitary conditions;
15. Boisterous or disruptive activity or horseplay in the workplace;
16. Conduct leading to damage of County-owned property;
17. Disclosing unauthorized confidential County information;
18. Unauthorized solicitation or distribution on County property.
19. Sexual, racial or other unlawful harassment or any violation of the Rules of Conduct or Harassment policies;
20. Failing to fully cooperate in any County investigation;
21. Failure to notify the County of wrongdoings of co-workers or for violation of any rules, regulations or law;
22. Failing to notify the County of an accident as soon as possible.
23. Abuse of phone or other communication systems for personal use;
24. Abuse or misuse of County telephone system, computer system or data;
25. Entering a restricted area without authorization;
26. Not being truthful or attempting to mislead or evade a direct question or inquiry from any supervisor or County official; or
27. Multiple or repeated violations of workplace rules or conduct.

*The above list is not all encompassing or all-inclusive.*

### **I-G. Workplace Violence Prevention**

Cullman County Commission is committed to maintaining a safe environment and preventing workplace violence. All employees should be treated with courtesy and respect at all times. Conduct that threatens, intimidates or coerces another employee, a client, or a member of the public at any time, including off-duty periods, will not be tolerated. Within the sole discretion of the county, any employee who engages in workplace violence will be disciplined, up to and including immediate termination of employment with no further warning.

In an effort to prevent violence that may occur during business hours or on County premises, the Commission has developed these guidelines to identify and define prohibited conduct, which includes, but is not limited to, the following:

1. Physically or verbally threatening another individual;

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2. The intentional destruction or threat of destruction of County property or a co-employee's property while at work;
  3. Harassing or threatening phone calls or written communications;
  4. Stalking;
  5. Advocating or threatening the illegal use of weapons or bombs;
  6. Threats or attempt to commit suicide;
  7. Fighting;
  8. Horseplay;
  9. Bullying;
  10. Offensive profanity; or
  11. Advocating or threatening revenge based upon a workplace occurrence.

All threats of violence, violent acts, potentially volatile situations and all conduct prohibited by this policy should be reported as soon as possible to the supervisor. This includes threats by employees, as well as threats by clients, vendors, solicitors or other members of the public. Reports should be as specific and detailed as possible. Additionally, any emergency, crisis or situation posing imminent danger should be immediately reported to 911. As soon as practical, notify the Appointing Authority, Appointed Department Head or supervisor.

The County will promptly and thoroughly investigate all reports. The identity of the individual making a report will be protected as much as is practical. No person will be subject to retaliation or reprisal because of making a report. In order to maintain workplace safety and the integrity of its investigation, the County may place employees on administrative leave, either with or without pay, pending investigation. Employees charged with a crime may be placed on administrative leave without pay for a maximum of ten (10) days for investigation.

Anyone determined to be responsible for threats of violence, violent acts or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

Employees are also strictly prohibited from using, possessing or concealing any weapon, including but not limited to handguns, shotguns, rifles, tasers, automatic or semi-automatic weapons, or other firearms, and knives with blades more than three (3) inches in length, while on any Cullman County property. This prohibition does not apply to materials specifically authorized by the county for use on-the-job or another job-related purpose or such weapons left in the employee's vehicle if otherwise permitted by law. Any employee who violates this provision against weapons will be disciplined, up to and including immediate termination of employment, within the discretion of the Cullman County Commission.

Cullman County encourages employees to bring their disputes or differences with other employees to the attention of the supervisor before the situation escalates into potential violence. The County is eager to assist the resolution of employee disputes and will not discipline employees for raising such concerns.

#### **I-H. Technology Use Policy**

To remain competitive, better serve our citizens and provide our employees with the best tools to do their jobs, Cullman County makes available to our workforce access to one or more forms of electronic media and services, including computers, e-mail, telephones, fax machines, external electronic bulletin boards, wire services, online services, intranet, Internet and the World Wide Web.

Cullman County encourages the use of these media and associated services because they can make communication more efficient and effective and because they are valuable sources of information about vendors, customers, technology and new product and services. However, all employees and everyone connected with the organization should remember that electronic media and services provided by the county are county property and their purpose is to facilitate and

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support county business. All computer users have the responsibility to use these resources in a professional, ethical and lawful manner.

To ensure that all County employees are responsible, the following guidelines have been established for using e-mail and the internet. No policy can lay down rules to cover every possible situation. Instead, it is designed to express Cullman County Commission's philosophy and set forth general principles when using electronic media and services.

1. **Prohibited Communications.** Electronic media cannot be used for knowingly transmitting retrieving, viewing or storing any communication that is:
  - a. Discriminatory or harassing;
  - b. Derogatory to any individual or group;
  - c. Obscene, sexually explicit or pornographic;
  - d. Defamatory or threatening;
  - e. In violation of any license governing the use of software; or
  - f. Engaged in for any purpose that is illegal or contrary to Cullman County's policy or business interests.
  
2. **Personal Use.** The computers, electronic media and services provided by Cullman County are primarily for business use to assist employees in the performance of their jobs. Limited, occasional or incidental use of electronic media (sending or receiving) for personal, non-business purposes is understandable, and all such use should be done in a manner that does not negatively affect the systems' use for their business purposes. However, employees are expected to demonstrate a sense of responsibility and not abuse this privilege.
  
3. **Access to Employee Communications.** Generally, electronic information created and or/communicated by an employee using e-mail, word processing, utility programs, spreadsheets, voicemail, telephones, Internet and bulletin board system access, and similar electronic media is not review by the County. However, the following conditions should be noted:
  - a. Cullman County does routinely gather logs for most electronic activities or monitor employee communications directly (e.g., telephone numbers dialed, sites accessed, call length and time at which calls are made, for the following purposes:
    - i. Cost analysis;
    - ii. Resource allocation;
    - iii. Optimum technical management of information resources; and
    - iv. Detecting patterns of use that indicate employees are violating County policies or engaging in illegal activity.
  - b. Cullman County reserves the right, at its discretion, to review any employee's electronic files and messages to the extent necessary or reasonably calculated to ensure electronic media and services are being used in compliance with the law, this policy and other county policies.
  - c. Employees should not assume electronic communications are completely private. Accordingly, if they have sensitive information to transmit, they should use other means.
  
4. **Software.** To prevent computer viruses from being transmitted through the County's computer system, unauthorized downloading of any software is strictly prohibited.
  
5. **Security / Appropriate Use.**
  - a. Employees must respect the confidentiality of other individuals' electronic communications. Except in cases in which explicit authorization has been granted by Cullman County Commission, employees are prohibited from engaging in, or attempting to engage in:
    - i. Monitoring or intercepting the files or electronic communications of other employees or third parties;

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- ii. Hacking or obtaining access to systems or accounts they are not authorized to use;
      - iii. Using other people's log-ins or passwords, and
      - iv. Breaching, testing or monitoring computer or network security measures.
    - b. No e-mail or other electronic communications can be sent that attempt to hide the identity of the sender or represent the sender as someone else.
    - c. Electronic media and services should not be used in a manner that is likely to cause network congestion or significantly hamper the ability of other people to access the use of the system.
    - d. Anyone obtaining electronic access to other companies' or individuals' materials must respect all copyrights and cannot copy, retrieve, modify or forward copyrighted materials except as permitted by the copyright owner.
  6. Social Media. Employees are prohibited from engaging in any internet blogging, online social networking, or other form of online publishing or discussion activities ("Online Social Networking and Blogging Activities") while on County time, County property, or County business unless they have the advance approval for County-directed postings.

Even on their own time, employees engaging in Online Social Networking and Blogging Activities are subject to all of the County's policies and procedures, including, but not limited to, the County's policies prohibiting any type of employment discrimination or harassment.

Employees engaging in Online Social Networking and Blogging Activities are expected to remain respectful of the County, and its employees, its services, and should not post any material that is obscene, vulgar, defamatory, threatening, discriminatory, harassing, abusive, hateful or embarrassing to another person or entity, and should not engage in any activity that reflects or may reflect negatively on the County, its employees, its services, or contains any content prohibited by the County's policies and procedures.

Employees should make it clear in any Online Social Networking and Blogging Activities that the views and opinions they express about work-related matters are their own, have not been reviewed or approved by their employer, and do not necessarily represent the views and opinions of their employer.

Employees should understand that they are personally responsible for the commentary they express and the material they post while engaging in Online Social Networking and Blogging Activities.

7. Encryption. Employees can use encryption software supplied to them by the systems administrator for purposes of safeguarding sensitive or confidential business information. Employees who use encryption on files stored on a County computer must provide their supervisor with a sealed hard copy record (to be retained in a secure location) of all the passwords and/or encryption keys necessary to access the files.
8. Property Rights. The computer operating systems, software, equipment, accessories, computer files (diskettes, hard drives and CDs), e-mail, PDA, internet, telephone voice mail, cell phones, pagers and all other systems where data can be stored are the dole and exclusive property of Cullman County.
9. Violations. Any employee who abuses the privilege of their access to e-mail or the Internet in violation of this policy will be subject to corrective action, including possible termination of employment, legal action, and criminal liability.

#### **I-I. Americans with Disabilities Act (ADA)**

Cullman County Commission complies with the Americans with Disabilities Act of 1990, Public Law 101-336 (ADA), which prohibits discrimination on the basis of disability. The ADA prohibits employers with fifteen (15) or more employees from discriminating against qualified job applicants and employees who are or become disabled.

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Cullman County Commission is committed to providing reasonable accommodations to qualified individuals with disabilities, unless it would impose an undue hardship on the employer. If an employee has a disability, he or she may request a reasonable accommodation at any time during the application process or during the period of employment. The employee, the employee's health professional, or any other representative acting on behalf of the employee may request an accommodation. This may be done verbally or by completing a reasonable accommodation request form. This form may be obtained from the employee's supervisor of the Cullman County Personnel Department.

Reasonable documentation from an appropriate healthcare or rehabilitation professional may be required to establish that an employee has an ADA disability and that the disability necessitates a reasonable accommodation.



*If you have a disability and need accommodation to perform your job duties or to receive any regular benefit or condition of employment, you should make the request to your supervisor verbally, in a written note or memo or by using a special form. Any other person may assist in making this request.*

#### **I-J. HIPAA**

Cullman County Commission complies with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and follows guidelines involving the protected health information of employees and dependents. Contact the Personnel Department for information on how to obtain a copy of the Health Insurance Portability and Accountability Act of 1996 policy.

#### **I-K. Dress Code**

The Cullman County Commission seeks to project a positive image and to promote professionalism in the workplace. Employees are required to dress in an appropriate manner consistent to the specific job duties to which he or she is assigned and to exercise good judgment. Appointing Authorities, Appointed Department Heads and supervisors are authorized/required to assure compliance in the particular areas for which they are responsible. Dress codes are left to the discretion of the department head over the department.

During business hours or whenever an employee represents the County, he or she should be clean, well-groomed and wear appropriate clothes.

If an employee's supervisor finds that the employee's personal appearance is inappropriate, he or she will be asked to leave work and return properly dressed and groomed. If an employee is asked to leave, he or she will not be paid for the time away from work.

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

The following examples should help the employee understand the County's personal appearance guidelines:

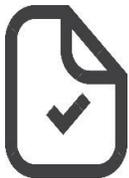
1. Tank tops, tube or halter tops may not be worn under any circumstances;
2. Offensive body odor and poor hygiene is not professionally acceptable;
3. Perfume, cologne and aftershave lotion should be used moderately or avoided altogether, as some individuals may be sensitive to strong fragrances;
4. Facial jewelry and body piercings, such as eyebrow rings, nose rings, lip rings and tongue studs, is not professionally appropriate and must not be worn at work;
5. Torso body piercings with visible jewelry or jewelry that can be seen through or under clothing must not be worn at work;

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6. Footwear should be fastened and secure to feet for safety and shall be appropriate for job duties; and
  7. Skirt length must be no more than two (2) inches above the knee.
  8. Shorts may be worn in certain circumstances in some departments. If shorts are allowed the length must be no more than two (2) inches above the knee. “Short shorts” are not permitted.

### **I-L. Attendance**

Each employee is an important member of the Cullman County Commission team. In order to accomplish this, each employee’s prompt and regular attendance is required.

In case of an illness that would prevent the employee from reporting to work at the scheduled time, notice must be confirmed to his or her supervisor (or designee), next level manager, Appointed Department Head or Appointing Authority. If notice is given, the employee will still be considered tardy once he or she arrives at work. The Appointing Authority and/or Appointed Department Head of the department may further define specific departmental requirements.



***Notice must be confirmed by your supervisor (or designee), next level manager, Appointed Department Head or Appointing Authority to give notification of absence or tardiness. Your Appointing Authority and/or Appointed Department Head may further define specific departmental requirements.***

Failure to provide notification of absence for three (3) consecutive workdays may result in removal from the payroll as having resigned without notice. Employees who resign under such circumstances are not eligible for rehire.

### **I-M. Work Hours and Time Records**

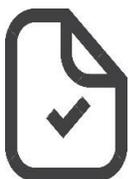
The normal workweek for a full-time employee consists of forty (40) hours depending of the job classification and work location and for a part-time employee less than thirty (30) hours a week on average. Some jobs may require other hours of service. In such cases, the immediate supervisor will inform the employee of the required work hours.

Hourly (FLSA non-exempt) employees will be responsible for completing a time record with the beginning and ending work times, including lunch. This is necessary for payroll calculation of the employee’s earnings.

All salaried (FLSA exempt) employees are expected to accomplish their duties irrespective of the time or days required to do so. Salaried exempt employees will be responsible for recording all time records if he or she is absent from work.

The employee reserves the right to examine and verify his or her personal time record prior to supervisor approval. Employees who willfully falsify a time record will be subject to immediate termination.

A workday may not be shortened by “working through” or reducing the lunch period on a voluntary basis, nor may an employee voluntarily begin work before or after his or her regularly scheduled hours for the purpose of accumulating overtime. Every adjustment to the work schedule requires approval from the employee’s immediate supervisor.



***You will be subject to immediate termination if you willfully falsify your time record. The same consequence applies if you falsify, or interfere with, the time record of any other employee.***

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### **I-N. Payroll Safe Harbor Policy**

It is the policy and practice of the Cullman County Commission to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that the employee is paid properly for all time worked and that no improper deductions are made, the employee must record correctly all work time and review his or her paychecks promptly to identify and to report all errors.

The Cullman County Commission makes every effort to ensure all employees are paid correctly. When mistakes do happen and are called to our attention, we will promptly make any corrections necessary. Each employee should review his or her pay stub when received to make sure it is correct. If a mistake has occurred or if there are any questions, please use the reporting procedure outlined below.

If an employee is classified as non-exempt (Hourly), he or she must maintain a record of the total hours worked each day. These hours must be accurately recorded in the time keeping system provided by the County. Each employee must verify that the reported hours worked are complete and must accurately reflect all regular and overtime hours worked, any absences, late arrivals, early departures and meal breaks. When an employee receives each paycheck, the employee must also verify immediately that he or she was paid correctly for all regular and overtime hours worked each workweek. Any discrepancies will be corrected on the next regular payroll run. No special payroll will be run.

Unless authorized by the employee's supervisor, the employee shall not work any hours that are not authorized, unless authorized to do so by his or her immediate supervisor and that time is recorded on his or her time record. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work the employee may perform but fails to report on his or her time record. Any employee who fails to report or inaccurately reports any hours worked will be subject to potential disciplinary action, up to and including, termination.

It is a violation of the County's policy for any employee to falsify a time record, or to alter another employee's time record. It is also a serious violation of County policy for any employee or manager to instruct another employee to incorrectly or falsely report hours worked or to alter another employee's time record to under- or over-report hours worked. If any supervisor or employee instructs another employee to (1) incorrectly or falsely under- or over-report an employee's hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, the employee should report it immediately to the Personnel Department or County Administrator.

If an employee is classified as exempt (salaried), the employee will receive a salary that is intended to compensate him or her for all hours he or she may work for the County. This salary will be established at the time of hire or when he or she becomes classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount and will not be subject to deductions for variations in the quantity or quality of the work the employee performs.

Under federal and state law, an employee's salary is subject to certain deductions. For example, absent contrary state law requirements, an employee's salary can be reduced for the following reasons:

1. Full day absences for sickness, disability or personal reasons;
2. Partial day absences for sickness, disability or personal reasons when:
  - a. Permission for paid leave has not been sought or has been sought and denied;
  - b. Accrued leave has been exhausted; or
  - c. Employee is granted leave without pay, in accordance with the policies adopted by the Cullman County Commission.
3. Full day disciplinary suspensions for infractions of the Cullman County Commission's written policies and procedures;
4. Family and Medical Leave Absences (either full or partial day absences);
5. The first or last week of employment in the event the employee works less than a full week; or

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6. Suspension without pay for full or partial day absences based on violation of a safety rule or a workplace rule of conduct.

An employee's salary may also be reduced for certain types of deductions such as his or her portion of health, dental or life insurance premiums; voluntary supplemental benefits; state, federal or local taxes and social security; or voluntary contributions to a retirement plan.

If an employee has questions about deductions from his or her pay, please immediately contact the Personnel Department. If an employee believes that his or her pay does not accurately reflect the employee's hours worked, the employee should immediately report the matter to his or her supervisor. If the supervisor is unavailable or if the employee believes it would be inappropriate to contact that person (or if the employee has not received a prompt and fully acceptable reply), the employee should immediately contact the Personnel Department. If an employee has not received a satisfactory response within five (5) business days after reporting the incident contact the County Administrator.

Every report will be fully investigated and corrective action will be taken where appropriate, up to and including discipline for any employee(s) who violates this policy. In addition, the County will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the County's investigation of such reports. Retaliation is unacceptable and any form of retaliation in violation of this policy will result in disciplinary action, up to and including, termination.

#### **I-O. Inclement Weather/Declared Emergency**

Inclement weather/declared emergency usually does not warrant closing of County offices. Absence due to inclement weather/declared emergency requires an employee to make a personal judgment pertaining to his or her safety in traveling to and from work. Loss of work time for this reason is charged to the employee's accrued leave. If an employee has no accrued leave, then the time is charged as leave without pay.

Severe weather/declared emergency may disrupt County operations. In extreme cases these emergencies may require the delayed opening or closing of County facilities for the safety of its employees. The Commission will decide if Cullman County offices will be closed on a normal work day during inclement weather / declared emergency. In the event the closing occurs during non-working hours the Appointing Authority and/or Appointed Department Head will communicate with the Chairman of the Commission, thereafter contacting local radio and television stations for public announcement. However, it is the responsibility of the employee to contact his/her Appointing Authority or Appointed Department Head if they are uncertain of the situation. It shall be the sole decision of the Commission, in determining if employees should be paid for inclement weather/declared emergency causing a delay or closing of County facilities; however, should the Commission elect to not pay employees, accrued leave may be taken, if available. Employees in essential operations (with supervisory approval) who report to work or continue working will at a minimum receive regular pay for time worked.

The Commission will also determine whether certain "critical emergency service personnel" must report to work during inclement weather/declared emergency. Such personnel may include, but are not limited to, employees from:

- Road Department;
- Sanitation Department;
- Water Department
- EMA; and
- Communication and Information Systems

If other employees are needed to assist with services, a supervisor will contact them.

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### **I-P. Central Personnel Files**

It is the intention of the Personnel Department to ensure that all personnel files are accurate, relevant and safe from improper disclosure. Employee information not kept in the central personnel file in the Personnel Department is not deemed part of his or her file. All medical information on the employee is kept in a separate file detached from other files. At no time should an employee's medical information be kept in any place other than in the employee's medical file located in the Personnel Department.

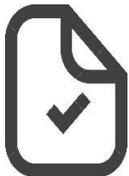
Personal information will be disclosed according to the requirements of public records law and it is the intent of the Personnel Department to inform affected employees of requests for information or access to personnel files. To review a file, contact the Personnel Office at (256) 775-4884 or (256) 775-4879. Individuals shall submit a letter of request to view personnel files, and such letter will be placed in the employee file that was viewed showing who reviewed the file and the date. An employee of the Personnel Department will remain in the room while the file is being reviewed.

It is important that each employee promptly report any changes to the Personnel Department. Other records, such as educational accomplishments, should also be reported as they are factors in consideration for future promotional opportunity. Be sure that the Personnel Department always has an employee's current:

- Address;
- Contact number;
- Marital status;
- Any increase or decrease in number of dependents;
- Any change affecting Social Security records; and
- Correct beneficiary.

There is, however, restricted access to certain types of employee information. The following records of government employees will not be open for inspection by members of the public:

- Unpublished telephone numbers;
- Bank account information;
- Social security numbers;
- Driver's license information – unless driving a vehicle is part of the employee's duties or incidental to the performance of the job; and
- The same information about an employee's immediate family members.



***If you experience a change in educational status, identifying information, or family status, you should report these changes to the Personnel Department at (256) 775-4884 or (256) 775-4879.***

Personnel representatives are the only persons authorized to disclose information, and any phone calls or written inquiries seeking such information shall be directed to the Personnel Department. The County will provide employee information to outside agencies as requested in writing and only when accompanied by the original employee signed authorization for release of information. Information is limited to confirming the dates of employment and job title.

### **I-Q. Performance Appraisals**

The performance appraisal is a systematic method of appraising and strengthening an employee's performance. Supervisors make a rated evaluation based on factors such as quality of work, leadership and initiative, competence and technical skills, attendance and dependability, and responsibility and accountability. He or she reviews the position

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description for any necessary changes and gives feedback about the employee's performance. Together, the supervisor and employee may develop goals to improve job skills and enhance performance.

The Cullman County performance appraisal system is based on a scale of 1.0 – 5.0. An overall score of 3.0 or higher is deemed satisfactory. An overall score below 3.0 is deemed unsatisfactory, and a corrective action plan will be developed by the supervisor and employee, unless disciplinary actions, including, but not limited to, termination, is deemed necessary.

Probationary employees will receive an evaluation prior to the end of the six (6) month probationary period. Probationary employees must receive an overall satisfactory evaluation of at least a 3.0 on a scale from 1.0 – 5.0 to be deemed a classified employee. If a probationary employee receives less than a 3.0 on the evaluation, then the employee will be considered unsatisfactory. At this point the probationary period may be extended for a specific period of time (up to six (6) months) or the employee may be terminated.

Hourly (FLSA non-exempt), non-probationary employees will be evaluated annually, normally during their anniversary date month.

Written performance appraisals will be performed on all salaried (FLSA exempt) employees annually.

All written performance appraisals will be reviewed with the employee and retained in the employee's personnel file.

All County employee pay is evaluated as part of the annual budgeting process. During this process a decision is made on whether the County can afford to increase employee pay, either as a cost-of-living increase or a merit step increase. Therefore, no increases should be requested as part of the performance appraisal process. Pay changes (merit, promotion re-evaluation, etc.) may only be considered for documented increased responsibility, attainment of required training/certification, etc.

### **I-R. Temporary Assignments**

A temporary assignment of a classified employee is defined as a special assignment on a full-time basis for a period not exceeding six (6) months. No salary or salary range adjustment are generally made for temporary assignments. The performance review cycle continues and is based on the wage rate assigned to the employee's non-temporary position with Cullman County.

### **I-S. Cross-Training**

To promote efficiency within an office, an Appointing Authority or Appointed Department Head may require employee's to cross-train and perform tasks contained in the position description of an employee's position that have not previously been performed by the employee in lieu of, or in addition to, the tasks generally assigned to the employee. No pay or pay range adjustments are made for cross-training or the performance of these tasks. The performance review cycle continues and is based on the wage rate assigned in relation to the employee's generally assigned tasks.

### **I-T. Promotions**

Cullman County continually strives to promote and fill job vacancies on an equal opportunity basis. Promotions are based on an objective evaluation of each vacancy and the candidates involved. When possible, Cullman County will promote from within and will first consider employees with the necessary qualifications and skills, unless outside recruitment is deemed to be in the best interest of the County. However, to be eligible for a promotion, the employee must be able to meet the requirements of the new position, must have satisfactory performance, must have held their current position for at least six (6) months and must have no adverse disciplinary actions during the same time period. All promotions will result in an hourly/salary rate increase of no less than two (2) pay steps over the previous pay and no less than the lowest hourly rate/salary applicable for the new position.

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Notwithstanding anything contained in this employee handbook to the contrary, all funding for increases in pay must be approved in the fiscal year budget by the Cullman County Commission, in its discretion, and may be suspended and/or frozen at any time and for any reason deemed appropriate by the Cullman County Commission.

Employees may view job postings on the central job posting area outside the Personnel Department, on bulletin boards at various locations throughout the County system or on the Cullman County external website ([www.co.cullman.al.us](http://www.co.cullman.al.us)) Selected openings may be advertised through various means.

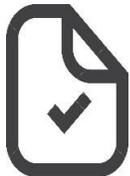
Cullman County reserves the right to fill department vacancies, which result in a promotion, within the employee's current department without posting the position.

### **I-U. Transfers and Reassignments**

It is the policy of the Cullman County Commission that it may, at its discretion, initiate or approve employee job transfers at any time. A regular status classified full-time or part-time employee may be transferred by his or her Appointing Authority or Appointed Department Head to a comparable vacant classified full-time or part-time position of the same range and category of service in the same department for which he or she is qualified.

A regular status classified full-time or part-time employee may also be transferred to a comparable position in another department, if he or she is qualified for the position, both Appointing Authorities or Department Heads agree and the transfer is approved by the County Commission.

A regular status classified full-time or part-time employee may request a voluntary lateral job transfer outside his or her department, within the same grade classification, by applying for a posted open position. However, to be eligible for a voluntary transfer, the employee must be able to meet the requirements of the new position, must have satisfactory performance, must have held their current position for at least six (6) months and must have no adverse disciplinary actions during the same time period. An employee that is transferred will not have to complete a probationary period in his or her new position. No pay increase will be given to any employee as a result of a lateral transfer.



*If you want to transfer to another job with the Cullman County Commission, you should submit an application for the desired position (the position must be currently posted). You must have held your current position for at least six (6) months, have satisfactory performance and no adverse disciplinary actions during that time and be qualified for the new position. Transfers are not automatic – you will compete with all other applicants for the vacant position.*

### **I-V. Voluntary Demotion**

A voluntary demotion shall be at the request of the employee. For an employee to request a voluntary demotion, he or she must state the reason for the request in writing and apply for a posted open position. However, to be eligible for a voluntary demotion, the employee must be able to meet the requirements of the new position, must have satisfactory job performance, must have held their current position for at least six (6) months and must have no adverse disciplinary actions during the previous year. All voluntary demotions will result in an hourly/salary rate decrease of no less than one (1) pay step under the previous pay and no less than the lowest hourly rate/salary applicable for the new position.

### **I-W. Resignations**

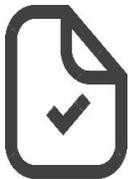
If an employee wants to resign his or her position, he or she should notify his or her immediate supervisor, the Appointing Authority or the Appointed Department Head in writing no less than ten (10) working days before the expected resignation date. Failure to provide such a notice will be recorded in the employee's personnel file and may

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constitute grounds for “no-rehire.” Employees who resign may schedule an appointment with the Personnel Department in order to complete an exit interview. At the time of the separation and prior to final payment, all records, assets and other items of County property in the employee’s custody shall be transferred to the employee’s supervisor, Appointing Authority or Appointed Department Head. Any amount due and owing to the County by the employee because of shortage in the above shall be withheld from the employee’s final check.

After an employee gives notice and prior to the expiration of the ten (10) working days, his or her Appointing Authority or Appointed Department Head can release the employee from the job, provided that all state and federal legal requirements are met. If the Appointing Authority or Appointed Department Head releases the employee prior to the ten (10) working days, the employee will not be paid for the rest of that period and has no grievance rights.

The Personnel Department reserves the right to make deductions from an employee’s paycheck for failure to return County equipment or uniforms (upon leaving employment). The employee’s final check will include all annual leave payout (if applicable) and will be processed by the next pay day following the date of termination.



***To resign your job, give a written notice to either your immediate supervisor or department director. You must do this at least ten (10) working days before your last day of work.***

**I-X. Exit Interviews**

Exit interviews may be conducted with employees before their last scheduled workday in order to inform the employee of his or her rights pertaining to retirement, COBRA or any other information necessary. The employee wishes to request a voluntary exit interview he or she should contact the Personnel Department to schedule a time for the interview.

**I-Y. Rehire**

Employees who leave employment with Cullman County and later wish to return are eligible for consideration for rehire after six (6) months provided an appropriate position is available. This restriction does not apply to employees who leave County employment and are rehired in a part-time or temporary/seasonal position. Former employees rehired by Cullman County will be considered a new hire for purposes of benefits and leave accrual.

**I-Z. Furloughs**

The Commission may implement a furlough by temporarily reducing the hours of work in a class of employees within a department due to budgetary constraints when the Commission determines that revenue is not available to meet the obligations of a department. The furlough is determined by the Commission in any amount and for any length of time necessary depending on the financial needs of the department. The Commission may implement the furlough in hourly increments. The furlough may be implemented department-wide, by classification or by classification series.

An employee may volunteer for furlough, but the Appointing Authority or Appointed Department Head may accept or reject the employee’s request. An employee may not use paid leave in lieu of the scheduled furlough. Employees who are placed on furlough shall be considered in full pay status for benefit purposes, including leave accrual and seniority.

If the employee is required to work on a designated furlough day, the employee shall take another day off.

The status of a salary exempt employee will remain the same as long as the employee continues to meet the salary basis requirements of exemption. The Commission may implement the furlough in the salary equivalent of hourly increments.

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### **I-AA. Reduction in Force**

Whenever it becomes necessary, through lack of funds, curtailment of work, reorganization or for other causes, to reduce the number of employees in a given department and/or classification, the Commission shall determine the procedure for layoff or a reduction in the workforce.

If an employee is discharged because of a reduction in force, as determined by the County Commission, he or she is considered separated from employment, unless another position is offered and the employee accepts another position.

The County Commission, Revenue Commissioner, Probate Judge or Appointed Department Head may propose when a reduction in force is warranted and which employee(s) will be released, and the County Commission shall make the decision whether to approve or deny the reduction in force, subject to any modifications deemed necessary by the County Commission, in its discretion. If an employee loses his or her job through a reduction in force, the employee may apply for other posted positions, now or in the future.

A reduction in force is a separation of employment. The progressive discipline process is not followed when there is a reduction in force, and the appeals process is not available since it is not deemed a disciplinary action.

All layoffs or reductions in workforce must be approved by the Cullman County Commission.

### **I-BB. Tobacco Use / Smoke Free Workplace**

To protect and enhance indoor air quality and to contribute to the health and well-being of all employees, Cullman County facilities and vehicles shall be entirely smoke free. Smoking, including e-cigarettes, is prohibited in all of the enclosed areas within Cullman County work sites, without exception. This includes common work areas, conference and meeting rooms, private offices, hallways, stairs, restrooms, and county owned or leased vehicles and all other enclosed facilities.

No one may smoke along any pathway or walkway leading to or from the designated smoking area.

Additionally, employees may smoke in their personal vehicles, but the smoke and tobacco products must be completely contained within the vehicle. It is not acceptable that either smoking or non-smoking employees are subjected to smoke that they must walk through to reach their vehicle or any other destination on Cullman County property.

While Cullman County makes these areas available to smokers, it in no way has any legal responsibility to do so. Employees who choose to use these smoking areas do so at their own risk. No additional breaks are allowed to any employee who smokes. Finally, smokers and users of tobacco products must dispose of the remains in the proper containers. This helps to keep a neat and clean environment for all employees and visitors.

Failure to comply with all of the components of this policy will result in disciplinary action that may lead up to and including termination.

### **I-CC. Solicitation**

Solicitations by Cullman County employees made to other Cullman County employees are permitted only in non-work areas and during non-work hours.

Non-work areas includes lobbies, hallways, elevators, stairs, sidewalks, parking areas, patios, lunchrooms, or other areas not regularly scheduled for work activities. Non-work hours include before and after scheduled work hours, lunch periods and approved breaks.

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The County does not restrict employee's involvement in activities such as United Way, Relay for Life, or Chamber of Commerce. The County will allow employees to solicit funds for County sanctioned events and activities, such as sending flowers to sick or bereaved co-workers or collecting funds for County sponsored events.

**I-DD. Garnishments and Levies**

In the event that garnishment or similar proceedings are instituted against an employee, the Cullman County Commission will deduct the required amount from the employee's paycheck.



*If your wages are garnished, be sure that all correspondence to your employers is sent to:*

**Cullman County Payroll Department**  
**500 Second Avenue SW, Room 107**  
**Cullman, AL 35055**

**I-EE. Immigration Compliance**

The Cullman County Commission is committed to meeting its obligations under U.S. and State immigration laws. Accordingly, the County does not hire individuals nor continue to employ individuals unless they are legally authorized to work in the United States. Moreover, Cullman County does not discriminate on the basis of citizenship status or national origin in recruitment, hiring or discharge.

**I-FF. Employee Assistance Program Policy**

Cullman County Commission recognizes that substance dependence, psychological, emotional, stress and other behavioral disorders are treatable health conditions and that those affected can be helped to recover. Early intervention and referral by management, employees, families, and employee representatives shall be recognized as necessary to the success of all aspects of this program.

**Eligibility.**

The EAP applies to Cullman County Commission employees and their dependent family members. Eligible employees include permanent, full-time employees who work a standard pay week; permanent, part-time employees who work less than a standard pay week; and all other employees determined as eligible to participate. Terminated employees and/or their dependent families are not eligible for EAP services.

**Referrals.**

1. Self-Referral - Early intervention and treatment are important keys to the success and cost effectiveness of the EAP before an employee's condition progresses to the point where work deficiencies occur. In cases where job performance or work habit problems do occur, however, the EAP will not stand in the place of discipline. It is the responsibility of each employee to maintain his or her performance, attendance, and conduct at an acceptable standard, regardless of EAP utilization.

A self-referral occurs when an employee contacts the EAP staff directly without any intervention from other sources (i.e., management, employee representatives, judicial, etc.). A self-referral is not recorded in an employee's personnel file. All EAP appointment times for self-referral will be made on the employee's off time, when possible.

2. Management Referral -It is the responsibility of management personnel to document performance, attendance, and conduct and to take appropriate steps for correction when needed. An employee may voluntarily enter the EAP if his or her work is being impaired by behavioral disorders. Therefore, in addition to self-referral, management may recommend and refer employees to the EAP before, during, and after steps of discipline.

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Management referral to the EAP in conjunction with formal disciplinary procedures is to be recorded in the employee's personnel record each time said recommendation and/or referral occurs. Management should not attempt to discern or diagnose the behavioral problem(s) that are causing unacceptable work performance. Management should, however, recognize that a problem exists and refer the employee to the EAP. The preliminary diagnosis and the avenue for treatment then becomes the sole responsibility of the EAP staff. If the employee rejects referral, no further EAP services can be rendered. No disciplinary action may be taken against any eligible employee for either accepting or rejecting EAP services. Initial EAP appointment times for management referral should be made on Cullman County Commission time.

3. **Critical Incident Referral** - Critical incidents are those situations in which employees are subjected to trauma. Examples include, but are not limited to a worker involved in a serious injury or the accidental death of a co-worker. In such situations, management shall notify the EAP staff immediately of the incident and give the employee's name. It will then become the responsibility of the EAP to contact, inform, and counsel those employees. Issues that will be brought up include, but are not limited to the EAP services provided and signs and symptoms of post-incident trauma. The EAP staff will notify management of the contact and follow up verbally and in writing.

#### **Disciplinary-Related Referrals.**

When an employee demonstrates deteriorating job performance, attendance, or unacceptable conduct, management personnel will perform an interview focusing on the data recorded that indicates a problem may exist. In addition to using standard methods of discipline, management personnel will inform the employee of the purpose and benefits of the EAP and make the referral. If the employee accepts the EAP referral, the manager/supervisor will then call the EAP staff, report the referral, and describe the deficiencies and prior corrective actions taken. A first appointment will be made for the employee on company time. Every subsequent consultation will be on the employee's off time. The EAP staff will communicate verbally to the referring department and the respective EAP coordinator concerning the employee's acceptance or rejection of the EAP services.

Failure by the employee to comply with the EAP treatment recommendations will result in discharge from the EAP services. Any disciplinary action taken by the Cullman County Commission should not be based on an employee's refusal to use EAP services nor noncompliance thereof after electing to use the EAP services.

The EAP is not intended, nor shall it be used as an implement for employee disciplinary action.

#### **Confidentiality.**

Confidentiality will be observed to the full extent of the law.

#### **Safety and Fitness for Duty.**

When applicable, no employee participant shall be allowed to report to his or her respective work site on receipt of a positive drug or alcohol screen nor be allowed to work after refusal to report for a drug or alcohol screen, as directed by the EAP staff or respective EAP coordinators, until after such time as a negative drug or alcohol screen is received by the EAP. This provision will apply to all Cullman County Commission employees. All EAP participants must agree to this provision before EAP services are provided. Leave provisions will be in accordance with the Cullman County Commission policy. On receipt of a negative drug or alcohol screen, the employee may be authorized to return to work only by the EAP administrator or designee. This authorization is intended for the purpose of safety.

EAP participants who are under duly licensed psychiatric, and/or psychological care should not be allowed to return to work until authorized to do so by the treating professional and the EAP administrator or designee. Return-to-work authorization must be granted in letter form from the treating professional to the EAP administrator or designee and relayed by the EAP provider.

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## **I-GG. Other Policies and Procedures**

Cullman County also has additional policies and procedures, including:

Safety Policies and Procedures Handbook.

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## **II. Classification and Compensation**

### **II-A. Classification of Employees**

The Personnel System of Cullman County and the contents of this handbook apply to all persons employed by Cullman County; however, the following individuals are *not* subject to protection as classified employees under the personnel system of Cullman County unless otherwise specifically provided or clearly implied:

- Elected Officials;
- Voluntary personnel and personnel appointed to serve without compensation;
- Consultants rendering temporary professional service;
- Seasonal, temporary or part-time employees;
- Departmental supervisors (meaning Appointed Department Heads);
- Attorneys rendering legal service;
- Members of Appointed Boards and Commissions;
- Chief deputy sheriff, chief clerk of the judge of probate, chief clerk of the revenue commissioner and the chief clerk of the commission;
- Persons performing work under contract with the County and not carried on the payroll as employees; and
- Persons whose employment is subject to the approval of the United States Government or the State of Alabama.

These are appointed positions and serve at the pleasure of the Appointing Authority or Elected Official and may be terminated or removed from their position at any time with no recourse.

Cullman County has the following classifications of employees:

- **Exempt Employees (see above):** A limited class of employees that serve the County to whom the provisions of the personnel system of Cullman County, as enumerated in *Ala. Code §45-22-120, et seq.*, shall not apply.
- **Classified Employees:** An individual who is assigned to a regular position authorized by the Cullman County Commission, whose salary is paid with funds collected by the County Commission, and whose employment initially includes a probationary period of not more than six (6) months, during which time such a probationary employee is not a classified employee.

An employee of the county may be further described as one of the following:

- **Probationary Employee:** An employee assigned to a classified position who has not achieved permanent status by being employed for more than six (6) months and who has not satisfactorily completed the probationary period.
- **FLSA Exempt Employee:** An employee not eligible for overtime as defined by the Fair Labor Standards Act (FLSA).
- **FLSA Non-Exempt Employee:** An employee eligible for overtime as defined by the Fair Labor Standards Act.

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Only an employee who has satisfactorily completed the terms and conditions of his or her initial probationary period is eligible for classified service. Classified service is subject to satisfactory performance of work, personal conduct inherent to public service, demonstration of skills and work habits necessary for the performance of the work and the availability of funds.

### **II-B. FLSA Exempt and FLSA Non-Exempt Employees**

The overtime provisions of the Fair Labor Standards Act cover FLSA Non-Exempt employees. Generally, an employee will receive over-time pay at the rate of one and one-half time for time actually worked beyond forty (40) hours on one (1) work week. (Time off such as holidays, annual leave or sick leave does not count as time worked). All overtime must be recorded and approved by a supervisor verifying all hours worked by employees under his or her supervision.

The overtime provisions of the Fair Labor Standards Act do not cover FLSA exempt employees.

Classifying a position as “exempt” is made on the basis on comparing actual job duties with criteria established by the Department of Labor. Responsibility for classifying Cullman County positions as FLSA exempt or FLSA non-exempt is determined based on the requirements of the Fair Labor Standards Act and upon approval by the Cullman County Commission.

### **II-C. Employment for Classified Positions**

Cullman County will seek to select the applicant most capable of serving the County’s taxpayers efficiently and effectively.

Each Appointing Authority or Appointed Department Head is authorized to select employees to fill approved vacancies in accordance with the personnel hiring procedure. No employment offer shall be made by any person in the County other than by the Appointing Authority or Appointed Department Head in consultation with the HR Specialist. **No employment offer shall be effective until the County Commission has approved the employment.**

To be considered for a classified position, a prospective or current employee must complete and application and provide the information requested therein. Using false information on an application or resume shall result in immediate disqualification and/or termination.

In accordance with the County’s effort to promote internally, the HR Specialist, in consulting with the Appointing Authority or Appointed Department Head, will recommend whether to recruit applicants from existing employees or to advertise positions to the public. Included is this determination will be whether a vacancy should be filled by internal promotion, posted in the County organization (by job bid), or advertised externally to the public.

Openings for classified positions that are not filled by internal promotion will be posted on the bulletin board of the Personnel Department located in the Cullman County Courthouse and on the Cullman County Commission website for a period of not less than seven (7) days. Internal and external postings may run concurrent.

### **II-D. Employment for Exempt Positions**

The Appointing Authority retains sole discretion to set qualification, recruitment and hiring guidelines for any exempt position.

### **II-E. Sheriff’s Department Personnel**

The Cullman County Sheriff is authorized to set employment policies for the sheriff’s department subject to the provisions of *Ala. Code §45-22-120, et seq.* The Sheriff shall receive applications, set policies for hiring, promotion and demotion and is not required to follow policies and procedures established herein covering these specific areas. In other areas, employees will be treated and receive benefits according to the category of service they best fit. Sheriff’s

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department employees not subject to *Ala. Code §45-22-120, et seq.* are subject to these personnel policies and procedures.

#### **II-F. Probationary Employees**

The Probationary period is intended to give new and rehired employees the opportunity to demonstrate his or her ability to achieve a satisfactory level of performance. The County uses this working period to evaluate employee capabilities, work habits and overall performance. Probationary employees are encouraged to ask questions so that they will have a clear understanding of the job and performance expectations. All probationary employees shall receive an orientation to advise him or her of the policies of the County. Each probationary employee shall complete all necessary forms, sign for a copy of this Handbook, and attend all required orientation sessions.

The first six (6) consecutive months of employment in the position for which the employee is hired is considered the probationary period. During this time, an employee is an “at will employee” and may be terminated, with or without cause, without the right of appeal. An employee’s probationary period may be extended for an additional six (6) months upon recommendation of the Appointing Authority or Appointed Department Head. During this extended probationary time, an employee will remain an “at will employee” and may be terminated, with or without cause, without the right of appeal.

If the Appointing Authority or Appointed Department Head determines that the employee’s services should be terminated before the end of the probationary period, the employee will be notified in writing, and the Appointing Authority or Appointed Department Head shall notify the Personnel Department of such termination.

#### **II-G. Part-Time and Seasonal/Temporary Employees**

A part-time classified position is one that is scheduled for less than thirty (30) hours per week on average. All part-time positions must be approved, and budgeted for, by the Cullman County Commission. Part-time employees are not eligible for any other benefits with the exception of retirement (if working a minimum of 20 hours per week).

Seasonal/Temporary employees include those individuals who have been employed to perform special or emergency functions. Seasonal/Temporary service will not normally exceed six (6) consecutive months in duration. However, if required, the County Commission may extend the employment up to an additional six (6) months. Seasonal/Temporary employees are not eligible for any benefits.

Part-time and Seasonal/Temporary employees will follow all other policies as outlined in the Cullman County Employee Handbook.

#### **II-H. Job Classification Plan**

All job classifications are based on an analysis of the duties and responsibilities of each position and requirements of education, training, experience, skills, knowledge and abilities necessary for the position. The Personnel Department keeps position descriptions on file. New employees or employees transferring or being promoted to new positions may receive a copy of the new position description. Position descriptions are approved by the Appointing Authority or Appointed Department Head. All classified positions shall be approved and funded by the Cullman County Commission.

Position descriptions do not necessarily cover every task or duty that might be assigned and additional responsibilities may be assigned as necessary.

#### **II-I. Wage and Salary Administration**

The compensation plan intends to provide equal compensation for work of equivalent responsibility, pay according to work performance and/or outstanding service. Each position is rated according to experience, knowledge, training, duty

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complexity, leadership, effect of errors, communication, problem solving, physical demands, potential work hazards, stewardship and responsibility and education.

Employees are general hired at the entry level of the position's pay grade, but may receive a different amount depending on experience and skill level.

Classified FLSA non-exempt (hourly) employees may receive an increase in pay as either a cost of living pay increase or a step raise merit increase. These increases in pay will be an amount set by the Cullman County Commission. The amount will be set annually and normally at the beginning of the new fiscal year (beginning October 1). Any pay increase will be effective with the first pay period of the new fiscal year (October).

Classified FLSA exempt (salaried) employees may receive an increase in pay as a cost of living pay increase or a merit increase. These increases in pay will be an amount set by the Cullman County Commission. The amount will be set annually and normally at the beginning of the new fiscal year (beginning October 1). Any pay increase will be effective with the first pay period of the new fiscal year (October).

Re-evaluation of a position may also result in a pay increase based upon recommendation from the Appointing Authority or Appointed Department Head. Increases may occur due to an employee receiving required additional skills, assuming additional duties/responsibilities or education/certification. These increases must be approved by the County Commission prior to communication to the employee.

Notwithstanding anything contained in this employee handbook to the contrary, all funding for increases in pay must be approved in the fiscal year budget by the Cullman County Commission, in its discretion, and may be suspended and/or frozen at any time and for any reason deemed appropriate by the Cullman County Commission.

#### **II-J. Pay Increases for Appointed Employees and Appointed Contract Employees**

Appointed Employees and Appointed Contract Employees may receive an increase in pay as a cost of living pay increase or a merit increase. These increases in pay will be an amount set by the Cullman County Commission. The amount will be set annually and normally at the beginning of the new fiscal year (beginning October 1). The pay increase will be effective with the first pay period of the new fiscal year (October).

Notwithstanding anything contained in this employee handbook to the contrary, all funding for increases in pay must be approved in the fiscal year budget by the Cullman County Commission, in its discretion, and may be suspended and/or frozen at any time and for any reason deemed appropriate by the Cullman County Commission.

#### **II-K. Approval for Salary Changes**

All increases in pay, recommended by an Appointing Authority or Appointed Department Head must be submitted to the HR Specialist for review and processing. **No change shall be implemented until the Commission approves it. No change in pay should be communicated to the effected employee until after it has been approved by the Commission, regardless of whether the pay change is a budgeted item.** All changes in rates of pay will be effective at the beginning of the pay period designated by the County Commission, unless the Commission authorizes another effective date.

Notwithstanding anything contained in this employee handbook to the contrary, all funding for increases in pay must be approved in the fiscal year budget by the Cullman County Commission, in its discretion, and may be suspended and/or frozen at any time and for any reason deemed appropriate by the Cullman County Commission.

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## **II-L. Pay Periods**

All FLSA non-exempt, full-time employees are on a forty (40) hour workweek schedule that begins on Saturday and ends on Friday of each week.

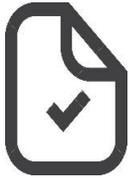
All FLSA non-exempt, part-time employees are scheduled to work less than thirty (30) hours on average within the workweek that begins on Saturday and ends on Friday of each week.

Employees are paid on a bi-weekly basis. Payroll checks are available every other Wednesday. Some pay dates may occur earlier or later due to holidays.

## **II-M. Working During Lunch Periods**

Lunch period is time set aside for eating. The time is not considered part of the basic workday. No pay is earned during this period, and no work is to be performed during this period. All full-time employees are granted a thirty (30) minute lunch period. Employees that wish to take a one (1) hour lunch period must have the approval of his or her Appointing Authority, Appointed Department Head or supervisor, and work hours must show an entire work day as applicable to the employee's assigned shift (i.e. eight (8) hour day 8 am to 5 pm). If a part-time employee is scheduled to work more than six (6) consecutive hours within a day, a thirty (30) minute lunch period shall be granted.

A workday may not be shortened by "working through" or reducing the lunch period on a voluntary basis. Eliminating or reducing a lunch period requires prior approval from the employee's immediate supervisor. Such approvals must be limited and will typically be for one (1) day due to unusual or special circumstances. Working through the lunch period is not to be used as an on-going solution for scheduling issues or as a means to accumulate overtime.



*If you need to make a one-time adjustment to your work schedule, you may ask your immediate supervisor, in advance, for permission to reduce or eliminate your lunch period on the day in question. This may not be used on an on-going basis.*

## **II-N. Breaks**

Each department may allow reasonable breaks for employees. The length and time of such breaks shall be determined by each department, but shall not exceed fifteen (15) minutes. If the rest break is extended without authorization, the employee will be subject to disciplinary action. Each department is responsible for the scheduling of rest breaks.

## **II-O. Working Before or After Regular Hours**

Employees may not voluntarily begin work early, or work after hours, to extend the workday for the purpose of accumulating overtime. An employee may voluntarily begin work early, or work after hours, for the purpose of making up time missed within the workweek. Prior approval from the immediate supervisor is required for any adjustment to the work schedule.

## **II-P. On-Call Policy**

An employee who is not required to remain on the premises, but is merely required to leave work where he or she may be reached, is not working while on-call. On-call time will be considered hours worked when an employee is required to restrict his or her personal activities such that the employee cannot use this time effectively for his or her own purposes. Under these circumstances, the employees are paid at their normal pay rate (or overtime when appropriate). Employees on leave are not subject to be on call.

An employee in a position that requires him or her to be called back to work after working hours are required to respond to all pager, emails or voicemail messages within a reasonable time of receipt. Employees on call are to stay within a

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reasonable driving time from the workplace. Employees who are on-call shall not use alcoholic beverages or any drugs or medications that may impair the employee or affect the employee's performance.

**Hourly employees who respond to a call and are able to handle the matter by telephone or instant messaging are to be paid for the actual time worked and will not be paid a minimum of two (2) hours of call-out pay as set forth in section II.Q. Special Pay Provisions.** All time must be documented.

## **II-Q. Special Pay Provisions**

Under certain situations, Cullman County employees may be entitled to special pay for activities and/or duties performed as part of their assigned work. Such special pay will be provided in accordance with the following guidelines:

1. **Call-Out Duty:** Every Cullman County employee is expected to respond to requests from his or her Appointing Authority or Appointed Department Head, even without pre-arrangement, to work in the event of an emergency. Any FLSA non-exempt employee, regardless of whether or not the employee is serving in a standby status, who responds to a request from his or her Appointing Authority or Appointed Head to work at a time other than his or her scheduled work hours will be considered to be in call-out status. An FLSA exempt employee who reports to work outside of his or her normal work schedule will not be considered to be in call-out status. Any call-out emergency shall be declared by the Commission and documented in writing by the Appointing Authority, Appointed Department Head or County Administrator.
2. **Call-Out Duty Pay:** A Cullman County employee who is considered to be in a call-out status will be paid during the call-out period in accordance with the following guidelines:
  - a. If the length of time the employee works is less than two (2) hours, the employee will be paid for two (2) hours;
  - b. If the length of time the employee works is for more than two (2) hours, the employee will be paid for all hours worked;
  - c. If the employee is called out more than once in the same day and the total time worked for all call outs is more than two (2) hours, the employee will be paid for all hours worked;
  - d. If the employee is called out prior to the starting time of his or her regularly scheduled work day and continues working through the starting time, he or she will be paid for all time worked on that day and will not receive call-out pay;
  - e. If the employee continues to work beyond his or her normally scheduled work day stop time, he or she will be paid for all time worked on that day and will not receive call-out pay;
  - f. Travel time spent reporting to a call will be considered as work time;
  - g. Call-out pay will begin with the declaration of the emergency by the County Commission and end when the Commission formally deactivates it;
  - h. The designated FLSA exempt employee will be considered a FLSA non-exempt (hourly) employee only during the period of time in which the Commission declares a state of emergency;
  - i. The FLSA exempt employee will not receive overtime pay for work during any portion of the pay period that is not during a declared emergency.
3. **Rate of Pay for Call-Out Duty:** Call-out pay will be paid at the employee's regular rate of pay. Overtime entitlement will be awarded only for that time that qualifies as overtime pay during a workweek (over 40 hours worked).
4. **Special Pay Provisions for Call-Out Duty:** A special exception shall be made allowing employees to be paid at an overtime rate for all hours worked during a Call-Out that falls outside of the employee's regular working hours between Monday and Friday, Saturdays and Sundays, and during any holiday, should each of the following conditions have been met:

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- a. If the Governor of the State of Alabama declares a State of Emergency for an area that includes Cullman County, Alabama;
  - b. If the Cullman County Commission declares a State of Emergency for Cullman County, Alabama;
  - c. Employees are essential personnel called out to respond to said emergency which falls outside the employee's regular working hours between Monday and Friday, Saturdays and Sundays, and during any holiday that the County Commission has recognized for County employees.

When each of the above conditions are met, the employee shall be compensated at an overtime rate for all hours worked during the call-out which falls outside the employee's regular working hours between Monday and Friday, Saturdays and Sundays, and during any holiday that the County Commission has recognized for employees. The applicable overtime rate shall be in effect whether there has been an actual forty (40) physical hour workweek.

5. **Military Leave Pay:** Eligible employees who are placed on military leave in accordance with *Section IV.L* will receive the standard pay they would have received if they had reported to work and were not on military leave.

#### **II-R. Pay Advances**

Pay advances are not allowed under any circumstances.

#### **II-S. Direct Deposit**

Direct Deposit is strongly recommended for all Cullman County employees. Deposits will be made directly to the financial institution of the employee's choice.

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### **III. Progressive Discipline**

#### **III-A. Progressive Discipline Procedures**

In cases where an employee displays inappropriate conduct or poor performance, and the activity does not call for automatic termination, Cullman County follows a progressive discipline process. This is a system that consists of corrective action, documentation and adverse action.

The steps of progressive discipline may include:

- **Employee Counseling** – The first step is usually an employee counseling from the supervisor with the employee to identify the problem and to state the corrective action needed. The supervisor documents this step including dates, times and details of incidents of improper conduct or poor performance and the date the employee counseling was given. The supervisor sends this documentation to the HR Specialist who will review it and place it in the employee's personnel file. The employee may submit a separate written statement for the file, if desired.
- **Written Warning** – The second step in the process is usually a written warning with specific examples cited. The supervisor prepares a letter or memo that states a specific time frame in which the employee must improve and gives the consequences of failure to improve. Prior to issuing the letter, the supervisor must review it with his or her Appointing Authority or Appointed Department Head. A copy of the letter is forwarded to the HR Specialist for review and placement in the employee's personnel file. The employee may submit a separate written statement for the file, if desired.
- **Adverse Action** – If attempts at corrective action fail to produce satisfactory results, some form of adverse action may be taken. The term "adverse action" means action involving suspension, in-voluntary demotion,

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or termination. Before any adverse action becomes effective, the supervisor must obtain the written approval from the Appointing Authority or Appointed Department Head.

An employee who receives two (2) documented warnings for any reason within a twelve (12) month period may be subject to termination, unless automatic termination is justified. Depending on the circumstances surrounding a disciplinary action, any step or progressive discipline may be skipped and disciplinary action up to and including termination may be employed at any time. Furthermore, past performance and disciplinary action may be considered when determining disciplinary action to be taken.

In the event that the HR Specialist or the County Administrator determines that a request for disciplinary action is not appropriate under the circumstances, or in the event that a supervisor or Appointed Department Head fails to take appropriate disciplinary action against an employee, the County Administrator may, in his or her discretion, initiate new or additional disciplinary action against an employee, which shall be subject to the pre-disciplinary hearing and appeals process set forth below.

In the event that a classified employee is serving as an acting or interim Appointed Department Head serving as the Appointed Department Head, and in the event disciplinary action is required against the acting or interim Appointed Department Head, the County Administrator may, in his or her discretion, initiate disciplinary action against the employee which shall be subject to the pre-disciplinary hearing and appeals process set forth below.

### **III-B. Administrative Leave with Pay**

The Appointing Authority or the Appointed Department Head may place an employee on administrative leave with pay in consultation with the HR Specialist for up to ten (10) work days during the course of an investigation to determine whether any disciplinary action should be initiated against the employee. Longer periods of administrative leave, with or without pay, may be considered by the Cullman County Commission.

### **III-C. Suspensions without Pay**

The Appointing Authority, Appointed Department Head, Revenue Commissioner or Probate Judge may suspend an employee without pay as a part of disciplinary action for up to fifteen (15) working days at any one time, not to exceed thirty (30) working days in any one year.

Employees may not use annual or sick leave while on suspension.

The progressive discipline process will be followed prior to suspension, unless the situation warrants automatic suspension.

### **III-D. Involuntary Demotions**

An involuntary demotion is an assignment to a job at a lesser basic pay rate. There are two kinds of involuntary demotions:

1. **Involuntary Demotion for Cause:** An involuntary demotion may be made for cause including, but not limited to, violations of rules, failure to perform job duties adequately, misconduct or neglect of duty. The progressive discipline process will be followed prior to demotion. An involuntary demotion will result in a reduction in pay no less than one (1) pay step from the previous rate of pay.
2. **Involuntary Demotion Due to Reduction in Force:** If an involuntary demotion is based on a reduction in force, the employee will be given consideration, based on seniority and work performance record, for future openings in higher job classifications. No progressive discipline process is necessary for an involuntary demotion based on reduction in force.

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### **III-E. Terminations**

1. Immediate termination may be made for cause including, but not limited to, an employee's action or behavior that constitutes:
  - a. Insubordination (refusal to follow supervisor's instructions);
  - b. Endangering his or her own health or safety or the health or safety of other employees or citizens;
  - c. Theft, vandalism or willful destruction of County or employee property;
  - d. Making fraudulent statements on employee applications or job records;
  - e. Any violation of the County Alcohol and Drug Policy;
  - f. Conviction of a felony offense or of a crime involving moral turpitude;
  - g. Conviction of an offense that affects the employee's ability to perform his or her job duties or insurability, including, but not limited to, loss or suspension of licenses or other credentials; or
  - h. Any other infraction when termination is determined to be in the best interest of the County.
  
2. Terminations that follow the progressive discipline process are permitted for reasons that include, but are not limited to:
  - a. Misconduct;
  - b. Willful neglect of duties;
  - c. Absence from work without authorization or notification;
  - d. Failure to perform job duties;
  - e. Repeated tardiness or absence;
  - f. Violation of departmental rules;
  - g. Email abuse; or
  - h. Internet abuse.

Any employee who fails to correct deficiencies after two (2) documented warnings may be subject to termination, unless automatic termination is justified.

### **III-F. Appeals Procedures for Adverse Action**

1. When the Appointing Authority or Appointed Department Head seeks to discipline an employee either through suspension without pay, involuntary demotion or termination, he or she will make a recommendation to the HR Specialist that such action be taken. The Appointing Authority or Appointed Department Head shall notify the employee in writing that he or she proposes disciplinary action in the form of suspension without pay, involuntary demotion or termination and the grounds for such proposed action. The employee will then have one (1) working day to request, in writing to the HR Specialist, a pre-disciplinary hearing before the County Administrator. In the event the County Administrator initiated the adverse action or otherwise has a conflict, then the pre-disciplinary hearing shall be held before a Department Head not associated with the employee. If the employee does not request a hearing, the proposed discipline will become effective at the end of the one (1) working day period.
  
2. Should the employee request such a pre-disciplinary hearing, the County Administrator or Department Head not associated with the employee, in the case of the County Administrator is the Appointed Department Head, will inform the employee of the date and time of such hearing which will be held within two (2) working days of the request, unless the County Administrator or Department Head, allows additional time. The hearing will be informal in nature. The employee may have a representative of his or her choosing present at his or her own expense.
  
3. Within two (2) working days after the pre-disciplinary hearing, the County Administrator or Department Head will issue a decision on the Appointing Authority or Appointed Department Head's recommendation. An employee may then appeal the hearing officer's decision to the Personnel Appeals Board as set out below.

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4. Should the County Administrator be the direct supervisor who is proposing the discipline, the Department Head will make the decision on the proposed discipline using the same procedure as set out in the subsections one (1) through three (3) above. In the event the County Administrator and/or Department Head are conflicted from hearing the case, the HR Specialist shall appoint an alternate hearing officer to hear the case, which shall be one of the Appointed Employees, unless all such employees have conflicts, which would disqualify such employee from hearing the case.

The above section does not apply to certain Sheriff's Department employees pursuant to the provisions of *Ala. Code §45-22-120, et seq.*

### **III-G. Appeals Process to the Cullman County Personnel Board for Adverse Action**

**EMPLOYEES WHO HAVE NOT COMPLETED THEIR PROBATIONARY PERIOD HAVE NO APPEAL RIGHTS TO THE CULLMAN COUNTY PERSONNEL BOARD, BUT MAY PARTICIPATE IN THE INTERNAL GRIEVANCE PROCEDURES CONTAINED IN GENERAL POLICIES WITH RESPECT TO ANY ACTION THAT DOES NOT CONCERN THEIR TERMINATION, SUSPENSION WITHOUT PAY OR INVOLUNTARY DEMOTION.**

1. **An employee desiring to appeal any disciplinary action directed against him or her must first exhaust any administrative remedy provided as set out above.** No employee shall be penalized in any way for exercising his or her rights under the appeal procedures. An employee who has served a six (6) month probation period may exercise his or her rights by requesting a Personnel Board Hearing. An appeal may be withdrawn at any step without prejudice.
2. Upon exhausting the above administrative remedies to have a hearing before the County Administrator (or Department Head as is appropriate), an employee may file his or her appeal of discipline to the Personnel Board in writing with the County Commission. To be timely filed and considered by the Board, the appeal **must be delivered to the County Commission within seven (7) calendar days of the last final administrative action, and the employee must request a hearing before the Board.** Within seven (7) calendar days after the receipt of the appeal, the County Commission shall file with the chair of the Board and mail to the employee by certified mail a statement specifying the charges against the employee on which the disciplinary action was based.
3. Upon the filing of the charges, the chair shall call a meeting of the Board to be held within thirty (30) days after the filing of charges to hear the appeal, and shall forthwith give notice by certified mail to the employee and the Board of the time and place of the meeting. The Board shall have the authority to continue the hearing from time to time as may be necessary. In preparing for and conducting the hearing, the chair and secretary of the Board shall each have the power to administer oaths, to subpoena and require the attendance of witnesses and the production of books, documents and accounts pertaining to the appeal.

The above section does not apply to certain Sheriff's Department employees pursuant to the provisions of *Ala. Code §45-22-120, et seq.*

### **III-H. The Personnel Appeals Board**

An employee who requests a hearing before the Appeals Board must have suffered one of the following forms of disciplinary action:

- Termination;
- Suspension without Pay; or

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- Involuntary Demotion

**1. Establishment of the Board** – The Alabama Legislature established the Personnel Appeals Board (hereinafter “the Board”) in *Ala. Code §45-22-120.05 (1975)*, as the same may be amended from time to time. The Board’s duties, powers and method of appointment are specified in *Ala. Code §45-22-120.05 (1975)*, as the same may be amended from time to time.

- a. The Board hears all timely filed appeals by employee from final action of the County Administrator or Department Head, or such other individual hearing the case as a result of a conflict.
- b. The Board is composed of three (3) persons who are residents and qualified electors of the county and not less than 25 years of age. The members of the Board shall be appointed as follows: three (3) members appointed pursuant to *Ala. Code §45-22-120.05 (1975)*.
- c. Each member shall serve a six (6) year term.

**2. Hearings before the Board** –

- a. The Board shall follow administrative procedures adopted by the County Commission to implement the appeals process. The Personnel Department shall provide all necessary clerical and administrative support for the board. The Board shall meet as needed. Each year, the Board member shall select from among themselves a chairperson and secretary of the board. Board members may be compensated as established pursuant to *Ala. Code §45-22-120.05 (1975)*.
- b. All testimony before the Board shall be under oath, and the Board has the power to subpoena witnesses and demand production of relevant documents. The Board has the authority to make recommendations to affirm, to revise or to amend any previous personnel decisions after a hearing.
- c. Subpoenas issued as herein provided shall be served and the fees and allowances for the services thereof shall be the same as provided by law for the service of subpoenas issued by the Circuit Court of Cullman County. The fees and allowances in connection with the service of the subpoena issued at the request of the Commission upon request of the Board shall constitute reasonable and necessary expenses of the Board. Any subpoena issued at the request of the employee shall be served as aforesaid, but only after the employee shall have sufficient security with the Sheriff of Cullman County or other recognized officer to guarantee payment of the fees and allowances for the service. Any person failing to obey any summons by either of the officers of the Board without good cause, to be determined by the Circuit Court of Cullman County, may be punished by the Court in the same method and manner as is provided by law for contempt of the Court, and any person failing to obey any order or subpoena of the Court, may be proceeded against by the Court as is by law provided in the case of contempt of the Court. In addition, any employee of the County who fails to obey any of the orders or subpoenas may be disciplined as provided in *Ala. Code §45-22-120.05 (1975)*.
- d. At the hearing before the Board, the employee and his or her Appointed Department Head or supervisor shall each have the right to be represented by counsel, with the County authorized to employ legal counsel to represent the interest of the County. Such hearing shall be governed by rules of practice and procedure as shall be adopted by the Board, and in conducting the hearing, the Board shall not be bound by the technical rules of evidence. No informality of procedure in the conduct of the hearing shall invalidate any recommendation made by the Board.
- e. Within five (5) working days from the conclusion of the hearing, the Board shall recommend to the Commission the following: (1) that the disciplinary action taken against the employee be affirmed; (2) that the disciplinary action be reversed and that the employee be reinstated with full back pay at the normal rate of pay that would have been in effect for the employee had he or she not been suspended without pay; or (3) that the disciplinary action be reduced and that the employee be reinstated either with or without pay for any time suspended without pay. The recommendation shall be in writing to the Chairman of the Commission, and the Commission shall act upon such recommendation at its next regular or special called meeting. At such meeting, the Commission shall

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vote its approval or disapproval of the action of the Board with the action becoming a matter of its official and public record.

- 3. Administrative Procedure for Hearing** – The procedure for hearings conducted by the Board shall be as follows:
- a. An employee should try to limit opening comments to fifteen (15) minutes to present his or her written appeal and any oral explanation. Employees may present their own appeal or designate a person of their choice to represent them.
  - b. The Appointed Department Head or supervisor should try to limit opening comments to fifteen (15) minutes to present his or her written disciplinary action and any oral explanation. Appointed Department Heads may present their own decision or designate a representative of their choice.
  - c. If applicable, each party may present witnesses. The employee shall have the right to compel attendance of witnesses or production of documents through exercise of subpoena power possessed by the Chairman or secretary of the Board. The Board may then ask questions of any parties present, request additional information or summon any related parties not present. The Board may set the hearing aside for research or consultation with expert witnesses, but must reconvene within seventy-two (72) hours, unless the parties otherwise agree.
  - d. Upon completion of a hearing, the Board shall return its written decision within five (5) workdays to the HR Specialist who shall immediately notify both parties. The Board shall recommend to the Commission one of the following: (i) that the disciplinary action taken against the employee be affirmed; (ii) that the disciplinary action be reversed and that the employee be reinstated with full back pay at the normal rate of pay that would have been in effect for the employee had he or she not been suspended without pay; or (iii) that the disciplinary action be reduced and that the employee be reinstated either with or without pay for any time suspended without pay.
  - e. All decisions of the Board are recommendations to the Cullman County Commission, which shall be acted upon by the Cullman County Commission at its next regular or specially called meeting.
  - f. The Board may meet with three (3) members present and all decisions will be binding as if the full Board had been present.

The above section does not apply to certain Sheriff's Department employees pursuant to the provisions of *Ala. Code §45-22-120, et seq.*

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## IV. Leave Policies

### IV-A. Annual Leave

All current full-time classified, appointed and probationary employees hired by the Cullman County Commission, shall earn paid annual leave in accordance with the following schedule:

| <b>Years of Consecutive Service</b> | <b>Leave per (26) Pay Period</b> | <b>Leave Earned per Year</b> |
|-------------------------------------|----------------------------------|------------------------------|
| 0 – 10                              | 4 hours                          | 104 hours per year           |
| 10 – 15                             | 5 hours                          | 130 hours per year           |
| 15 – 20                             | 6 hours                          | 156 hours per year           |
| 20 – over                           | 8 hours                          | 208 hours per year           |

A probationary employee will earn, but cannot take, annual leave until the employee has satisfactorily completed the six (6) month probationary period and becomes a classified employee. Employees terminated before the completion of the six (6) month probationary period will not be eligible for payout of annual leave accrued.

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Employees will not accumulate annual leave time while on a leave of absence or in a leave without pay status.

Annual leave for Cullman County employees is based on a calendar year.

Employees accrue leave twenty-six (26) pay periods within the calendar year.

Employees may not take annual leave before it has been earned.

The number of accrued leave hours to be used for one day of leave is equal to the number of scheduled paid hours of work for that day of leave. (For example, if an employee works four (4) ten (10) hour days per workweek, he or she must ten (10) hours of annual leave to have the entire day off.

When a paid holiday occurs during an employee's annual leave, the day will be deemed a holiday and not as an annual leave day.

Days off for annual leave will not be considered as working time for calculating weekly overtime.

Employees may take annual leave in the year it was earned, or may carry over for use in later years. However, there is a limit to the amount of annual leave that may accrue. **For full-time employees, this limit is 480 hours.**

Special exception shall be made allowing unused annual leave to be carried over past the end of the calendar year should the following conditions be met:

1. If the Governor of the State of Alabama declares a State of Emergency for an area that includes Cullman County, Alabama;
2. If the Cullman County Commission declares a State of Emergency for Cullman County, Alabama;
3. Employees were essential personnel called out to respond to said emergency; and
4. Employees were using leave time in an effort to exhaust the excess annual leave over their annual leave limit before the end of year annual leave reset.

If each of the above four (4) conditions are met, the employee may carry over an additional fifty (50) hours of annual leave in excess of the presently existing 480 hour limit at the time the annual leave resets. This additional fifty (50) hours of annual leave must be taken by February 16 of the following year, at which time any annual leave above the 480 hour limit would be forfeited by the employee.

If an employee earns annual leave in excess of the maximum amount listed above, the excess amount will be forfeited if not taken by the end of the calendar year. Employees must consider the time accrued for the last full pay period of the calendar year to be included in leave that must be taken.

When an employee resigns or is terminated, he or she is entitled to payment for any unused annual leave that has accrued. Payment is based on the rate of compensation received at the time of resignation or termination. Payroll checks are computed on the regular payroll day and are available at the normal time and place. No checks are issued in advance. **Unless specifically approved by the Appointing Authority (based on departmental needs), employees who are terminating employment may not use accrued annual leave time in order to leave work earlier than their stated termination date.**

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#### **IV-B. Annual Leave Scheduling**

An employee may take annual leave at any time of the year as long as he or she has accumulated the leave and the needs of the department are met. The employee must submit his or her annual leave request to the supervisor at least two (2) weeks in advance for approval. Leave not requested two (2) weeks in advance may not be approved. Each department may have a special form or procedure for requesting use of annual leave.

#### **IV-C. Sick Leave**

All full-time classified and appointed employees shall earn credit for paid sick leave at the rate of four (4) hours of leave per pay period. The accrual will be credited at four (4) hours per pay period for twenty-six (26) pay periods within the calendar year for a total of 104 per year. Eligible employees may accumulate unlimited hours of sick leave credit and may be carried over from one year to the next.

A probationary employee will earn, but cannot take, sick leave until the employee has satisfactorily completed the six (6) month probationary period and becomes a classified employee.

An employee may use accrued sick leave for any of the following reasons:

- When an employee is unable to work due to personal illness, injury incurred off-duty, or when the employee's presence may endanger the health of fellow workers;
- Keeping doctor, dentist, chiropractor or optometrist appointments for the employee and the employee's immediate family members;
- Any impairment related to pregnancy and/or actual confinement. A female employee who requests time away from work for pregnancy, maternity and childbirth will be treated equally to other employees with other forms of disability or sickness who request leave; or
- The emergency illness or incapacitation of a child, spouse, parent or in-law if such illness requires the employee's immediate personal care.

Sick leave will not be considered as time worked for the purpose of calculating weekly overtime compensation.

An employee will not accrue sick leave while he or she on a leave of absence or in a leave without pay status.

No employee may borrow sick leave that has not been earned yet. (Note: Employees may donate sick leave to an employee who has exhausted all of their sick leave and annual leave. The individual receiving the time must have the Department Head's approval to receive the donated time. – Contact the Personnel Department for more information or to complete a Leave Donation Form).

Upon separation of employment from Cullman County, an employee will not be paid his or her accrued sick leave with the exception of conversion of retirement credit or payout guidelines as outlined in section *V.N Benefits due to Retirement*. **Unless specifically approved by the Appointing Authority (based on departmental needs), employees who are terminating may not use accrued sick leave time in order to leave work earlier than their stated termination date.**

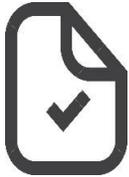
Employees may take sick leave in the year it was earned, or may carry over for use in later years. **However, for Cullman County employees hired (or rehired) on or after October 1, 2016, there is a limit to the amount of sick leave that may accrue. For full-time employees, this limit is 480 hours.**

#### **IV-D. Sick Leave Notification and Approval**

To be eligible for sick leave in case of an illness or injury that would prevent the employee from reporting to work at the scheduled time, notice must be confirmed to his or her supervisor, next level manager, Appointed Department Head

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or Appointing Authority. If notice is given, the employee will be considered tardy once he or she arrives at work. The Appointing Authority and/or Appointed Department Head of the department may further define specific departmental requirements.

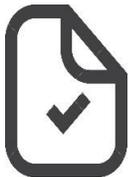


***Notice must be confirmed to the employee's supervisor, next level manager, Appointed Department Head or Appointing Authority. Leaving a message does not meet this requirement.***

If an employee is absent for less than three (3) consecutive working days, the supervisor may or may not require that the employee provide a healthcare provider's statement.

To be eligible for sick leave with pay during a continuous period of three (3) working days or more, the employee must provide a healthcare provider's statement showing the cause or nature of the illness or injury and expected return to work date, or a written statement of the facts concerning the illness or injury which is acceptable to the employee's supervisor.

If an employee is out on sick leave for three (3) or more consecutive working days and qualifies for protection under the Family and Medical Leave Act (FMLA), the supervisor is responsible for notifying the Personnel Department. The Personnel Department is responsible for ensuring that all FMLA guidelines are followed.



***You must provide you supervisor with a statement from a healthcare provider if you are absent for three (3) or more consecutive working days due to illness or injury. Your supervisor may decide to accept some other form of written statement.***

#### **IV-E. Bereavement Leave / Funeral Leave**

Full-time classified and appointed employees are entitled to three (3) bereavement days at regular pay (not including overtime) with no deduction from leave accruals due to the death of any of these persons in his or her immediate family:

- Spouse;
- Parent;
- Son or daughter;
- Brother or sister;
- Grandparent;
- Grandchild;
- Nephew or niece;
- Step-relatives of the above categories;
- In-laws of the above categories; and
- Any person actually residing in the employee's household.

Bereavement leave will not normally exceed three (3) consecutive calendar days in length and will be granted the day before, the day of and the day after the funeral. An employee will only receive pay for regularly scheduled work days. The employee's supervisor will make the final decision on any additional number of approved days for bereavement leave based on factors such as required travel and level of involvement in funeral arrangements. Other factors may also be considered.

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Any bereavement period that is expected to go over the three (3) day limit requires the approval from the employee's supervisor, and the employee must use her or her annual leave.

Bereavement leave will not be considered as time worked for the purpose of calculating weekly overtime compensation.

#### **IV-F. Personal Leave**

Full-time employees may take up to two (2) days per calendar year personal leave from his or her sick leave account. If the employee has no remaining sick time, he or she may not take the personal leave.

#### **IV-G. Holidays**

Cullman County observes the holidays listed below. Full-time employees are eligible to be paid for these holidays if he or she is in paid status. The Commission will announce any additional holidays. Offices/Departments may be closed without further notice on the following days:

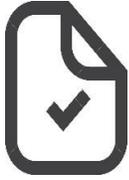
- New Year's Day;
- Robert E. Lee / Martin Luther King, Jr. Day;
- President's Day;
- Good Friday;
- Memorial Day;
- Jefferson Davis' Birthday;
- Independence Day;
- Labor Day;
- Columbus Day / Fraternal Day / American Indian Heritage Day;
- Veteran's Day;
- Thanksgiving Day; and
- Christmas Day.

If a holiday falls on a Saturday, the holiday will be observed on the preceding Friday. If the holiday falls on a Sunday, the holiday will be observed on Monday.

Employees are required to be present at work on the workday scheduled immediately preceding and following a holiday unless leave has been pre-approved. If an employee is absent due to illness, he or she must present a doctor's excuse to be paid for the holiday. If an employee is on leave without pay the day before or the day after a holiday or has leave without pay for the whole week of the holiday, then the employee will not be eligible for holiday pay.

All eligible full-time and appointed employees shall receive one (1) day of pay at their regular base pay rate for each paid holiday. Should any employee be required to work on a holiday, the Department Head will normally coordinate with the employee for comparable time off on another day within the same pay period. If the Department Head cannot schedule comparable time off, the employee will be paid for the actual hours he or she worked on the holiday. This pay will be in addition to the holiday pay. Holiday pay will not be considered as time worked for the purpose of calculating weekly overtime compensation.

If an employee wishes to observe a religious holiday, the employee must communicate with his or her supervisor to make arrangements. Annual leave will be used for time off taken for religious holidays. If an employee has no accrued annual leave, he or she shall use leave without pay.



*To schedule time off for a religious holiday, put the request in writing and submit it to your supervisor. You will be able to use available annual leave, or if there is no annual leave available, you will be required to use leave without pay.*

#### **IV-H. Leave without Pay**

Leave without pay may be taken only if all accrued annual and sick leave has been exhausted. Appointing Authorities and/or Appointed Department Heads may approve up to, but not more than, twenty-four (24) hours of leave without pay, per employee, within a calendar year. The HR Specialist and/or the Appointing Authority or Appointed Department Head must act upon (either deny or approve) requests which will result in the employee taking more than twenty-four (24) hours, but no more than forty (40) hours, of leave without pay within a calendar year. Only the Cullman County Commission or Appointing Authority may approve requests which will result in the employee taking more than forty (40) hours of leave without pay within a calendar year, or any single request for greater than forty (40) hours of consecutive leave without pay. Employees in a leave without pay status the day before or the day after a holiday or have leave without pay the whole week of the holiday will not be eligible for holiday pay.

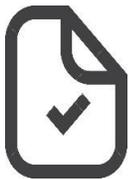
Employees will not accumulate annual leave or sick leave time while on a leave of absence or in a leave without pay status.

Employees who use more than forty (40) hours of leave without pay, and are not on an approved leave of absence, are subject to progressive discipline.

Employees desiring leave without pay under the Family and Medical Leave Act must comply with the FMLA policy. When an employee is in a leave without pay status and has used all Family Medical Leave and accumulated leave time, he or she shall no longer be eligible to remain on the county's insurance plan but may be allowed to continue coverage through COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985, Public Law 99-272, Title X). During Cullman County Commission and Appointing Authority approved periods of leave without pay, the employee shall not accrue leave or benefits and shall not receive Cullman County Commission contributions to insurance premiums.

#### **IV-I. Leave of Absence**

If an employee exhausts all of his or her annual, sick and FMLA leave and still needs additional time off for personal or health reasons, he or she may apply for an unpaid leave of absence for a period of up to three (3) months. The written request for leave must be given to the employee's supervisor and Appointed Department Head at least thirty (30) days prior to the start of the requested leave date unless the leave is an emergency. Any request for leave of absences must be approved or denied by the County Commission.



*To request a leave of absence, submit a written request to your supervisor and the department director at least 30 days in advance, unless the leave is an emergency. State the reason for the leave, date you want it to begin and date you expect to return to work. It must be approved by the County Commission.*

Regardless of the reason for the leave, it is essential that the following departments be notified to ensure that benefits are properly administered:

- Personnel Department; and
- Payroll Department.

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The Cullman County Commission may or may not approve the request for a leave of absence. The decision is at their discretion, unless the leave qualifies under the Family and Medical Leave Act. Factors considered in approving the request are the employee's length of service, employment record and the reason for the absence.

Employees will not accumulate annual leave or sick leave time while on a leave of absence or in a leave without pay status.

The employee must notify his or her supervisor of the anticipated return to work date prior to that date. The supervisor is responsible for immediately notifying the Personnel Department.

If an employee fails to return to work at the conclusion of the leave of absence without pay, he or she shall be terminated from employment.

There may be changes in employee benefits during a leave of absence. Please contact the Personnel Department to determine what changes may be experienced.

#### **IV-J. Administrative Leave with Pay**

Any appointing Authority or Appointed Department Head, in consultation with the HR Specialist, may require any employee to take up to ten (10) days of administrative leave with pay. Administrative leave with pay is typically utilized during internal investigations of an employee or group of employees prior to making a determination whether disciplinary action should be imposed against one or more employees. Administrative leave with pay may also be utilized for the purpose of fit for duty evaluations.

#### **IV-K. Family and Medical Leave Act (FMLA)**

Cullman County Commission offers leave under the Family and Medical Leave Act (FMLA) for eligible employees.

1. Eligibility: If an employee has worked for at least one (1) year and for 1,250 hours in the preceding twelve (12) months, he or she is eligible to take up to twelve (12) weeks of unpaid leave when the absence is necessitated by any of the following circumstances:
  - a. The birth or placement of a child for adoption or foster care;
  - b. The employee's own serious health condition that prevents him or her from performing the essential functions of the job; or
  - c. Serious health conditions of a son or daughter, parent, or spouse if the employee is needed to help provide care.

Qualifying exigencies related to a spouse, child, or parent's active military duty, are included as follows: short-notice deployment, military events and activities, child care and school activities, financial and legal arrangements, counseling, rest and recuperation and post-deployment activities.

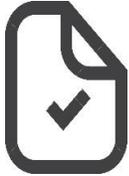
Employees are entitled to a total of twenty-six (26) weeks of leave in a particular twelve (12) month period to care for a spouse, child, parent, or next of kin suffering from a serious illness or injury incurred in the line of military duty. Note that all FMLA leave is cumulative, so that leave taken for other reasons during the year will be deducted from this additional entitlement.

2. Certification: If an employee requests leave for his or her own serious health condition, or to care for the serious condition of a son or daughter, parent or spouse, the employee will be required to provide the Cullman County Commission Personnel Department with certification by a treating healthcare provider.

All FMLA leave must be certified by an appropriate health care provider. Certification forms must be provided within fifteen (15) calendar days of the employee's notification of the need for leave. If additional information is requested by

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the HR Specialist, it must be provided within seven (7) calendar days of the request. Note that the Commission may directly contact an employee’s health care provider in order to verify or clarify the need for leave. It may also require a second opinion at its own expense. **FAILURE TO COMPLY WITH THE CERTIFICATION REQUIREMENTS MAY RESULT IN PARTIAL OR COMPLETE DENIAL OF FMLA LEAVE.**



***You must provide certification from your treating healthcare provider when you request leave for your own serious health condition and you may need a modified statement if your request is to care for another family member.***

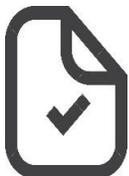
3. Measuring: Cullman County has chosen the “measured forward” method that entitles the employee to twelve (12) weeks of leave during the year beginning on the first date the FMLA leave is taken after the previous twelve (12) month period ends.

*Example: The 12-month period begins September 1, 2015, if that is the first day of FMLA leave. If the employee exhausts all of FMLA leave, the next date the employee could again take FMLA leave would be September 1, 2016.*

When an employee is on FMLA leave, he or she must periodically report (if possible) to Personnel on his or her status and indicate the return to work date. Appropriate forms must be submitted to Personnel to initiate family leave or to return the employee to active status.

4. Intermittent or Reduced-Time Leave: FMLA leave can be taken on an intermittent or reduced-time basis under certain circumstances. An employee may request intermittent or reduced leave for the following reasons:
  - a. When medically necessary to care for a seriously ill family member, or because of the employee’s own serious health condition; or
  - b. For the birth or placement of a child for adoption or foster care. Intermittent or reduced- time leave shall not exceed twelve (12) weeks combined if both spouses are employed by the County.

Only the amount of leave actually taken while on intermittent/reduced schedule leave may be charged on FMLA leave. If an employee needs intermittent/reduced schedule leave for planned medical treatment, he or she must work with the supervisor to schedule the leave so it does not unduly disrupt the department’s operations, subject to the approval of the employee’s healthcare provider.

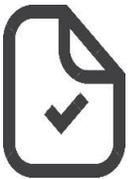


***If you need to be off occasionally for medical reasons, you must work with your supervisor to arrange a schedule that does not unduly disrupt the department’s work, but it has to also have the approval of your healthcare provider.***

Employees on worker’s compensation, for which injury is eligible for FMLA, are required to take FMLA concurrently. For example, an employee who is absent from work for four (4) months due to a worker’s compensation injury will have the first twelve (12) weeks of that absence applied to FMLA leave.

5. Serious Health Condition: “Serious Health Condition” is defined as an illness, injury, impairment, or physical or mental condition that involves:
  - a. Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;

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- b. A period of incapacity requiring absence of more than three (3) calendar days from work that also involves continuing treatment by (or under the supervision of) a healthcare provider;
  - c. Any period of incapacity due to pregnancy, or for prenatal care;
  - d. Any period of incapacity (or resulting treatment) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.);
  - e. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal illnesses, dialysis, etc.); or
  - f. Any absences to receive multiple treatments (including any period of recovery) by, or on referral by, a healthcare provider for a condition that likely would result in incapacity of more than three (3) consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).
6. Health Insurance Premiums: During FMLA leave, the County will continue to pay its portion of the health insurance premiums, and the employee must continue to pay his or her portion of the premium. The employee's contribution of health insurance premiums should be paid according to the County pay periods (e.g., bi-weekly).

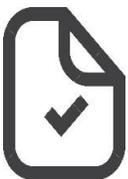


***While on FMLA Leave, you must continue to pay your own portion of your health insurance premiums.***

If an employee does not return to work at the end of FMLA leave, he or she may be required to reimburse the County for payment of health insurance premiums, unless the employee does not return because of the presence of a serious health condition which prevents him or her from performing the job or circumstances beyond the employee's control. The employee may then choose to elect COBRA coverage. Sufficient notice shall be given to the employee at the end of FMLA when and if this event occurs.

The employee will be responsible for any other elected benefit contributions while out on FMLA.

7. Accrued Leave: Employees are required to use available sick and annual leave during FMLA leave. Accrued leave and FMLA leave are used at the same time – the employee does not take accrued leave first and then take FMLA leave.



***When your circumstance qualifies for FMLA, you may not first use your accrued leave and then start FMLA leave. These two types of leave run concurrently – you are required to use them at the same time.***

The portion of the family leave of absence, which is annual leave time and/or sick time, will be with pay according to the County's policies regarding annual leave and sick leave.

During FMLA leave, the employee will not accrue employment benefits (such as annual leave and sick leave), if he or she is in unpaid status. Employment benefits accrued up to the day on which the family leave of absence begins will not be lost. Any holidays that occur during FMLA will not be paid if the employee is in an unpaid status.

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8. **Return to Work:** If the employee returns to work from FMLA leave before or on the business day following the expiration of the twelve (12) weeks, the employee is entitled to return to his or her job or an equivalent position without loss of benefits or pay.
  9. **Application Forms:** Application forms for FMLA leave must be submitted in writing and are available in the Personnel Office. Applications should be submitted at least thirty (30) days before the leave is to start, or as soon as possible if leave is not foreseeable. Employees should provide the County with an appropriate medical certification when FMLA is requested.

#### **IV-L. Military Leave**

Employees who are active members of the Alabama National Guard, Naval Militia or the Alabama State Guard organized in lieu of the National Guard, or any other reserve component of the armed forces of the United States, shall be entitled to military leave of absence from their respective civil duties and occupations on all days that they are engaged in the 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, time, seniority, annual leave or sick leave. An employee receiving authorization for leave with pay will be paid in accordance with *Ala. Code §31-2-13*, or such other applicable law.

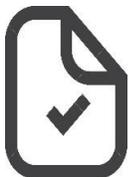
As a result of the employee's membership in any of the named military reserve organizations, the employee is allowed to receive up to 168 working hours (21 working days) per calendar year of paid military leave when absent from work because of performance of duty or training in the military reserve. If an eligible employee is on military leave when a scheduled holiday occurs, the holiday pay will prevail and the day will not be charged against the military leave account.

An employee, who is called to active duty with the Armed Forces of the United States, may request annual or personal leave, if available, or leave without pay. Upon his or her release from military service the employee shall be re-instated by the County in a position that is no lower in grade or pay than that in which he or she is physically and mentally suited to perform, provided the employee makes application for re-employment to the County within thirty (30) days following honorable separation from the Armed Forces of the United States, and his or her absence for military service did not exceed the original service period.

There is no waiting period to be eligible for military leave. This applies to both probationary and non-probationary employees.

An eligible employee who plans to use military leave for training during the year must notify his or her Appointing Authority or Appointed Department Head and the County Personnel Department of his or her projected schedule.

Employees must provide copies of military orders to the HR Specialist when requesting such leave in accordance with *Ala. Code §31-2-13* and other applicable laws. If the employee is requesting more than ten (10) days off, he or she must make the request in writing no less than two (2) weeks in advance.



***You must give at least 2 weeks written notice when you need leave for military duty that lasts more than 10 working days.***

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#### **IV-M. Uniformed Services Employment and Reemployment Rights Act (USERRA)**

Pursuant to the Uniformed Services and Reemployment Rights Act (“USERRA”), all persons employed by the Cullman County Commission are entitled to up to five (5) years of military leave without pay for any service in the various Uniformed Services of the United States, including, but not limited to, enlistment, training and active duty. Employees may be entitled to additional leave for periods of initial service lasting more than five (5) years, periodic training duty and involuntary active duty recalls and extensions. Paid leave, including sick leave and annual leave, may be substituted for all or part of this unpaid military leave. Employees must provide as much advance notice of their impending service as reasonable. Employees should provide this notice to the HR Specialist.

All employee benefits will be continued without a break in coverage during the service period for employees serving thirty (30) or fewer days. Employees serving thirty-one (31) days or more may elect to continue health care coverage for up to twenty-four (24) months at his or her own cost. Upon returning to work, all benefits will be restored to the employee without a waiting period or break in coverage. While employees do not accrue annual or sick leave while on USERRA leave, the rate at which such leave will accrue when the employee returns to work will be the same as if the employee had never taken leave.

Employees returning from a period of service are generally entitled to be placed back into the same position that they would have occupied had they not taken military leave. If the period of service is thirty (30) days or less, the employee should report back to work no later than the beginning of the first work day after the completion of the period of service, allowing for travel time and at least eight (8) hours rest, or, if such a date is impossible or unreasonable, as soon as possible. If the period of service is thirty-one (31) days or more, the employee must submit an application for reemployment. In those cases where the period of service was for between thirty-one (31) days and one hundred-eighty (180) days, the application must be submitted no later than fourteen (14) days after the completion of service. When the service was longer than one hundred-eighty (180) days, the application must be submitted no later than ninety (90) days after the completion of service. For periods of service lasting longer than thirty (30) days, the employee may be required to submit supporting documentation. Service members who return with disabilities, illnesses, or injuries accrued in the course of their service may be entitled to extensions of these deadlines and/or accommodation for their conditions.

In addition to the unpaid leave available pursuant to USERRA, any employee who is a member of the National Guard of Alabama or Reserve Officer or Enlisted Person in the Army, Navy, Marine Corps or Air Force Reserve shall be granted leave with pay for the purpose of attending an encampment for training when so ordered. The maximum amount of leave with pay shall not exceed one hundred sixty-eight (168) hours in any calendar year.

**No employee or prospective employee will be subject to any form of discrimination or harassment whatsoever on the basis of that person’s membership in or obligation to perform service for any of the Uniformed Services of the United States.** Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation because such person has exercised his or her rights under this policy. If any employee believes that he or she has been subjected to discrimination in violation of this policy, the employee should follow the guidelines for reporting discrimination and harassment contained in Section I-B of this Handbook.

#### **IV-N. Jury Duty or Court Appearance**

When an employee must miss work due to jury or witness duty, the employee will be excused from his or her job. Notice must be given to the direct supervisor.

Witness duty must pertain to job-related business for excused absence with regular pay. At any time during jury or witness duty if the employee completes the assignment during regular work hours, he or she is expected to return to work immediately.



*Notify your supervisor if you must appear for jury or witness duty. Witness duty must be job-related in order to receive your regular pay.*

#### **IV-O. Voting Leave / Elections**

Employees will be encouraged to exercise his or her right to vote. Upon approval from the employee's supervisor, an employee may be permitted to vote during work hours. Employees may use annual or sick leave for hours taken to vote.

#### **IV-P. Political Leave Without Pay.**

A County employee desiring to campaign for a Cullman County political office shall be granted a leave of absence without pay beginning on the date they qualify until they complete their participation in the election process.

If the employee is elected, the employee will voluntarily resign from his or her position with the County and assume elected office. If the employee is defeated in his or her bid for political office, the employee may, within five (5) working days, be reinstated to his or her former position, or one of comparable classification and pay.

An employee may elect to use accrued annual and/or sick leave upon beginning the leave of absence without pay to campaign for public office.

No Cullman County employee shall campaign or otherwise engage in political activity in support or against a candidate or any cause during the employee's working hours.

No County employee shall be rewarded or penalized in any way for using authorized political leave.

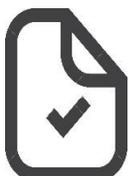
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## **V. Employee Benefits**

#### **V-A. Benefits Eligibility**

Full-time employees are eligible for benefits. These benefits include: medical coverage, dental coverage, vision coverage, life insurance, retirement and supplemental benefit options. Part-time employees (who work at least 20 hours per week) are eligible for retirement only.

It is the employee's responsibility to list only dependents that are eligible for coverage as defined by the plan rules. If a covered dependent becomes either eligible or ineligible based on the plan rules, it is the employee's responsibility to notify Personnel immediately. Employees must notify Personnel of any changes in status within thirty (30) days of the status change. This includes: dependent status change, address changes, divorce, marriage, birth, adoption, reduction in work hours or any other change that could affect benefit plan eligibility.



*To add or delete dependents from your insurance, you must notify Personnel within 30 days of the qualifying event.*

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### **V-B. Benefits Effective and Termination Dates**

Cullman County personnel staff will determine the effective date of coverage.

However, if a newly hired employee already has coverage with Blue Cross Blue Shield of Alabama, the County insurance can go into effect immediately upon successful application and payment. If they do not have coverage with Blue Cross Blue Shield of Alabama, they must wait ninety (90) days.

Benefits will end the last day of the month in which an employee actively works. Coverage and benefits shall be subject to the provisions and requirements as stated in the policies providing coverage.

### **V-C. Medical, Dental and Vision Coverage**

Employees must enroll for coverage within thirty (30) days of benefit eligibility (see above) or an eligible qualifying event. Complete benefit packets are provided at new hire orientation. Additional packets may be obtained by contacting the Personnel Department at (256) 775-4884. If an employee does not enroll within thirty (30) days of benefit eligibility they must wait until the next open enrollment period to enroll.

Cullman County offers medical, dental and vision coverage to all full-time employees. The plan is priced for both individual and family. Although the County pays a significant portion of the employee's insurance premiums, employees are responsible for the employee portion. Information about the current medical, dental and vision plan and premiums is available in the Personnel Department.

### **V-D. Notice for Individuals Declining Health Coverage**

The Health Insurance Portability and Accountability Act of 1996 (HIPPA) requires group health plans and insurers to advise an employee and employee's dependents of enrollment rights when declining health coverage.

If an employee is declining enrollment for health plan benefits for himself or herself, dependents or both because of other health insurance coverage, the employee may, in the future, be able to enroll in this plan, provided that he or she requests enrollment within thirty (30) days after the other coverage ends.

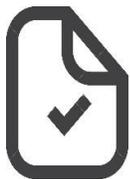
In addition, if an employee has a new dependent as a result of marriage, birth, adoption or placement for adoption, he or she may be able to enroll himself or herself, dependents or both, provided that he or she requests enrollment within thirty (30) days after the marriage, birth, adoption or placement for adoption.

### **V-E. Identification Cards**

If an employee enrolls in medical, dental and vision benefits, identification cards will be mailed to his or her home address.

### **V-F. Annual Enrollment/Transfer Period**

Health plans, benefit designs, eligibility rules and premiums are subject to change each plan year based on the previous year's claim experience. Announcements concerning changes for the upcoming plan year are made during annual enrollment period each fall. Employees are required to review notices, home mailings and department memos for information about the benefits for the upcoming year.

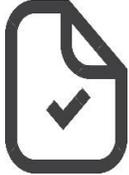


*You are required to review your notices, home mailings and department memos for information about benefits for the upcoming year. Failure to do so may result in no coverage for the new year.*

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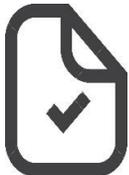
### **V-G. Benefit Premiums/Payroll Deductions**

Employees are responsible to review his or her paycheck to ensure the appropriate benefit deductions have been taken. Deductions from the employee's paycheck will begin the first pay period of the month prior to the coverage start date. Medical, dental and vision deductions will be taken out of twenty-four (24) pay periods per year. There will be two (2) pay periods each year in which no insurance deductions will be taken (normally the last pay period in a three (3) pay period month).



*You are responsible for reviewing your paycheck to ensure the appropriate benefit deductions have been taken.*

If an employee misses a paycheck due to work absence or unpaid time, then the missed deductions will be taken out of the next paycheck immediately upon return or employee may pay personnel the amount due each pay period.



*Contact Personnel to discuss payment of deductions prior to going out on leave.*

### **V-H. Consolidated Omnibus Budget Reconciliation Act (COBRA)**

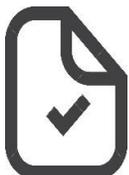
If an employee loses coverage due to a termination of employment, a reduction in work hours or other qualifying event, the employee and employee's covered dependents may be eligible to continue coverage through COBRA.

For a full explanation of COBRA terms and eligibility, contact Personnel or refer to the "General COBRA Notice" received at time of enrollment.

### **V-I. Change in Status**

Employees are required to report, in writing, personal changes and/or changes in work status to the Personnel Department within (30) days of any status change. This includes:

- Dependent status change;
- Address changes;
- Divorce;
- Marriage;
- Birth/adoption;
- Reduction in work hours; or
- Any other change that could affect benefit plan eligibility.



*You must report personal changes and/or changes in work status to Personnel within 30 days of the change.  
Documentation may be required to make benefit changes.*

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**V-J. Life Insurance**

Cullman County provides Life Insurance in the amount of \$15,000 coverage plus \$15,000 accidental death & dismemberment coverage for all full-time employees after ninety (90) days of continuous employment. The Plan Document is available in the Personnel Department.

Employees may purchase additional life insurance on a voluntary basis for themselves and spouse and dependent children. Cost varies based on age and selected coverage amount. Employee pays 100% of the cost.

**V-K. Employee Assistance Program (EAP)**

The Employee Assistance Program (EAP) is a valuable resource to assist employees and their family members. Through the EAP, administered by American Behavioral, employees can receive assistance for a number of different life concerns, such as personal conflicts and financial and legal issues.

Employees and their family member can contact EAP 24 hours a day, 365 days a year by calling

1-800-925-5EAP (5327) or [www.americanbehavioral.com](http://www.americanbehavioral.com)

EAP offers confidential assistance with:

- Marital and Family Issues
- Alcohol and Other Drug Dependency Assistance
- Stress Related Issues
- Legal and Financial Referrals
- Emotional Issues

When employees or their family members call EAP, they will speak with an experienced and specially trained counselor who will assist in getting the help needed.

**V-L. Supplemental Benefits**

Cullman County offers supplemental voluntary benefits such as Accident, Cancer, Short-Term Disability, Life, Deferred Compensation, etc. from providers such as:

- Colonial Life
- Liberty National
- AFLAC
- NTA
- Nationwide Retirement Solutions
- RSA-1
- Other voluntary products

These additional benefit options can be administered through payroll deduction.

Supplemental benefits are subject to change without notice. For more information, contact the Personnel Department at (256) 775-4884 or (256) 775-4879.

**V-M. Retirement Plan**

Retirement participation is mandatory with the Retirement Systems of Alabama (RSA). If an employee averages at least twenty (20) hours per week, he or she will automatically be enrolled in the retirement plan.

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Employees who were in the RSA plan before January 1, 2013 are Tier I participants and are required to contribute 5% on a pre-tax basis from each paycheck. Employees who enroll in the RSA plan on or after January 1, 2013 are Tier II participants and are required to contribute 6% on a pre-tax basis from each paycheck. (This contribution is matched by the County).

Employees are vested in the Retirement Systems of Alabama after ten (10) years of service. Tier I employees (those in the system before January 1, 2013) are eligible to retire with twenty-five (25) years of service or ten (10) years of service and age sixty (60). Tier II employees (those enrolled in the system on or after January 1, 2013) will be eligible to retire at age sixty-two (62) with at least ten (10) years of service.

#### **V-N. Conditions for Retirement**

Whenever an employee meets the conditions for retirement set forth in the Retirement Systems of Alabama Regulations, he or she may elect to receive all benefits earned under the Alabama Retirement Plan.

The Notice of Retirement may be forwarded to the Personnel Department no more than three (3) months or no later than thirty (30) days prior to the last scheduled day of work.

Due to the complexity of each individual retirement account, the employee should contact the Personnel Department with any questions or contact:

Employee's Retirement System of Alabama  
201 South Union Street  
Montgomery, AL 36130  
1-877-517-0020

#### **V-O. Benefits Due at Retirement**

**Unpaid Sick Leave** – Full-time Tier I employees retiring pursuant to the requirements of the Retirement Systems of Alabama with 25 years of service or at age 60 with at least ten (10) years of service shall be allowed to convert his or her accumulated sick leave retirement service credit and the Retirement Service Credit if permitted by the State of Alabama. Full-time Tier II employees retiring at age 62 pursuant to the requirements of the Retirement Systems of Alabama with at least ten (10) years of service, will not be allowed to convert his or her accumulated sick leave toward retirement credit and the Retirement Service Credit. **Unless specifically approved by the Appointing Authority (based on departmental needs), employees who are retiring may not use accrued sick leave time in order to leave work earlier than their stated retirement date.**

**Effective October 1, 2016**, full-time Tier I employees retiring pursuant to the requirements of the Retirement Systems of Alabama with 25 years of service or at age 60 with at least ten (10) years of service shall be allowed the following options regarding accumulated sick time:

1. Total accumulated sick time may be converted to retirement service credit; or
2. Accumulated sick time may be paid out at the rate of 50%.

Any employee who retires from Cullman County is required to make a decision at the time of completion of the retirement application to select one of the two options listed above.

**Effective October 1, 2016**, full-time Tier II employees retiring at age 62 pursuant to the requirements of the Retirement Systems of Alabama with at least ten (10) years of service, will not be allowed to convert his or her accumulated sick leave toward retirement credit and the Retirement Service Credit. However, these Tier II employees will be paid accumulated sick time as follows:

1. Accumulated sick time may be paid out at the rate of 50%.

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**Retiree Health Insurance Continuation (Under Age 65)** – A full-time employee currently enrolled in health insurance with a minimum of ten (10) years of service with Cullman County and retiring pursuant to the requirements of the Retirement Systems of Alabama who has not met the age requirement to be eligible for Medicare, is eligible to continue health coverage by paying the retirees premium portion of health coverage. The county will contribute their premium portion of the cost of health coverage. Retiree premiums must be paid monthly via direct bank draft.

If the employee has single coverage at the time of retirement, this coverage may not be changed at a future date for any qualifying event. (i.e., Cannot change from single to family coverage to add a new spouse or to cover a spouse who has lost coverage with their employer).

If the employee has family coverage at the time of retirement, that employee may elect at that time to keep this coverage until the age requirement to be eligible for Medicare has been met. The employee may also select single coverage at this time. When the retiree reaches the age requirement to be eligible for Medicare, all insurance coverage provided to the retiree under the regular County insurance plan will cease. Any dependents covered will become eligible for COBRA. County retirees will be afforded a C+ Supplement to Medicare and dental coverage. There is no prescription drug coverage and no vision coverage with this plan. The retiree will pay a portion of this premium and the county will contribute a portion of the cost of this coverage. Retiree premiums must be paid monthly via direct bank draft.

**Effective for employees retiring on or after October 1, 2016**, if the employee has family coverage at the time of retirement, that employee may elect at that time to keep this coverage until the age requirement to be eligible for Medicare has been met. The employee may also select single coverage at this time. When the retiree (**or any dependent covered under the retiree’s health coverage**) reaches the age requirement to be eligible for Medicare, all insurance coverage provided to the retiree (**and/or Medicare eligible dependent**) under the regular County insurance plan will cease. Any **non-Medicare eligible dependents** covered will become eligible for COBRA. County retirees will be afforded a C+ Supplement to Medicare and dental coverage. There is no prescription drug coverage and no vision coverage with this plan. The retiree will pay a portion of this premium and the county will contribute a portion of the cost of this coverage. Retiree premiums must be paid monthly via direct bank draft.

**Retiree Health Insurance Continuation (Age 65 and Over)** – A full-time employee currently enrolled in health insurance with a minimum of ten (10) years of service with Cullman County and retiring pursuant to the requirements of the Retirement Systems of Alabama who has met the age requirement to be eligible for Medicare, is eligible to receive a C+ Supplement to Medicare and dental coverage. There is no prescription drug coverage and no vision coverage with this plan. There is no family coverage with this plan. The retiree will pay a portion of this premium and the county will contribute a portion of the cost of this coverage. Retiree premiums must be paid monthly via direct bank draft.

Should the County’s health insurance premiums increase, so shall the portion paid by the retiree with the increased amount to be determined by the Commission.

Any employee who retires from Cullman County is required to make a decision at the time of completion of the retirement application whether to retain the County’s medical coverage or reject it.

#### **V-P. Retirement Disability**

Employees who participate in the Retirement Systems of Alabama and have completed ten (10) years of service and become disabled as defined by the plan, may be eligible to receive a disability benefit subject to all applicable requirements. Contact the retirement system directly for more information.

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## VI. Code of Ethics

### VI-A. Ethical Conduct

It is the policy of Cullman County Commission to uphold, promote and demand the highest standards of ethics from all employees and officials, whether elected or appointed. Accordingly, all County employees should maintain the utmost standards of personal integrity, truthfulness, honesty and fairness in carrying out their public duties; avoid any improprieties in their roles as public servants; and never use their county position or powers for improper personal gain.

Every employee of the Cullman County Commission is a “public employee”. The taxpayers of this County entrust every employee with the responsibility of carrying on business beneficial to the taxpayer.

Employees of the Cullman County Commission are subject to the provision of the Alabama Ethics Law (codified at §§ 36-25-1, et. Seq., Code of Alabama 1976, as amended from time to time) (sometimes referred to as the “Alabama Ethics Law” or the “Ethics Law”) and the decisions and enforcement of the Alabama Ethics Commission. Employees may visit the Ethics Commission’s website for further information of interest at [www.ethics.alabama.gov](http://www.ethics.alabama.gov)

### VI-B. Statement of Economic Interest

Some employees may have to complete an annual questionnaire for the Alabama Ethics Commission. The Personnel Department will provide these employees the required forms, upon request. These employees are responsible for filing the reports in a timely manner. Section 36-25-4.2 states that “all public employees required to file the Statement of Economic Interests required by Section 36-25-14, shall participate in an online educational review of the Alabama Ethics Law provided on the official website of the commission. Employees hired after January 1, 2011, shall have 90 days to comply with this subsection.”

### VI-C. Political Activity

Employees may individually exercise their right to vote and privately express their views as a citizen, including becoming a candidate for public office. However, an employee shall not make, solicit, or receive any assessment, donation, subscription, or contribution for political purpose, or engage in political activities during his or her work time. Without limitation, Cullman County expressly prohibits employees from soliciting political financial contributions, distributing political literature, wearing political buttons or similar insignia during their work time. Employees who are issued uniforms by Cullman County are prohibited from wearing their uniforms while engaging in political activities.

Cullman County also prohibits employees from distributing political literature or printed or other material of any kind in working areas at any time. Employees may not use any equipment owned by Cullman County, including but not limited to, copiers and fax machines, to engage in political activities.

This prohibition against soliciting other employees for political purposes covers Cullman County’s telephonic and computer equipment. Thus, no employee is permitted to use Cullman County’s electronic mail, the internet, voice-mail, telephones, computers or other related equipment for the purpose of soliciting others for political activities or for preparing, duplicating or distributing political literature or other material to other employees or non-employees.

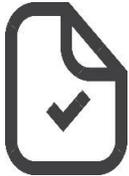
The HR Specialist is available to answer any questions regarding proper employee political activity. This policy does not authorize a county employee to engage in political activity in violation of federal or state law.

### VI-D. Secondary Employment

Cullman County Commission employees shall not engage in any outside employment which adversely affects his or her work performance as an employee of the County or creates a conflict of interest.

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If an employee engages in other employment, he or she must notify his or her supervisor in writing stating the name of the employer, the nature of the work or business, specific duties, and hours worked per week. The supervisor will send a copy of these statements to the HR Specialist for placement in the employee's personnel file. If the supervisor believes there may be a potential incompatibility between the outside employment and County employment due to either the number of work hours or nature of work or scheduling requirements, he or she shall submit appropriate recommendations to the HR Specialist. The final decision will be made jointly by the HR Specialist and the Appointing Authority or Appointed Department Head.



*If you work another job, you must notify your supervisor in writing and state the employer, type of work, job duties, and hours worked per week. This job cannot conflict with your primary job with the Cullman County Commission.*

The employee shall at all times give first priority to the performance of his or her Cullman County Commission job. County work schedules will not be adjusted to accommodate non-County work schedules.

#### **VI-E. Hiring of Relatives – Nepotism Policy**

Cullman County Commission permits the employment of qualified relatives as long as such employment does not, in the opinion of the Commission, create actual or perceived conflicts of interest. For this policy, “relative” is a spouse (including civil union partner and registered domestic partner), child, parent, sibling, grandparent, aunt, uncle, first cousin, or corresponding in-law or “step” relation. Cullman County Commission will consider the placement of related employees as follows:

- Individuals who are related by blood or marriage are permitted to work for Cullman County, provided no direct reporting or supervisory/management relationship exists. That is, no employee is permitted to work within the “chain of command” of a relative such that the other relative could influence one relative’s work responsibilities, salary, or career progress.
- No relatives are permitted to work in the same department or in any other positions in which the Commission believes an inherent conflict of interest may exist.
- Employees who marry while employed are treated in accordance with these guidelines. That is, if, in the opinion of the Commission, a conflict or an apparent conflict arises as a result of the marriage, one of the employees will be transferred at the earliest practicable time.
- In addition, Cullman County Commission recognizes that at times, employees and their, domestic partners, or “significant others” also could be in supervisor-subordinate relationships which create an actual or perceived conflict of interest. In such circumstances, the Commission will treat these employees as “relatives” for purposes of enforcing this policy.

It is the goal of Cullman County to avoid creating or maintaining circumstances in which the appearance of possibility of favoritism, conflicts, or management disruptions exist. The County will allow existing personal/working relationships to be maintained, thereby creating a “grandfather clause” for those employed as of the date of adoption, under the following circumstances:

- That the relationship will not create an adverse impact on work productivity or performance; and
- That the relationship will not create actual conflict-of-interest.

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It is the responsibility of every employee to identify to the County Personnel Department any potential or existing personal relationship which falls under the definitions provided. Employees who fail to disclose personal relationships covered by this section will be subject to disciplinary action up to and including the termination of employment.

#### **VI-F. Reporting Arrests**

Any employee of the County who has been arrested for any reason must report the arrest and surrounding circumstances to his or her immediate supervisor within one (1) day of returning to work. Failure to comply with this policy may result in disciplinary action. Supervisors are required to forward the information to the Appointing Authority, Appointed Department Head and HR Specialist.

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## **VII. Safety and Health**

### **VII-A. Introduction**

Safety and health within Cullman County must be a part of every operation. Without question, it is every employee's responsibility at all levels.

Cullman County will maintain a safety and health program conforming to the best practices of organizations of this type. To be successful, such a program must embody the proper attitudes toward injury and illness prevention on the part of supervisors and employees. It also requires cooperation in all safety and health matters, not only between supervisors and employees, but also between employees and their co-workers. Only through such a cooperative effort can an effective safety and health program be established and preserved.

The safety and health of every employee is a high priority. Cullman County Commission accepts responsibility for providing a safe working environment and employees are expected to take responsibility for performing work in accordance with safe standards and practices. Safety and health will only be achieved through team work. Everyone must join together in promoting safety and health and taking every reasonable measure to assure safe working conditions within the County.

Most people think of a loss or injury as strictly a liability. However, when investigated properly, the knowledge obtained and utilized effectively can be turned into an asset. These investigations can:

- Aid in the elimination of service breakdowns;
- Assist in improving methods and conditions;
- Be used to identify training needs;
- Demonstrate management's concern for safety; and
- Add to the supervisor's accumulated knowledge of his or her operation and management responsibilities.

### **VII-B. Responsibilities**

1. Management Responsibilities – The County Commission, Appointing Authority and Appointed Department Heads are responsible for the following:
  - a. Setting the safety and health policies and procedures;
  - b. Ensuring that sufficient, trained personnel are assigned to direct the safety and health program;
  - c. Assigning and communicating safety and health responsibilities to managers and supervisors;
  - d. Providing adequate authority and resources necessary for implementation of policies and procedures;
  - e. Assigning accountability to managers, supervisors and employees so that safety and health performance is evaluated as other aspects of job performance are evaluated;
  - f. Assuring the work processes and safety and health protection are completely integrated so that safety and health are part of the daily work activity within the County;

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- g. Periodic reviews of the safety and health program and related policies, procedures and practices, to ensure that they remain relevant and effective in participating and meeting the stated goal and objectives; and
  - h. Participating in safety and health program activities on a regular basis.
2. Safety Departmental Responsibilities include the following:
- a. Coordination and directing all activities related to the implementation of the safety and health program;
  - b. Developing, documenting and maintaining all safety related programs, policies and procedures as needed;
  - c. Conducting comprehensive worksite inspections on a regular basis for purpose of identifying unsafe conditions and unsafe acts. Imminent danger items identified through inspections will be corrected immediately, with other items being submitted to the County Commission office as needed;
  - d. Developing and implementing safety and health awareness and communication programs;
  - e. Participating in and reviewing accident/incident investigations for correctness of informational and casual factors and for making recommendations relative to corrective actions necessary to prevent a recurrence;
  - f. Conducting on-going evaluations of the safety and health program and instituting changes as needed to ensure that the program remains relevant and effective;
  - g. Assist with the indoctrination of new employees as needed, relative to general safety and health rules, policies, programs and procedures and advising of the personal protective equipment necessary to do his or her jobs; and
  - h. Staying abreast on new developments and certifications in the field of safety and health rules and accident prevention so that he or she can be an effective resource for everyone connected to the program.
3. Supervisor Responsibilities include the following:
- a. Conducting safety training/meetings in his or her department on a regular basis;
  - b. In coordination with the Safety Director, conducting informal, continuous and on-going inspections in his or her departments, as well as more formal comprehensive safety and health inspections on a regular basis, for the purpose of identifying unsafe conditions and unsafe acts;
  - c. Training new or transferred employees in safety and health issues relative to his or her department and to the specific job assignment;
  - d. Consistent enforcement of all safety and health rules, policies, practices and procedures; and
  - e. Encouraging all employees to use the personal protective equipment needed to be able to safely do his or her job.
4. Employee responsibilities include the following:
- a. Complying with all established safety and health rules, policies, practices and procedures and being active in his or her own safety and health protection;
  - b. Promptly reporting all work-related injuries and illnesses, regardless of severity and near-miss accidents to the supervisor so that treatment can be rendered and investigations can be conducted;
  - c. Promptly reporting any unsafe conditions, unsafe equipment or unsafe acts to supervision immediately;
  - d. Proactively submit suggestions to management to improve safety and health;
  - e. Wearing and maintaining is good condition all personal protective equipment required for his or her job;
  - f. Attending safety meetings and educational programs as directed by management; and
  - g. Submitting to random drug and alcohol testing in accordance with County policies and procedures.

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### **VII-C. Loss and Safety Investigation**

All investigations will start with the immediate supervisor. It is his or her system that broke down. Also, he or she is usually the person who management expects will initiate the corrective action to solve the existing problem. Others may be involved in the investigation and corrective action due to the nature of the loss. The investigator's attitude should be one of positive fact-finding, not blame fixing. The positive attitude will assist in enlisting meaningful contributions from witnesses, positive corrective action and follow-up to make sure the problem was eliminated.

The investigation should take place immediately after the loss and a copy of the report turned in to the Safety Director by the supervisor within twenty-four (24) hours of the accident or incident (must turn in at a minimum, the completed Employee Incident/Injury Report and the Supervisor Incident/Injury Report). Prompt investigation will help ensure that physical conditions remain unchanged and employees involved are still available. The facts will still be fresh in the participant's mind, and witnesses will still remember what, how and when it occurred. Whenever the cause is an unsafe condition, a copy of a completed work order will be attached. If the cause was an unsafe act, written corrective action will be attached as warranted.

**The "Supervisor Incident/Injury Report" must be filled out by the employee's supervisor and not the injured employee who was involved in the accident.**

### **VII-D. Workers Compensation**

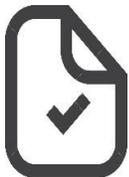
All employees are protected under the State of Alabama's Workers Compensation Law for injuries and occupational diseases that result "out of and in the course of employment". This includes injuries that take place when the employee is performing tasks he or she was hired to perform at times and in places where he or she was hired to work.

For all life threatening injuries or illnesses, please notify 911.

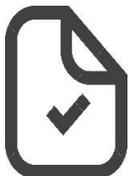
If an employee experiences an on-the-job, non-life threatening injury or illness, he or she is required to:

1. Report the incident to his or her immediate supervisor immediately;
2. Complete the Employee Incident/Injury Report immediately;
3. Provide information to the supervisor so that the supervisor can complete the Supervisor Incident/Injury Report within twenty-four (24) hours from the time of the incident. The supervisor will then send it to the Safety Director;
4. All initial medical visits are made at the following clinics:
  - a. **Dr. James V. Thomas** located at 1908 Cherokee Avenue, SW, Cullman, Alabama 35055. Follow up visits will be scheduled by the office of Dr. James V. Thomas as needed; and
5. In the event Dr. James V. Thomas' office is closed, after hours non-life threatening medical treatment may be sought at the following locations as deemed necessary by Management:
  - a. Cullman Regional Medical Center (CRMC), HWY 157, in Cullman, Alabama.  
All related follow up visits for treatment rendered at CRMC must be made at the Industrial Medical Center. **At no time will a referral to the employee's personal physician be made by the emergency room doctor in regards to workers compensation cases.**
6. Every employee injured on the job is required to:
  - a. Keep all scheduled appointments with physicians/therapists as scheduled;

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- b. Be aware that Cullman County has a Temporary Transitional Duty program for all employees. For more information on this program, please refer to the Cullman County Temporary Transitional Duty Policy;
  - c. Notify his or her supervisor immediately if the physician advises the employee not to return to work, to work with restrictions and when he or she releases you to full duty; and
  - d. Give the supervisor a copy of the Return to Work and/or Work Restriction Form(s) received from the physician. A copy must be given to the Safety Director so that it may be retained in the employee's workers compensation file.
7. If an employee requires emergency medical treatment for "life threatening" injuries, he or she should use the emergency room at any hospital. Only one (1) visit to the emergency room will be covered by workers compensation per each work related incident. Notification to the Safety Director must be made immediately.
  8. If there is a follow-up appointment required after the initial visit to the emergency room, then the follow-up visit **MUST** be scheduled at the office of Dr. James V. Thomas. The employee's workers compensation case manager will assist the Safety Director in scheduling this appointment for the employee. The employee is not authorized to return to the emergency room for follow-up treatment (i.e., removal of stitches, change of injury dressings, etc.).

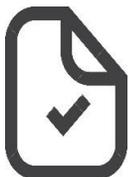


***Only one visit to the emergency room will be covered by workers compensation. All follow-up appointments must be seen at the office of Dr. James V. Thomas.***



***At no time should an employee go to their personal pharmacy or put workers compensation prescriptions on their personal insurance.***

9. If the employee's authorized treating physician releases the employee to return to work with specific temporary restrictions (i.e., transitional duty) and Cullman County can provide a job within the recommended restrictions, he or she must return to work and attempt the transitional duty. Transitional duty is offered at the will of the County and is only offered on a temporary basis.



***You must return to work and attempt transitional (light) duty if authorized by your treating physician. Failure to report for light duty may result in termination of disability benefits.***

10. The employee's authorized physician determines what transitional duty work is appropriate. If clarification of transitional duty restrictions is needed, the Safety Director should be contacted. Failure to report for the assigned transitional duty work as authorized may result in the employee having to use his or her sick or annual leave time to cover the employee's absence. An employee may qualify for benefits if Cullman County cannot provide a job within the restrictions given by the authorized physician.

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11. Medical bills and temporary benefits will not be paid until the Safety Director has received the appropriate forms from the employee and his or her supervisor.
  12. After the employee's claim has been received by the Safety Director, it will be submitted to a workers compensation case manager, to determine whether it is approved. The employee will be notified if a problem arises in the process of making that decision.

If a workers compensation claim is rejected as a workers compensation injury, it may be applied to the employee's medical insurance.

The goal is to process workers compensation claims as quickly and as fairly as possible while providing the employee with the best medical care possible. The length of time required for approval will vary for each claim.

13. All employees involved in a Workers Compensation Injury or a Liability Property Damage incident will be required to receive a Post-Accident Drug Screen immediately after the reported incident.
14. Official medical records in regards to Workers Compensation and Drug Screen Testing should only be maintained in the Personnel and/or Safety Department. At no time should any medical information (personal protected health information) be retained at any other location other than the Personnel Department, unless written consent has been otherwise given.

#### **VII-E. Workers Compensation Payments**

The employee will be paid a full day's pay for the day of the injury. The following three (3) days can be charged to sick leave, annual leave or leave without pay. These "following three (3)" days will be reimbursed under the workers compensation benefits after the employee remains off work for a period of twenty-one (21) calendar days.

The only check an employee who has filed for workers compensation benefits will receive is a check received from the workers compensation insurance carrier for Cullman County.

While on workers compensation leave, the employee shall be placed in a leave without pay status. The employee will not accumulate annual or sick leave while on workers compensation leave.

There is no coordination of accrued leave with worker's compensation. When an employee is off work due to a job-related illness or injury, his or her worker's compensation payments may not be coordinated and supplemented with any compensatory, sick or annual leave time an employee may have accrued.

All individual health insurance premiums paid by Cullman County for an employee will remain in force and continue to be paid by the County. All employees are required to continue to pay his or her portion of the health insurance premiums.

If, while on workers compensation leave, the employee wishes to continue insurance coverage or other items that are customarily deducted from his or her paycheck, the employee must contact the Personnel Department for payment procedures. If payments are not submitted in a timely manner, coverages are subject to cancellation.

An employee (who has depleted his or her sick, annual leave and FMLA) out on workers compensation leave, who has reached "Maximum Medical Improvement (MMI)", shall be terminated, if he or she does not return to work.

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## VII-F. Transitional Duty

The Temporary Transitional Duty Policy is intended to support injured and ill employees who have temporary restrictions due to work related injuries and are expected to return to his or her regular assignments following recovery. This policy and procedure does not cover employees with permanent restrictions and is offered at the will of the Cullman County Commission and may be terminated at any time. Each case presented for possible Temporary Transitional Duty will be evaluated on case by case basis by the HR Specialist, Safety Director, Appointing Authority and respective Appointed Department Head.

### 1. Eligible Personnel.

The guidelines for eligible personnel are as follows:

- a. Any probationary or permanent employee of Cullman County;
- b. A physician's note detailing the employee's temporary work restrictions is required to be eligible for a Temporary Transitional Duty Assignment;
- c. Work restrictions are defined as physician specified work activities that are limited due to an occupational illness or injury, regardless of whether the employee has lost time from work or not (e.g. limited hours, limited functions, need for equipment, etc.);
- d. The employee must provide his or her supervisor a physician's note identifying temporary work restrictions or time off, within one (1) business day of the employee's receipt of the note;
- e. The supervisor is then responsible to notify his or her relevant Appointing Authority or Appointed Department Head of the request for Temporary Transitional Duty, and;
- f. The relevant Appointing Authority or Appointed Department Head is responsible for seeking approval from the Safety Director and HR Specialist in order to authorize Temporary Transitional Duty.

### 2. Non-Eligible Personnel.

The following are personnel who are ineligible:

- a. Contractors, volunteers, inmates, interns or temporary employees;
- b. Employees who have a common, contagious illness (e.g. cough, cold or flu) or an injury that has no impact on the ability to perform his or her regular job duties (e.g. an employee who works sitting at a desk and has a sprained ankle);
- c. Employees on non-medical leave (e.g. military, bonding, etc.); or
- d. Employees who have permanent restrictions that do not fall within the normal scope of his or her job activities.
- e. Employees who have any non-work related illness or injury.

### 3. Identify Potential Eligible Employees.

The guidelines used to identify potential eligible employees are as follows:

- a. The department supervisor shall identify an employee who has been, or will be, off work due to an occupational injury or illness;
- b. The employee shall self-identify by providing temporary work restrictions to his or her department supervisor;
- c. Clarifications of restrictions may be needed, and;
- d. The relevant Appointing Authority or Appointed Department Head, HR Specialist and the Safety Director shall review medical records to identify potentially eligible employees. This determination will be made on a case-by-case basis, while considering the best interest of the employee and Cullman County during the evaluation.

### 4. Assess Work Restrictions and Develop Assignment.

The department head should make every effort within 24 hours or as early as possible, to do the following:

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- a. Provide a Temporary Transitional Duty Assignment, if feasible, for all work related injuries. The department director must email the proposed Temporary Transitional Duty Assignment and its duration to the HR Specialist and the Safety Director;
  - b. Request assistance in the development of the Temporary Transitional Duty Assignment Assistance from the HR Specialist and the Safety Director may include clarification from the medical provider, a need for equipment beyond internal resource availability, assessment of possible alternative job duties or special projects or an assessment of the appropriateness of the modification; and
  - c. Notify the HR Specialist and the Safety Director if at any time the department is unable to provide a Temporary Transitional Duty assignment.

5. Communication of Assignment to Employee.

The department will discuss the Temporary Transitional Duty Assignment with the employee. Assignments are determined based upon the employee's temporary work restrictions, skills, the duration of time required for the assignment and the needs of the department. The employee will act in accordance with the duties assigned in a Temporary Transitional Duty assignment. The refusal to do so may result in the loss of workers compensation wage replacement benefits, in accordance with state law or long-term disability benefits.

6. Completion of Temporary Transitional Duty Letter.

The relevant Appointed Department is responsible for the following:

- a. Completing the Letter of Temporary Transitional Duty Assignment (TTD) along with the HR Specialist and Safety Director;
- b. Sending a copy of the TTD Letter to the immediate supervisor, the HR Specialist and to the Safety Director;
- c. Making certain that the employee begins his or her work in that assignment once the TTD letter is completed;
- d. Meeting with the Safety Director for a discussion of the Temporary Transitional Duty Assignment; and
- e. Meeting with the employee for a discussion of the Temporary Transitional Duty Assignment.

7. Work Restrictions and Assignment Modification.

The relevant department head is responsible for:

- a. Monitoring the assignment and the employee for compliance;
- b. Re-assessing the assignment upon any change of temporary work restrictions or as the needs of the department change. This will also require a new TTD Letter.

The employee is responsible for providing within one (1) business day, any medical documentation detailing the revised temporary work restrictions to the department designee, if the temporary work restrictions change at any time during the current assignment.

8. Duration of Assignment.

- a. The duration of the Temporary Transitional Duty Assignment for occupational illnesses or injuries will be up to ninety (90) days, as the needs of the department allow;
- b. For any change in duration or temporary work restrictions, the department must complete a new Letter of Temporary Transitional Duty Assignment; and
- c. The duration shall not exceed ninety (90) days from the original date of the Temporary Transitional Duty Assignment, without approval from the relevant Appointed Department Head, HR Specialist and the Safety Director.

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9. Extension of Assignment.

Consideration for extensions may be considered for occupational illness or injury. An extension beyond ninety (90) days may be granted with approval from the relevant Appointing Authority or Appointed Department Head, HR Specialist and the Safety Director. In no event shall Temporary Transitional Duty Assignments exceed one hundred and eighty (180) days for an occupational illness or injury.

10. Extension Requirements.

In order for an extension to be considered, the following requirements must be made:

- a. The department and the employee both request as extension;
- b. The employee has made progress in transitioning back to the regular assignment during his or her ninety (90) day Temporary Transitional Duty Assignment; and
- c. The extension is for a specific, short period of time due to the employee's medical physician indicating that the employee is progressing as expected toward returning to work in his or her regular assignment.

11. Transitional Duty Assignment Termination.

The Temporary Transitional Duty Assignment will terminate at any time, if the needs of the department change or when a department determines that the employee is not acting in accordance with the stated restrictions or is unable to perform the duties as assigned within the stated restrictions.

The Temporary Transitional Duty Assignment will terminate at any time, if the physician:

- a. Releases the employee to full duty without restrictions;
- b. Removes the employee from work; or
- c. Indicates the employee has permanent restrictions.

Where restrictions are permanent, Appointing Authority and Appointed Department Heads should refer to the HR Specialist and the Safety Director for additional guidance and directives.

The Temporary Transitional Duty Assignment automatically terminates at the end of the approved assignment, unless an extension has been requested and approved per the policy. If the department is terminating the Temporary Transitional Duty Assignment prior to the agreed upon end date, the Appointing Authority and Appointed Department Head shall give the employee as much notice as possible. Early agreement termination must be approved by the relevant Appointing Authority and Department Head, HR Specialist and the Safety Director.

12. Dispute Resolution.

In the case of disputes regarding the denial of a Temporary Transitional Duty Assignment or the denial of an extension of a Temporary Transitional Duty Assignment, the employee or department may follow the grievance procedure as shown in section *I.B Equal Employment Opportunity/Employment Grievance Procedures*.

### **VII-G. General Safety and Health Rules**

The Cullman County Commission makes every effort to provide a work place free of recognized hazards. The Cullman County Commission, therefore, reserves the right to amend, modify or rescind any provisions contained herein. These general rules are for guidance. Employees must be familiarized with every rule set forth herein.

Because of the variation in the work in the county departments, it is impossible to include in this handbook all the rules governing safety of operations. Rules that apply to specific operations or departments will be brought to the employee's attention by his or her supervisor. The following are examples of such rules but are not all-inclusive.

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## VII-H. Safety Rules

1. Only approved safety equipment will be used in the performance of an employee's official duties. Safety glasses/goggles, steel-toed safety boots, earplugs and hard hats are required to be worn in certain areas as a condition of employment. All steel-toed boots shall be sturdy work boots only. The adequacy or type of protection required must be commensurate with the potential hazard of each job assignment. This will be determined by the hazard assessment that will be conducted for the specific job title.
2. A face shield or safety glasses are required when employees are using a grinder, weed eater, lawnmower, trimmer, chainsaw, mulcher, chipper, etc., or when performing other operations where sparks or small pieces of debris can become airborne.
3. Any employee welding must use a welding shield. Any employee using a torch must wear the appropriate shaded lens or shield.
4. Never operate any piece of equipment, machine, crane, tractor, forklift, etc. unless trained and instructed to do so.
5. Never operate a machine unless all guards are in place. If a guard is missing or in need of repair, it is the employee's responsibility to notify his or supervisor immediately.
6. Report unsafe acts and unsafe conditions to the department supervisor immediately.
7. Be sure the machine has stopped running before it is cleaned or adjusted. Follow the guidelines set forth by OSHA for de-energizing equipment.
8. Always wear leather chaps when operating a chainsaw.
9. Long pants/trousers are required to be worn when operating weed eaters, trimmers, saws, lawnmowers, etc., in order to help reduce the number of injuries associated with the operation of such equipment.
10. At no time should any part of the body be placed in a potential area that may result in contact with moving machinery.
11. At no time is an employee permitted to climb on, walk on, stand on or jump over machinery or other equipment in contravention or violation of the safety and/or operations manual for the machinery or equipment.
12. At no time should an employee use defective tools or equipment. Always inspect any tool or piece of equipment about to be used. If a tool or piece of equipment is defective, it is the employee's responsibility to notify his or her supervisor immediately. Always use the proper tool for the job. Do not use tools with mushroomed heads. All files must have handles.
13. Only authorized employees are permitted to service or maintain electrical equipment.
14. All aisles, walkways, gates, etc., must be kept clear of debris at all times.
15. Never turn compressed air on yourself or anyone else. Do not clean your person or clothing with compressed air. As little as four pounds of air pressure can rupture an eyeball or an eardrum. Employees must always wear a face shield when using compressed air.
16. Lift the right way to avoid strain. Bend at the knees, keep the body erect and then push upward with the legs. Never lift any item that is too heavy. Get help.
17. Employees are prohibited from riding on the forklifts, cables, slings or any other part of any machine or crane. Only authorized personnel are permitted to operate forklifts and other powered industrial trucks. The operator is the only person authorized to ride on a forklift or powered industrial truck.
18. Any employee who is in a man lift or basket of any kind must properly wear a safety harness and lanyard while in the basket or man lift.
19. Never walk or stand under a suspended load.
20. Do not use lifting slings, hooks or chains without inspecting them first. If faulty, do not use them. Employees must contact their supervisor for proper inspection procedures or to report faulty equipment. Do not use "homemade" slings, hooks, or other lifting devices for any load bearing purpose. Slings and chains should have a manufacturer tag or label on them, which tells the date the item was made and its rated load capacity. Homemade lifting devices such as hooks and slings are not to be used.
21. Never use a makeshift or defective scaffold.
22. Gloves must be worn when working on jobs that present hand hazards.

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23. All employees who are working from an elevated platform of any kind over six (6) feet high without the proper guardrails installed are required to properly wear fall protection equipment.
  24. Only authorized employees are allowed to enter a confined space at any time.
  25. Each employee working in or on a piece of equipment that is required to be locked out must attach his or her own individual lock out device to the machinery or equipment.

#### **VII-I. Health Rules**

1. In case of injury, no matter how slight, immediately report it to the department supervisor.
2. Keep the workplace clean. Put all rags, trash, cups and waste in containers provided for that purpose.
3. All personnel who are required to wear a respirator must successfully pass a PFT (Pulmonary Function Test).
4. All personnel who wear a respirator or dust mask are required to be clean-shaven at the time that the respirator or dust mask is used.
5. Use extreme care in handling all chemicals.
6. If you work in oil or toxic combustibles, be particular about washing and scrubbing your hands.

#### **VII-J. Fire and Environmental Rules**

1. Report any fire or emergency immediately to the department supervisor.
2. All employees are to be familiar with emergency exits, emergency evacuation meeting areas and firefighting equipment such as fire extinguishers. Fire extinguishers are located throughout County buildings. These extinguishers have instructions on how to operate the extinguisher and for what type of fire they are designed to be used.
3. Never block an exit or firefighting equipment.
4. All flammable liquids must be maintained in approved containers. All bulk flammable material must be stored in a flammable storage locker or equivalent.
5. All containers must be labeled as to its contents.
6. Rags saturated with flammables must be kept in approved safety containers.
7. Never pour oil, flammable liquids or other unauthorized chemicals into any sewer or drain.
8. Smoking is prohibited in restricted areas.
9. Employees should strive to protect the environment, minimize waste, meet all established environmental goals and objectives and strive for continuous improvement.
10. In the event of a chemical or oil spill, please notify the department supervisor immediately.

**Violation of any safety, health, fire or environmental rule may result in appropriate corrective action that may vary from a verbal warning to termination of employment, depending on the seriousness of the violation.**

#### **VII-K. Severe Weather / Tornado Safety Procedures**

Tornadoes are nature's most violent storms. Spawned from powerful thunderstorms, tornadoes can cause fatalities and devastate a neighborhood in seconds. Cullman County Commission employees are urged to take any and all threats of severe weather, especially tornado threats, seriously and to familiarize yourself with emergency procedures related to these threats.

1. In case of an imminent weather event, listen to NOAA Weather Radio or to commercial radio or television newscasts for the latest information. In any emergency, always listen to the instructions given by local emergency management officials;
2. Be alert to changing weather conditions. Look for approaching storms;
3. Familiarize yourself with these terms to help identify a tornado hazard:
  - a. **Tornado Watch** – Tornadoes are possible. Remain alert for approaching storms. Watch the sky and stay tuned to NOAA Weather Radio, commercial radio or television for information;

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- b. **Tornado Warning** – A tornado has been sighted or indicated by radar. Take shelter immediately.
4. If Cullman County is under a tornado warning and your workplace is determined to be in the path of the tornado, seek shelter immediately! Each County facility should designate a pre-determined area to be used by employees during a tornado event. Most injuries associated with high winds are from flying debris, so remember to protect your head;
  5. *If you are in a structure:*
    - a. Go to a pre-designated area such as a safe room, basement, storm shelter, or the lowest building level. If there is no basement, go to the center of a small interior room on the lowest level (closet, storage room, interior hallway) away from corners, windows, doors and outside walls. Put as many walls as possible between you and the outside. Get under a sturdy table and use your arms to protect your head and neck;
    - b. In a high-rise building, go to a small interior room or hallway on the lowest floor possible;
    - c. Do not open windows.
  6. *If you are in a manufactured home or office:*
    - a. Get out immediately and go to a pre-identified location such as the lowest floor of a sturdy, nearby building or a storm shelter. Mobile homes, even if tied down, offer little protection from tornadoes.
  7. *If you are outside with no shelter:* If you are not in a sturdy building, there is no single research-based recommendation for what last-resort action to take because many factors can affect your decision. Possible actions include:
    - a. Immediately get into a vehicle, buckle your seat belt and try to drive to the closest sturdy shelter. If your vehicle is hit by flying debris while you are driving, pull over and park;
    - b. Take cover in a stationary vehicle. Put the seat belt on and cover your head with your arms and a blanket, coat or other cushion if possible;
    - c. Lie in an area noticeably lower than the level of the roadway and cover your head with your arms and a blanket, coat or other cushion if possible;
    - d. Do not get under an overpass or bridge. You are safer in a low, flat location;
    - e. Never try to outrun a tornado in urban or congested areas in a car or truck. Instead, leave the vehicle immediately for safe shelter;
    - f. Watch out for flying debris. Flying debris from tornadoes causes most fatalities and injuries.

The procedures listed in this section is provided by on-line information from the Ready.gov website.

#### **VII-L. Bomb Threat Procedures**

Most bomb threats to government building or facilities are received by phone. Bomb threats are serious until proven otherwise. County employees should act quickly, but remain calm and obtain as much information as possible from the caller.

1. If a bomb threat is received by phone :
  - a. Remain calm. Keep the caller on the line for as long as possible. **DO NOT HANG UP**, even if the caller does;
  - b. Listen carefully. Be polite and show interest.
  - c. Try to keep the caller talking to learn more information.
  - d. If possible, write a note to a co-worker to call the authorities or, as soon as the caller hangs up, immediately notify them yourself.
  - e. If your phone has a display, copy the number and/or letters on the window display.

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- f. Complete the Bomb Threat Checklist immediately. Write down as much detail as you can remember. Try to get exact words. This checklist is available from the Personnel Department and the Safety Department.
  - g. Immediately upon termination of the call, do not hang up, but from a different phone contact local law enforcement immediately (Emergency 911, Cullman County Sheriff's Department at 256-734-0342, Cullman City Police Department at 256-734-1434, Hanceville City Police Department at 256-352-9811) with information and await instructions.
2. If a bomb threat is received by handwritten note:
    - a. Call local law enforcement immediately and await instructions.
    - b. Handle note as minimally as possible.
  3. If a bomb threat is received by e-mail:
    - a. Call Local law enforcement immediately and await instructions.
    - b. Do not delete the message.
  4. Signs of a suspicious package:
    - a. No return address
    - b. Excessive postage
    - c. Stains
    - d. Strange odor
    - e. Strange sounds
    - f. Unexpected delivery
    - g. Poorly handwritten
    - h. Misspelled words
    - i. Incorrect titles
    - j. Foreign postage
    - k. Restrictive notes
  5. DO NOT:
    - a. Use two-way radios or cellular phone; radio signals have the potential to detonate a bomb.
    - b. Evacuate the building until police arrive and evaluate the threat.
    - c. Activate the fire alarm.
    - d. Touch or move a suspicious package.

The procedures in this section are provided by on-line information from the US Department of Homeland Security website.

#### **VII-M. Active Shooter Guidelines**

1. Profile of an Active Shooter.

An Active Shooter is an individual actively engaged in killing or attempting to kill people in a confined and populated area; in most cases, active shooters use firearms(s) and there is no pattern or method to their selection of victims.

Active shooter situations are unpredictable and evolve quickly. Typically, the immediate deployment of law enforcement is required to stop and mitigate harm to victims.

Because active shooter situations are often over within 10 to 15 minutes, before law enforcement arrives on the scene, individuals must be prepared both mentally and physically to deal with an active shooter situation.

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2. How to Respond When an Active Shooter is in Your Vicinity.

Quickly determine the most reasonable way to protect your own life. Remember that customers and visitors are likely to follow the lead of employees and managers during an active shooter situation.

- a. Evacuate - If there is an accessible escape path, attempt to evacuate the premises. Be sure to:
  - i. Have an escape route and plan in mind
  - ii. Evacuate regardless of whether others agree to follow
  - iii. Leave your belongings behind
  - iv. Help others escape, if possible
  - v. Prevent individuals from entering an area where an active shooter may be
  - vi. Keep your hands visible
  - vii. Follow the instructions of any police officers
  - viii. Do not attempt to move wounded people
  - ix. Call 911 when you are safe
- b. Hide Out - If evacuation is not possible, find a place to hide where the active shooter is less likely to find you. Your hiding place should:
  - i. Be out of the active shooter's view
  - ii. Provide protection if shots are fired in your direction (i.e., an office with a closed and locked door)
  - iii. Not trap you or restrict your options for movement
  - iv. To prevent an active shooter from entering your hiding place, lock the door and blockade the door with heavy furniture
  - v. If the active shooter is nearby:
    1. Lock the door
    2. Silence your cell phone and/or pager
    3. Turn off any source of noise (i.e., radios, televisions)
    4. Hide behind large items (i.e., cabinets, desks)
    5. Remain quiet
  - vi. If evacuation and hiding are not possible:
    1. Remain calm
    2. Dial 911, if possible, to alert police to the active shooter's location
    3. If you cannot speak, leave the line open and allow the dispatcher to listen
- c. Take Action Against the Active Shooter – As a last resort, and only when your life is in imminent danger, attempt to disrupt and/or incapacitate the active shooter by:
  - i. Acting as aggressively as possible against him/her
  - ii. Throwing items and improvising weapons
  - iii. Yelling
  - iv. Committing to your actions

3. How to Respond When Law Enforcement Arrives.

Law enforcement's purpose is to stop the active shooter as soon as possible. Officers will proceed directly to the area in which the last shots were heard.

- a. Officers usually arrive in teams of four (4)
- b. Officers may wear regular patrol uniforms or external bulletproof vests, Kevlar helmets, and other tactical equipment
- c. Officers may be armed with rifles, shotguns, handguns
- d. Officers may use tasers, pepper spray or tear gas to control the situation
- e. Officers may shout commands, and may push individuals to the ground for their safety

How to react when law enforcement arrives:

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- f. Remain calm, follow officers' instructions
  - g. Put down any items in your hands (i.e., bags, jackets)
  - h. Immediately raise hands and spread fingers
  - i. Keep hands visible at all times
  - j. Avoid making quick movements toward officers such as holding on to them for safety
  - k. Avoid pointing, screaming and/or yelling
  - l. Do not stop to ask officers for help or direction when evacuating, just proceed in the direction from which officers are entering the premises

Information to provide to law enforcement or 911 operator:

- m. Location of the active shooter
- n. Number of shooters, if more than one
- o. Physical description of shooter(s)
- p. Number and type of weapons held by the shooter(s)
- q. Number of potential victims at the location

The first officers to arrive to the scene will not stop to help injured persons. Expect rescue teams comprised of additional officers and emergency medical personnel to follow the initial officers. These rescue teams will treat and remove any injured persons. They may also call upon able-bodied individuals to assist in removing the wounded from the premises.

Once you have reached a safe location or a pre-determined assembly point, you will likely be held in that area by law enforcement until the situation is under control, and all witnesses have been identified and questioned. Do not leave until law enforcement authorities have instructed you to do so.

The guidelines listed in this section are provided by on-line information from the US Department of Homeland Security website.

#### **VII-N. Alcohol and Drugs – Drug Free Workplace Policy**

The Cullman County Commission is committed to providing a safe working environment for all employees while serving the citizens of Cullman County. The Cullman County Commission recognizes that any employee who improperly uses intoxicating substances, including drugs and alcohol, poses a serious threat to his or her self, his or her co-workers and to the public in general. Even small quantities of narcotics, abused prescription or over-the-counter drugs or alcohol can impair judgment and reflexes. This impairment can have dire results, particularly for employees operating vehicles of potentially dangerous equipment.

**It is therefore the policy of the Cullman County Commission that all employees or any person performing any kind of work for Cullman County Commission must report to work completely free from alcohol, illegal or unauthorized drugs or any other substances that may have a mind-altering or intoxicating effect or otherwise impair the employee's judgment, reaction times or functioning.**

The County also prohibits all employees from using, possessing, manufacturing distributing or making arrangements to distribute alcohol, illegal or unauthorized drugs or any other intoxicating substances while at work or on or about any county property.

In order to avoid creating safety problems and violating this policy, employees must inform his or her supervisor when he or she is legitimately taking any medication, including prescription drugs or over-the-counter medications, which affects his or her ability to work. Employees whose job performance may be affected by such medications may be required to provide a fitness-for-duty certification before being allowed to resume their job duties.

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Any employees who violates this policy in any way shall be immediately removed from his or her job duties and shall be subject to discipline, up to and including immediate termination.

No part of this policy shall be construed to create a contract of continued employment or to confer upon any employee or applicant a property interest in his or her employment. The County maintains the right to change this policy at any time without notice. To the extent that any portion or provision of this policy and procedure conflicts with any applicable federal or state laws or regulation, such federal or state laws or regulations will be controlling.

The Cullman County Commission has designated the Safety Director as the Drug Program Coordinator. If you have any questions or concerns regarding this policy or its application, please contact him or her at: (256) 737-7591 or (256) 531-7349.

Employees of the Cullman Area Rural Transportation System (CARTS) are subject to ALDOT Substance Abuse Regulations, unless the County's policies are more stringent, in which case the County's policy would apply.

1. Definitions.

- a. "Accident" means any on-the-job accident. "Accident" includes vehicular accidents as well as any acts or omission causing an accident or injury to any person or damage to any equipment or property belonging to the County.
- b. "Administrator" means the person or entity that implements drug testing on employees and applicants.
- c. "Alcohol" means distilled or fermented beverage containing ethyl alcohol, including, but not limited to, beer and wine.
- d. "Chain of Custody" means procedures implemented by the Cullman County Commission for the identification and integrity of each urine specimen. The Cullman County Commission requires the person responsible for policy implementation to track the handling and storage of each urine specimen from the point of specimen collection to final disposition of the specimen. These procedures include an appropriate drug testing chain of custody form to be used from time of collection to receipt by the testing laboratory. Chain of custody forms shall document the date and purpose of each time a specimen is handled or transferred and shall identify every individual in the chain of custody.
- e. "Collector" means a person who instructs and assists tested employees and applicants for eligible positions at a collection site and who receives and makes an initial examination of the urine specimens. The collector shall have successfully completed training to carry out this function or shall be a licensed medical professional or technician who shall be provided instructions for collection under this procedure and certifies completion as required herein. In any case, where a collection is observed or monitored by non-medical personnel, the collector shall be a person of the same gender as the employee or applicant.
- f. "Collection Site" means a place designated by the Cullman County Commission 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 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.
- g. "Controlled Substance" means a substance defined or classified as a controlled substance according to federal or state 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.
- h. "County" means Cullman County.
- i. "DOT Employee" is an employee who is subject to the rules and regulations of the United States Department of Transportation regarding drug and alcohol testing because of the job duties that he or she performs.

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- j. “Drug Program Coordinator” is the person designated by the Cullman County Commission to ensure compliance with this Policy, including but not limited to, ensuring that proper testing procedures are followed, ensuring that the lab(s) used by the Cullman County Commission are properly certified and ensuring that the Medical Review Officer is properly credentialed. The name and contract information of the Drug Program Coordinator will be distributed to all employees.
  - k. “Employer Premises” includes all property owned, leased, used or under the control of Cullman County Commission, including, but not limited to, the job site of any employee, structures, office buildings, facilities, vehicles and equipment of transportation to and from those locations while in the course and scope of County employment.
  - l. “Employee” means any and all employees of the Cullman County Commission.
  - m. “Illegal/Unauthorized Drug” means any drug (1) which is legally obtainable but has not been legally obtained or, even if legally obtained, is not being used in accordance with instructions given either by a physician or, if over-the-counter, on the drug’s label; or (2) all illegal drugs, including, but not limited to, methamphetamine, marijuana, cocaine, etc.
  - n. “Intoxicating Substance” means any substance, whether legal or illegal, that may have an intoxicating or mind-altering effect when ingested, snorted, smoked or otherwise introduced into the body. Intoxicating substances include, but are not limited to, “bath salts”, nitrous oxide, glues, solvents or herbs or other plants such as salvia.
  - o. “Legal Drug” means prescribed drugs and over-the-counter drugs which have been legally obtained and are being used appropriately for their intended purpose in accordance with directions given either on the label or by employee’s treating physician.
  - p. “Possession” means actual or constructive care, custody, control or immediate access.
  - q. “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, alcohol, prohibited or controlled substance in the employee’s body.
  - r. “Medical Review Officer” (MRO) means a licensed physician (medical doctor) responsible for receiving laboratory results generated by the county’s drug 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.
  - s. “Random Selection Process” is the process used to ensure that each employee holding a safety-sensitive position has an equal chance of being drug-tested every time that random drug tests are conducted. This process means that some employees may be tested multiple times in any given year.
  - t. “Reasonable Cause” means that the County believes the actions or appearance or conduct of an employee on duty are indicative of the use of a controlled substance or alcohol.
  - u. “Safety-Sensitive Employees” are those persons who are subject to random drug and alcohol testing. These employee include, but are not limited to, persons who inspect, service, repair or maintain a vehicle or other heavy equipment, operate or load a vehicle or heavy equipment, use tools, including both power and hand tools, that have the capacity to injure any person and those who are authorized to carry weapons of any kind. An engaged in a safety-sensitive function at all times from the time that an employee begins work or is required to be in readiness to work until the time he or she is relieved from work and all responsibility for performing work.

## 2. Persons Subject to Testing.

The following employees have been designated by the Cullman County Commission to submit at any time to be tested for illegal drug abuse and alcohol abuse:

- a. All employees who hold positions or regularly perform duties that have been designated to be “safety-sensitive” by the Cullman County Commission;

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- b. Any employee who, during the course of said employee's employment, is involved in an accident causing physical injury to any person or damage to any property; and
  - c. Any employee, regardless of whether he or she holds a safety-sensitive position, whose conduct, behavior or physical symptoms establishes reasonable cause to believe that said employee is under the influence of any drug and/or alcohol while performing his or her job duties or while being physically present on the premises of the Cullman County Commission's property during any activity sponsored, supervised or in which the Cullman County Commission participates.

3. Types of Testing.

Pursuant to Cullman County Commission's policy and procedures, employee will undergo testing as follows.

- a. **PRE-EMPLOYMENT TESTING:** All employees applying for a position that has been designated as safety-sensitive will be required to submit to a pre-employment drug and alcohol test before a final offer of employment is extended. All pre-testing offers of employment to such persons are explicitly conditioned on the employee successfully taking and passing the drug and alcohol test. Pre-employment testing will also be done when an employee transfers from a non safety-sensitive position to a safety-sensitive position;
- b. **RANDOM TESTING:** All employees holding safety-sensitive positions will be subject to testing on a random basis without advance notice to them;
- c. **REASONABLE CAUSE TESTING:** Cullman County Commission may schedule a drug/alcohol test when behavioral observations indicate to the employee's supervisor that any employee may be involved in illegal use of a controlled substance, use of alcohol or abuse of legal drugs. Before testing, the employee's supervisor shall either (1) contact another supervisor to observe the employee's behavior and to concur with the decision to test the employee or (2) review the employee's behavior with another supervisor to obtain concurrence with the decision to test the employee. The employee shall be promptly escorted to the collection site for testing by the employee's supervisor or designee;
- d. Employees arrested or convicted for off-the-job use or possession of illegal or controlled substances shall undergo testing to assist Cullman County Commission is determining fitness for duty. If the employee tests positive, the Cullman County Commission shall discharge the employee.
- e. **POST ACCIDENT TESTING:** All employees are required to report all injury of damage related accidents and submit to a post-accident drug/alcohol test as set out in this policy. Each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident shall be subject to testing. The employee's supervisor or his designee shall schedule the drug screening test immediately following a reportable incident or a reportable accident, and;
- f. **RETURN-TO-DUTY TESTING:** If an employee has violated the prohibited drug and alcohol rules, he or she must take and pass a drug and alcohol test before returning to work. Further, any employee who has violated the prohibited drug and alcohol rules is required to take a drug and/or alcohol test before returning to safety-sensitive functions for *any* DOT regulated employer and is also subject to unannounced follow-up testing at least six (6) times in the first twelve (12) months following a return to active safety-sensitive service.

Any and all drug testing conducted by the Cullman County Commission will not be used to identify the existence of any disability.

In the event there is reasonable suspicion of a violation of this policy, the Cullman County Commission also reserves the right to search all property, cabinets, tool boxes, vehicles, including personal vehicles brought on the Cullman County Commission's property, under control of any employee or in the personal vehicle of any employee and located on the Cullman County Commission's property and used by said employee in commuting to work or in that employee's duty as an employee.

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4. Safety-Sensitive Employees.

Employees are considered to be “safety-sensitive” when his or her job duties regularly require them to engage in activities that have the potential to cause physical injury to themselves or others or to cause serious property damage. Such activities include, but are not limited to:

- a. Maintaining or repairing motor vehicles or heavy equipment, including, but not limited to, bulldozers, tractors and riding mowers;
- b. Maintaining or repairing tools that have the capacity to seriously injure the user or another person, including, but not limited to, chainsaws or weed-eaters;
- c. Regularly operate motor vehicles or heavy equipment as part of his or her job duties, including equipment such as tractors or riding mowers for which licensure is not required by the State of Alabama;
- d. Regularly operate tools that have the capacity to seriously injure the user or another person;
- e. Loading and unloading vehicles or heavy equipment;
- f. Any activity related the safe operation of a mass transit system, including dispatching vehicles;
- g. Carrying any weapon or object for the purpose of performing job duties that could reasonably be used as a weapon, including, but not limited to, firearms, knives, machetes, blades, tasers or batons;
- h. Answering emergency calls and/or directing the provision of emergency services; or
- i. Providing emergency medical services.

A list of positions that have been designated as a safety-sensitive by Cullman County is available for view in the Safety Department and the Personnel Department. Some safety-sensitive positions are specifically subject to regulation by the Department of Transportation (DOT). An asterisk indicates these positions. An accredited testing laboratory will maintain two (2) different random testing pools, including one (1) pool for persons specifically subject to regulation by DOT and one (1) pool for all other safety-sensitive employees.

All employees are subject to drug and alcohol testing when there is reasonable cause to believe that they have violated this policy and after any accident involving physical injury or serious property damage. However, employees who have been designated as safety-sensitive are also subject to pre-employment testing and random testing. Random drug tests can be performed any time a safety-sensitive employee is on duty. An alcohol test can be performed when the safety-sensitive employee is performing a safety sensitive duty, just before or just after the performance of a safety-sensitive duty.

In addition, employees occupying positions deemed to be “safety-sensitive” must promptly report any arrests, charges or convictions for drug or alcohol related criminal offenses, including both misdemeanors and felonies, to his or her supervisor, Elected Official or Appointed Department Head and the Safety Director. **FAILURE TO REPORT SUCH ARRESTS, CHARGES OR CONVICTIONS MAY BE GROUNDS FOR DISCIPLINE, UP TO AND INCLUDING IMMEDIATE DISMISSAL.**

5. Necessity of Compliance with Testing Requirements.

All employees are subject to reasonable suspicion and post-accident testing as a condition of his or her employment. In addition, all safety-sensitive employees will be subject to pre-employment and random urine test and breath alcohol testing as a condition of employment.

Any employee who refuses to take a drug and/or alcohol test to which he or she is properly subject shall be considered to have a verified positive test result. Any employee who has a verified positive test result, including by refusal, shall be immediately removed from his or her duties and may be subject to immediate termination. In addition, any employee subject to DOT regulations will receive educational and rehabilitative information and a referral to a Substance Abuse Professional.

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Refusals can include a variety of behaviors, including the following:

- a. Failure to appear for any test (except for pre-employment) within a reasonable time, as determined by the Cullman County Commission;
  - b. Failure to remain at the testing site until the testing process is complete;
  - c. Failure to provide a urine specimen for any required drug test.
  - d. Failure to permit the observation or monitoring of the specimen collection when required to do so;
  - e. Failure to provide a sufficient amount of urine when directed without an adequate medical explanation for this failure;
  - f. Failure to take a second test when directed to do so by the MRO or the Cullman County Commission;
  - g. Failure to undergo a medical examination when directed to do so by the MRO or the Cullman County Commission;
  - h. Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process or fail to wash hands after being directed to do so by the collector);
  - i. Failure to follow the observer's instructions during an observed collection, including instructions to raise clothing above the waist, lower clothing and underpants and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process;
  - j. Possess or wear a prosthetic or other device that could be used to interfere with the collection process;
  - k. Admit to the collector or MRO that the specimen has been adulterated or substituted;
  - l. Leaving the scene of an accident without a valid reason before post-accident tests have been completed. Failure to remain "readily available".
6. Off-Duty Conduct.  
Off-the-job use of drugs, alcohol or any other prohibited substance which results in impaired work performance, including, but not limited to, absenteeism, tardiness, poor work product or harm to the County's image, tasks or government is prohibited. Employees should realize that these regulations prohibit all illicit drug use, on and off duty.
7. Prescription Drugs.  
The proper use of medication prescribed by a physician is not prohibited; however, the Cullman County Commission prohibits the misuse of prescribed drugs and/or over-the-counter medications or other intoxicating substances and requires all employees using drugs at the direction of a physician to notify the Cullman County Commission's Medical Review Officer and their Drug Program Coordinator, when these drugs may affect his or her job performance, such as by causing drowsiness. Employees may not perform safety-sensitive functions while using any controlled substances, unless the employee's physician certifies that the substances will not adversely affect the employee's ability to perform his or her job.
8. Pre-Employment.  
All safety-sensitive applicants shall undergo urine drug testing prior to performing safety-sensitive duties. This requirement also affects employees not in safety-sensitive positions who seek re-classification into a safety-sensitive position. Receipt by the Cullman County Commission of a negative test result is required prior to performing safety-sensitive duties in a covered position. A cancelled test result is not acceptable and must be retaken. If the applicant has a positive pre-employment drug test, he or she cannot be hired for a safety-sensitive position.

A negative result on a pre-employment test by a job applicant is valid for thirty (30) days. If a current covered employee has not performed a safety-sensitive duty for ninety (90) days or longer and has been removed from

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the random pool, the employee must admit to a new pre-employment test and receive a negative result before resuming safety-sensitive duties.

A MRO may report negative pre-employment test results for individuals who are unable to provide sufficient volume due to permanent disability, but has a medical evaluation that indicates no chemical evidence of illegal drug use.

All applicants for safety-sensitive positions will be notified in writing that they will be required to undergo pre-employment/reclassification drug testing prior to his or her employment and that they will be subject to drug and alcohol testing throughout the period of his or her employment. Applicants will acknowledge in writing his or her understanding of these provisions for his or her application and employment. The Cullman County Commission will retain on file the negative drug test results of all new hires.

In addition to undergoing pre-employment testing, applicants for a safety-sensitive position may be asked to sign forms for release of information from any previous employer for whom the applicant performed safety-sensitive functions. Failure to sign this form will result in not being hired. When a covered applicant has previously failed a pre-employment drug test with a prior employer, the applicant must present proof of having successfully completed a referral, evaluation and treatment plan.

9. Reasonable Cause.

All employees (whether or not safety-sensitive) will be required to submit to screening whenever a supervisor observes circumstances which provide reasonable cause to believe an employee has used a controlled substance or has otherwise violated the substance abuse rules. Examples of circumstances that may establish reasonable cause to warrant testing include supervisor observation, co-worker complaints, performance decline, attendance or behavior changes, involvement in workplace or vehicular accident or other actions which indicate a possible error in judgement or negligence or other violations of the drug or other Commission policy. Before testing the employee, another supervisor shall be contacted to observe the employee's behavior with another supervisor either face-to-face or via telephone to obtain concurrence with the decision to test the employee. The documentation of the employee's conduct shall be prepared and signed by the witnesses within twenty-four (24) hours of the observed behavior or before the results of the test are released, whichever is earlier.

Upon the reasonable suspicion determination being made, the Cullman County Commission shall ensure that the employee is transported immediately to a collection site for the collection of a urine sample. The employee shall be counseled not to drive a vehicle and a supervisor shall provide transportation for the employee to the collection site.

All persons designated to make a determination that reasonable suspicion exists to require an employee to undergo testing under this provision shall receive at least sixty (60) minutes of training on both alcohol and controlled substance use. The training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

Any employee refusing to submit to reasonable suspicion testing or any employee having a positive drug and/or alcohol test will be terminated.

10. Random Testing.

The Cullman County Commission will conduct random unannounced screening of all designated employees at unannounced times throughout the year. An accredited laboratory will maintain two (2) computerized random testing pools including one DOT pool and one non-DOT pool. There will be no maximum number of samples that any one individual will be required to provide during the testing schedule in either pool.

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**Employees will be required to report to the designated collection site for testing as soon as possible, but in no case later than two (2) hours following notification.** Failure to report for drug/alcohol screening within two (2) hours of notification will be treated as a positive test result.

11. Post-Accident Testing.

Employees are required to immediately notify the Drug Program Coordinator or designee of any accident resulting in injury or damage to any County property or personnel.

Each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to an accident shall provide a urine specimen to be tested for the use of controlled substances and/or alcohol as soon as possible after the accident, but in no case later than eight (8) hours for alcohol testing and thirty-two (32) hours for drug testing.

Employees will be required to undergo urine drug and breath alcohol testing if they are involved in an accident that results in a fatality. A post-accident test will also be conducted in situations where there is no fatality but the following occurs: (1) an individual requires immediate transport to a medical treatment facility as a result of collision or non-collision; (2) any time one or more vehicles incur disabling damage that prevents any of the vehicles from leaving the scene of the occurrence in his or her usual manner in daylight after simple repairs; or (3) with respect to any occurrence in which a vehicle including a mass transit vehicle (rail car, trolley car, bus or vessel) is removed from operation. In a non-fatal accident as previously described, post-accident testing will be conducted, unless the operator's performance (and any other covered employees whose performance could have contributed to the accident) can be completely discounted as a contributing factor to the accident as determined by the Cullman County Commission using the best information at the time of the decision. In addition, drug screening and alcohol screening will be required for any driver receiving a citation for any moving violation resulting from an accident.

After notification of any accident, the County will arrange for the employee to be taken as soon as practicable to the collection site designated by the County. The supervisor or designee will schedule the employee and assure that he or she is tested the same day as the reportable accident, if possible.

If an employee is injured, unconscious or otherwise unable to evidence consent to the drug test, all reasonable steps must be taken to obtain a urine. A supervisor may elect not to test under these circumstances, but such a decision must be made based upon information received as a result of an investigation of the accident. *Nothing in this document should be construed to require the delay of necessary medical attention for injured people following an accident or prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.*

Any employee subject to post-accident testing must refrain from consuming alcohol or taking any controlled substance for eight (8) hours following the accident or until he or she submits to an alcohol test, whichever comes first. As stated above, the employee will be tested not to exceed eight (8) hours following an accident for alcohol and not to exceed thirty-two (32) hours post-accident for drug testing. If there is a delay of greater than two (2) hours for an alcohol test, a reason must be given in writing, retained in a file for possible later referral and the employer must still attempt to administer an alcohol test for up to eight (8) hours following the accident or until the employee undergoes a post-accident alcohol test.

An employee who is subject to post-accident testing must remain available and follow these guidelines or the County may consider the employee to have refused to submit to testing.

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The Commission will discipline or terminate any employee who fails to report an accident or submit to substance screening where required by law or this policy. The Drug Program Coordinator shall ensure that an accident report is filed in compliance with Commission policy and applicable laws and regulations.

12. General Testing Procedures.

The Cullman County Commission will contract with a properly certified testing laboratory that will ensure that all proper testing procedures are followed in accordance with this Policy and all applicable laws. The following is a list of the general procedures that will be followed for all drug and alcohol testing, regardless of the reason why the test is being performed:

- a. All testing procedures, including collections, will be performed by certified technicians and/or laboratories;
- b. Upon arrival at the collection site, the employee must provide proof of identification. The employee will be required to read and sign the controlled substance testing consent form provided by the County. The collector shall witness the signature. Acceptable proof of identification shall be a current driver's license, with photo, other form of picture identification or identification by a County representative;
- c. The employee shall complete a drug testing custody and control form;
- d. The Drug Program Coordinator shall notify the employee directly of the results of any positive drug test in order to give the employee an opportunity to challenge the findings. The County may, but shall not be required to, reanalyze the employee's original sample to clarify the findings;
- e. Controlled substance testing must follow split sample procedures. Under this provision, an employee whose urine sample has tested positive for a controlled substance has the option of having the other portion of the split sample tested in another laboratory. The employee must notify the County within seventy-two (72) hours after notification of a positive sample that he or she desires a retest under this provision;
- f. If a split sample test produces a negative result or if the second portion is not available, the test is considered negative, and no sanctions will be imposed; and
- g. All persons who receive information by the County regarding drug tests shall maintain this information on a confidential basis.

Both the Cullman County Commission and the laboratory shall rely, when practical, on the guidance of the Federal Department of Transportation's procedures for transportation workplace drug testing programs.

13. Substances Tested For.

DOT employees will regularly be tested for:

- Marijuana (THC Metabolite);
- Cocaine;
- Amphetamines;
- Opiates (including heroin);
- Pheneyefidine (PCP); and
- Alcohol

Non-DOT employees may be tested for other substances without advance notice. DOT employees may also be separately tested for other substances without advance notice by the County for safety purposes. Such tests will be coordinated with the Drug Program Coordinator.

14. Collection Sites.

The Cullman County Commission will designate a collection site in a reasonably accessible location.

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15. Collection Procedures.

Drug testing is conducted by analyzing an employee's urine specimen. The analysis is performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS). The employee provides a urine specimen in a location that affords privacy. The collector seals and labels the specimen, completes a chain of custody document and prepares the specimen and accompanying paperwork for shipment to a drug-testing laboratory. The specimen collection procedures and chain of custody ensures the specimen's security, proper identification and integrity is not compromised.

Split specimen procedures:

- a. Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen;
- b. Both bottles are sent to a laboratory;
- c. Only the "primary" specimen is opened and used for analysis;
- d. The "split" specimen remains sealed and stored at the laboratory;
- e. If the "primary" specimen confirms the presence of illegal, controlled substances, the employee has seventy-two (72) hours to request in writing the "split" specimen to be sent to another DHHS certified laboratory for analysis;
- f. If it is positive for one (1) or more of the drugs, then a confirmation test is performed for each drug using state-of-the-art gas chromatography/mass spectrometry ("GC/MS") analysis; and
- g. GC/MS conformation insures that over-the-counter medications and prescriptions are not reported as positive results.

16. Direct Observation.

Observed collections are required in a number of situations for DOT employees. Any employee subject to a drug test may also be required to undergo observed collection. The purpose of direct observation is to guard against employee attempts to mask the testing process. Observed collections are required in the following circumstances:

- a. All return-to-duty tests;
- b. All follow-up tests;
- c. Anytime the employee is directed to provide another specimen, because the temperature of the original specimen was out of the acceptable temperature range of 90 – 100 degrees Fahrenheit;
- d. Anytime the employee is directed to provide another specimen because the original specimen appears to have been tampered with;
- e. Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
- f. Anytime the employee is directed to provide another specimen, because the laboratory reported to the MRO that the original specimen was invalid and the MRO determines that there is not an adequate medical explanation for the result; or
- g. Anytime the employee is directed to provide another specimen, because the MRO determined that the original specimen was positive, adulterated or substituted, but had to be cancelled because the test of the split sample could not be performed.

The employee who is being observed will be required to raise his or her shirt, blouse or dress/skirt as appropriate, above the waist, lower clothing and underpants and turn around completely in the direction of the observer in order to show that he or she is not wearing any prosthetic device.

When necessary, a Cullman County Commission representative or medical personnel may obtain a specimen outside of a designated collection site (such as the emergency room following an accident investigation, etc.).

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17. Alcohol Testing Procedures.

All employees are prohibited from possessing, drinking or being impaired or intoxicated by alcohol while at work or on duty. **In addition, safety-sensitive employees are prohibited from consuming any alcohol four (4) hours prior to going on duty.** A Blood Alcohol Content (BAC) of 0.04 will be accepted as presumptive evidence of intoxication.

Any employee may be subject to alcohol testing either for reasonable suspicion or post-accident. Safety-sensitive employees are also subject to random alcohol testing. Random testing will be conducted just before, during or after the employee has performed a safety-sensitive function. Safety-sensitive employees with a BAC of 0.02 will be immediately removed from the safety-sensitive duties for a period of at least twenty-four (24) hours.

All alcohol tests will be conducted using evidentiary breath testing devices approved by the National Highway Traffic Safety Administration by a properly trained person. Any result showing greater than a 0.02 BAC will be repeated.

18. Evaluations and Return of Results.

The MRO will be responsible for reviewing the qualified test results of employees and confirming that the individuals testing positive have used drugs in violation of policy. Prior to making a final decision, the MRO shall give the individuals testing positive an opportunity to discuss the result either face-to-face or over the telephone. If the test result is negative dilute, the MRO may decide that the employee must take another test. If this second test results in a negative dilute result, the test will ordinarily be considered to be a negative and no additional testing will be required unless the MRO so directs.

The MRO shall then promptly tell the Drug Program Coordinator which employees or applicants test positive.

19. Request for Re-Test.

An employee may submit a written request for a re-test of the original specimen within seventy-two (72) hours of receipt of the final test results. Requests must be submitted in writing to the Drug Program Coordinator. The employee may be required to pay the associated costs of re-test in advance but will be reimbursed if the result of the re-test is negative.

20. Release of Test Results.

Except where otherwise specifically required by law, employee drug testing results and records are maintained under strict confidentiality by the Cullman County Commission, the drug testing laboratory and the Medical Review Officer. They cannot be released to others without the written consent of the employee. Exceptions to this confidentiality are limited to DOT agencies when license or certification actions are required or to the decision-maker in arbitration, litigation or administrative proceedings arising from a positive drug test.

However, all employees will be required to execute a consent/release for permitting the Cullman County Commission to release test results and related information to the Department of Industrial Relations or other relevant government agency. Applicants for safety-sensitive positions will also be required to execute a consent/release form permitting the Cullman County Commission to review records of previous drug and alcohol testing information.

21. Retention of Records.

All records will be maintained so as to preserve confidentiality and prevent unauthorized persons from accessing, releasing or tampering with records. The following records will be maintained:

- a. Records related to the collection process, including:

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- i. Collection of logbooks, if used;
    - ii. Documents relating to the random selection process;
    - iii. Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol tests;
    - iv. Documents generated in connection with decisions on post-accident drug and alcohol testing; and
    - v. MRO documents verifying existence of a medical explanation of the inability of an employee to provide adequate urine or breath sample.
  - b. Records related to test results:
    - i. The employer's copy of the custody and control form;
    - ii. Documents related to the refusal of any employee to submit to a test; and
    - iii. Documents presented by an employee to dispute the result of a test.
  - c. Records related to referral and return-to-duty and follow-up testing, including records of any DOT employee's entry into and completion of the treatment program recommended by the substance abuse professional.
  - d. Records related to employee training:
    - i. Training materials on drug use awareness and alcohol misuse, including a copy of the employer's policy on prohibited drug use and alcohol misuse;
    - ii. Names of employees attending training on prohibited drug use and alcohol misuse and the dates and times of such training;
    - iii. Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for drug and alcohol testing based on reasonable suspicion; and
    - iv. Certification that any training conducted under this part complies with the requirements for such training.
  - e. Copies of any annual MIS reports submitted to FTA.

The following records will be maintained for no less than five (5) years: records of verified positive drug or alcohol test results, documentation for refusals to take required drug or alcohol tests, referrals to the substance abuse professional and copies of annual MIS reports submitted to FTA.

The following records will be maintained for no less than two (2) years: records related to the collection process and employee training.

The following records will be maintained for no less than one (1) year: records of negative drug or alcohol test results, with the exception that all post-accident testing records will be maintained for at least three (3) years after an accident.

## 22. Employee Education and Training.

The Cullman County Commission will provide written information in drug/alcohol use and treatment resources to safety-sensitive employees. The Cullman County Commission will provide one (1) hour of training for employees on the dangers of controlled substance use annually. All supervisors of safety-sensitive employees must also attend one (1) hour of training on the signs and symptoms of drug abuse. The training is necessary to assist supervisors in making appropriate determinations for reasonable suspicion testing.

## 23. Employment Assessment.

Any Safety-sensitive employee or applicant who tests positive for the presence of illegal drugs and/or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended or has refused to submit to a drug or alcohol test (except in the case of an applicant) will be referred to a Substance Abuse Professional (SAP). A

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SAP can be a licensed physician (Medical Doctor or Doctor of Osteopathy) or a licensed or certified psychologist, social worker or employee assistance professional with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders or an addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission. The SAP will follow the protocols and meet the requirements defined in 49 CFR part 40. All employees and applicants will be given contact information for a USDOT qualified SAP if they test positive.

24. Employee Assistance Program (EAP).

The County's EAP shall include:

- a. Education and training for employees regarding drugs and alcohol; and
- b. Education and training for supervisors regarding drugs and alcohol, including:
  - i. Effects and consequences of substance abuse use on personal health, safety and work;
  - ii. Manifestations and behavioral causes that may indicate substance use;
  - iii. Documentation of training provided; and
  - iv. A written statement on file and available at the Commission office outlining the EAP.

The Drug Program Coordinator or designee should be contacted for further guidance.

25. Investigation/Searches.

Where a supervisor has reasonable cause to suspect that an employee has violated the substance abuse policy, he or she may inspect vehicles which an employee brings on the Commission's property, lockers, work areas, desks, purses, briefcases, tool boxes or other belongings and at locations where County related activities are being conducted without prior notice in order to ensure a work environment free of prohibited substances. An employee may be asked to be present and remove a personal lock. Where the employee is not present or refuses to remove a personal lock, the Drug Program Coordinator will do so for him or her. The Commission may release any illegal or controlled drugs or paraphernalia to appropriate law enforcement authorities.

All searches should be coordinated with the Drug Program Coordinator or designee.

26. System Contacts.

Any questions regarding this policy or any other aspect of the drug-free and alcohol-free program should contact the following county representative:

Designated Cullman County Commission Representative/Program Manager:

Title: Safety Director  
Address: Cullman County Courthouse  
500 Second Avenue SW, Room 111  
Cullman, AL 35055  
Phone: Office #: (256) 737-7591  
Fax #: (256) 737-7591  
Cell #: (256) 531-7349

**VII-O. Fleet Safety Policy**

The purpose of this Vehicle Fleet Safety Policy is to ensure the safety of those individuals who drive County vehicles. Vehicle accidents are costly to our county, but more importantly, they may result in injury to you or others. It is the driver's responsibility to operate the vehicle in a safe manner and to drive defensively to prevent injuries and property damage. As such, the County endorses all applicable state motor vehicle regulations relating to driver responsibility.

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The County expects each driver to drive in a safe and courteous manner pursuant to the following safety rules. The attitude you take when behind the wheel is the single most important factor in driving safely.

#### **Driver Eligibility**

- County vehicles are to be driven by authorized employees only, except in emergencies, or in case of repair testing by a mechanic. Spouses and other family members are not authorized to drive the County vehicle.
- Any employee who has a driver's license revoked or suspended shall immediately notify his or her Supervisor, and **discontinue operation of the county vehicle**. Failure to do so may result in disciplinary action, including dismissal.
- All accidents, regardless of severity, must be reported to the police and to your Supervisor. Failing to stop after an accident and/or failure to report an accident may result in disciplinary action, including dismissal.
- Drivers must immediately report all summons received for moving violations during the operation of a county vehicle to your Supervisor.
- All CDL drivers must comply with all applicable DOT regulations, including successful completion of medical, drug and alcohol evaluations.
- Motor Vehicle Records (MVR) will be ordered periodically to assess employees' driving records. An unfavorable record will result in loss of the privilege of driving a County vehicle.

The following system will be used to determine eligibility to operate a County vehicle:

- **ALL TYPE 'A' VIOLATIONS** (as defined below) **WILL RESULT IN TERMINATION OF DRIVING PRIVILEGES FOR EMPLOYEES AND WILL DISQUALIFY ANY POTENTIAL DRIVER EMPLOYEES.**

ANY DRIVERS (EMPLOYEES OR APPLICANTS) SHOWING ONE OF THE FOLLOWING WILL BE RESTRICTED FROM DRIVING COUNTY VEHICLES:

- One (1) or more type 'A' Violations in the last three (3) years
- Three (3) or more accidents (regardless of fault) in the last three (3) years
- Three (3) or more type 'B' Violations in the last three (3) years
- Any combination of accidents and type "B" Violations which equal four (4) or more in the last three (3) years.

#### **Type 'A' Violations:**

- Driving While Intoxicated
- Driving Under the Influence of Drugs
- Negligent Homicide Arising out of the use of a Motor Vehicle (Gross Negligence)
- Operating a Vehicle During a Period of Suspension or Revocation
- Using a Motor Vehicle for the Commission of a Felony
- Aggravated Assault with a Motor Vehicle
- Operating a Motor Vehicle without the Owners Authority (Grand Theft)
- Permitting an Unlicensed Person to Drive
- Reckless Driving
- Speed Contest (Racing)
- Hit and Run (Bodily Injury or Property Damage)

#### **Type 'B' Violations:**

- All Moving Violations not listed as type 'A' Violations

#### **Driver Safety Rules**

- The use of a county vehicle while under the influence of intoxicants and other drugs is forbidden and is sufficient cause for discipline, including dismissal.

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- No driver shall operate a County vehicle when his or her ability to do so has been impaired by illness, fatigue, injury, or prescription medication.
  - All drivers and passengers operating or riding in County vehicles must wear seat belts, even if air bags are available.
  - No unauthorized personnel (e.g. hitch-hikers) are allowed to ride in County vehicles.
  - Drivers are responsible for the security of County vehicles assigned to them. The vehicle engine must be shut off, ignition keys removed, and vehicle doors locked whenever the vehicle is left unattended. If the vehicle is left with a parking attendant, only the ignition key is to be left.
  - Head lights shall be used ½ hour after sunset and ½ hour before sunrise, or during inclement weather or at any time when a distance of 500 feet ahead of the vehicle cannot be seen clearly.
  - All other state laws, local laws, or DOT Motor Vehicle Carrier Safety Regulations must be obeyed.

#### **VII-P. Seat Belt Policy**

Cullman County recognizes that seat belts are extremely effective in preventing injuries and fatalities in motor vehicle accidents.

Wearing your seat belt can reduce your risk of dying in a motor vehicle accident by up to 60%. We care about our employees and want to make sure that no one is injured or killed in a tragedy that could have been prevented by the simple use of a seat belt.

Therefore our County policy is that all employees must wear seat belts when operating any vehicle or equipment on county business.

All employees and their family members are strongly encouraged to wear seat belts whenever they are driving or riding in any vehicle at any time. Whether on or off the job, we don't want to see you hurt.

Employees who violate this policy will be subject to disciplinary action, up to and including termination.

#### **VII-Q. Usage of Wireless Communications While Driving Policy**

Employees are prohibited from using any cell phone, PDA or any wireless communication system (whether or not it is owned by the county) while:

1. Operating any county vehicle, including off-road heavy equipment, at any time, to include both working and non-working hours;
2. Operating any vehicle, including off-road heavy equipment, not owned by the county while in the performance of his or her county duties; and
3. Operating any vehicle, including off-road heavy equipment, while engaging in any business related to county operations.

Employees who must utilize cell phones, PDA or any other wireless communication system shall do so only after safely exiting traffic and parking the vehicle safely off the road. The vehicle shall remain parked off the roadway until all communication has been completed.

If the Appointing Authority determines the use of such communication and devices is a vital necessity of performing one's job duties, the employee may be authorized to utilize the devices with a hand-free option.

In no circumstances may a county employee type, text or read any cell phone, PDA or any wireless communication system while operating any vehicle as described herein.

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Employees who violate this policy and are involved in accidents or charged with traffic violations caused by or resulting from the use of a cell phone, PDA or wireless communication system while driving, are solely responsible for liabilities that result from such actions and are acting outside the line and scope of their duties.

In addition to compliance with this policy, all employees are expected to follow applicable state, federal and local laws or regulations regarding the use of cell phones and PDAs at all times.

Discipline:

*Failure to follow this policy shall be subject to disciplinary action up to, and including termination.*

Cullman County Sheriff's Office and Emergency Management Agency (EMA) employees shall be partially exempt from this section if the wireless devices are a necessary function while said employees are engaged in their scope of employment. This partial exemption is limited to the necessary actions of an employee, which further the business of Cullman County and are not personal in nature. All wireless communication devices that are partially exempt should be used, when available, with a hands-free feature.



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## IX. Employee Acknowledgement of Handbook

I have been advised that Cullman County uses the employee handbook which is effective February 23, 2016. The handbook is available on the Cullman County Commission web site and a hard copy is available for review in each department of the County. These copies will be updated as appropriate. I understand that it is my responsibility to read and comply with the contents of the employee handbook, as well as any revisions or modifications made to it. Furthermore, I understand that I should consult with my supervisor, department head and/or the County Personnel Department regarding any questions not answered in the handbook.

I acknowledge that I have received a copy of the Cullman County Employee Handbook that covers many important Cullman County policies, including, but not limited to:

- |  | <u>Initials</u> |
|--|-----------------|
| • Alcohol and Drugs-Drug Free Workplace Policy | _____           |
| • Equal Employment Opportunity Policy          | _____           |
| • Non-Harassment Policy                        | _____           |
| • Technology Use Policy                        | _____           |
| • Workplace Rules of Conduct                   | _____           |

I understand the following:

- The handbook contains policies, procedures, and rules of conduct governing employment at the County, and these are **MANDATORY** for all county employees, regardless of status or type unless exempted by law or statute.

**THIS HANDBOOK HAS BEEN PREPARED FOR INFORMATIONAL PURPOSES ONLY AND SHALL NOT CONSTITUTE A CONTRACT BETWEEN CULLMAN COUNTY AND MYSELF. OTHER POLICIES MAY APPLY TO MY EMPLOYMENT AND MY DEPARTMENT MAY HAVE RULES AND REGULATIONS WHICH I MUST FOLLOW.**

- The benefits and policies of the County may be changed or amended at any time, with or without notice unless dictated otherwise by statute and that my department may have rules in addition to the ones contained in the handbook.

By signing and dating this form, I understand that it is my responsibility to familiarize myself with the contents of this handbook, and to consult with my supervisor and/or department head concerning any questions that may arise concerning the contents of the handbook.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Witness Signature

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

\_\_\_\_\_  
Date