MARSHALL COUNTY, KENTUCKY
ORDINANCE NUMBER 2018-06
AMENDMENT TO ORDINANCE NUMBER 2017-05

AN ORDINANCE Relating to the Administrative Code and Amendment Thereof:

WHEREAS, the County of Marshall adopted an Administrative Code by Marshall County on June 20, 2017 and;

WHEREAS, it was determined that certain provisions should be amended and/or added to the Code.

BE IT ORDAINED BY THE FISCAL COURT OF MARSHALL COUNTY that the following amendments are made to the Administrative Code for Marshall County;

Amended Section 1.2 (4) to remove "and Surveyor".

Amended Section 2.4 to remove "(3)".

Amended Section 3.5 to include "with the approval of the County Judge".

Amended Section 4.1 (A.) to include "Assistant Treasurer".

Amended Section 4.6 (F.) to remove "Finance Officer".

Amended Section 5.3 to include "(D.) Compensation Schedule".

Amended Section 5.4 (A.) to remove "two years" and include "one year"; to remove "his/her".

Amended Section 5.14 (A.) to remove "two years" and include "one year".

Amended Section 5.15 to remove "two years" and include "one year".

Amended Section 5.23 (D.) to include "or is terminated"; to remove "If an employee is terminated from their position, they will not receive any pay for unused vacation time".

Amended Section 5.24 to remove ";" and to include ",".

Amended Section 5.27 to remove "County Administer"; to include "Deputy Judge/Executive".

Amended Section 5.28 (B.) to remove "County Administrator"; to include "Deputy Judge/Executive".

Amended Section 5.30 (B.) to remove "salary"; to include "pay".

Amended Section 5.32 (A.) to remove "and exempt", "earning less that $913 per week/$47,476 per year".

Amended Section 5.32 (B.) to remove "earning less that $913 per week/$47,476 per year employees", "This election will renew January 1st of each year and remain in effect for the entire year".

Amended Section 5.32 to include "C. Pursuant to KRS 337.285 Section 5, Subsection (a) 1 and 2, the county employee who provided work in excess of forty (40) hours in a public safety activity, an emergency response activity, or a seasonal activity as described in 29 C.F.R. sec. 553.24, may accrue not more than four hundred eighty (480) hours of compensatory time. A county employee engaged in other work in excess of forty (40) hours, may accrue not more than two hundred forty (240) hours of compensatory time. A county employee who has accrued four hundred eighty (480) hours of compensatory time off or two hundred forty (240) hours of compensatory time off shall for additional overtime hours of work, be paid overtime compensation".

"D. Pursuant to KRS 337.285 Section 8, Subsection (a) and (b), upon a county employee's termination of employment, all unused accrued compensatory time shall be paid at a rate of compensation not less than the average regular rate received by the county employee during the last three (3) years of the county employee's employment or the final regular rate received by the county employee, whichever is higher".

"E. In cases where deemed appropriate by the Appointing Authority, exempt employees whose jobs require an extraordinary amount of hours worked during peak seasons may be allowed to adjust work schedules to fewer hours during non-peak seasons, but in no case shall these full-time exempt employees be allowed to have less than 2080 earned hours during any calendar year".

Amended Section 5.38 (4) to remove "with Fiscal Court approval".

Amended Section 5.46 (2)(d) to include "Hourly Rate".

Amended Section 5.48 (D.)(2)(a) to remove "Although all reports will be accepted, a Policy Discrimination Form is available at the Human Resources' Department for this purpose".

Amended Section 5.51 (A.)(3) to include "Hertz"; to remove "Alternatively, the employee may drive his/her own vehicle and receive mileage at the federal rate for miles traveled"; to include "If the employee still chooses to drive their personal vehicle, the employee will only receive what cost would have been for a rental vehicle".

First reading of the Ordinance was held on this 5th day of June 2018.

Following the second reading, the Ordinance was adopted this _____ day of June 2018.

_____

Kevin Neal
Marshall County Judge/Executive

Attest:

_____

Desiree Hermosillo
Fiscal Court Clerk



MARSHALL COUNTY ADMINISTRATIVE CODE

Adopted by:

Revised: June 2016
Accepted: June 21, 2016
Amended: June 20, 2017
Amended: June 19, 2018

MARSHALL COUNTY ORDINANCE
No. ~~2016-05~~ ~~2016-052018-06~~

Ordinance Establishing An Administrative Code for the Marshall County Fiscal Court

Be it ordained that the Marshall County Fiscal Court:

SECTION 1:
The General Assembly of the Commonwealth of Kentucky enacted KRS 68.005 in 1978 for the purpose of promoting efficient administration of County government. KRS 68.005 requires the Fiscal Court to adopt a County Administrative Code which includes, but is not limited to, procedures and designation of responsibility for the following:

(1) General administration of the office of County Judge/Executive (hereinafter 'County Judge'), County administrative agencies and public authorities;

(2) Administration of County fiscal affairs, including budget formulation; receipt and disbursement of County funds, preparation of records required for the County audit, and for filing of claims against the County;

(3) Personnel administration, including description and classification of non-elected positions, selection, assignment, supervision and discipline of employees, employee complaints and the County affirmative action program;

(4) County purchasing and award of contracts;

(5) Delivery of County services.

The County Judge, as the Chief Executive Officer of the County, is responsible for the organization and management of the administrative functions of County government. The Fiscal Court sets the County's policies and priorities. The County Judge must execute these policies and priorities. The state law provides only general guidance as to the form and substance of a County's internal administrative organization. For this reason, the Marshall County Fiscal Court enacts the following County Administrative Code.

Marshall County Fiscal Court does hereby establish a County Administrative Code; dividing the administrative service of Marshall County into departments under the County Judge; prescribing administrative policy and procedure; prescribing the function and duties of administrative units and officials of the government; prescribing the administration of fiscal affairs and procurement procedures; and prescribing for the delivery of County services.

SECTION 2:
All Constitutional Officers may create an Administrative Code specifically for their office. This Code must be submitted to the Office of the Judge/Executive every June and reviewed on an annual basis. Any changes to this Code must also be submitted to the Office of the

Judge/Executive at the time the change was made. All employees of the office must also be notified of the change and written proof of receipt must be maintained in the employee's personnel file.

If a Constitutional Officer decides not to adopt a specific Code for their office, that office shall adopt this Code and follow the policies and procedures herein.

SECTION 3:
The provisions of this ordinance are severable and if any provision or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such in validity, unconstitutionality or inapplicability shall not effect or impair the remaining provision of this ordinance.

The foregoing Ordinance was first read on this _____ day of _____ 2018~~77~~.

Upon motion of Squire _____, seconded by Squire

_____ and past, approved on second reading, this ~~20th~~ ~~20th~~ 19th

day of June 201~~77~~8 and order published.

_____
Kevin Neal
Marshall County Judge/Executive

Attest:

_____
Desiree Hermosillo
Fiscal Court Clerk

MARSHALL COUNTY
ADMINISTRATIVE CODE
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CHAPTER 1 GENERAL PROVISIONS

SECTION 1.1 Short Title

A. This document shall be known and may be cited as the "Marshall County Administrative Code".

SECTION 1.2 Definitions

A. As used in this Code, unless the context otherwise requires:

(1) *Chief Executive* is the County Judge/Executive or County Judge of Marshall County.
(2) *County* is Marshall County, Kentucky, a governmental entity.
(3) *Fiscal Court* is the County body vested with the legislative powers of Marshall County.
(4) *Elected Official* means the County Judge, County Commissioners, County Clerk, Sheriff, Jailer, County Attorney, Constables, Coroner and, Property Valuation ~~Adminstrator~~ ~~Adminstrator~~Administrator ~~and Surveyor~~.

SECTION 1.3 Amendments

A. The Fiscal Court shall review the Marshall County Administrative Code annually during the month of June and may by a majority of the entire Fiscal Court amend the Marshall County Administrative Code at that time. The County Judge may at other times prepare and submit amendments to the Marshall County Administrative Code for approval by the majority of the Fiscal Court.

SECTION 1.4 Mission Statement and Values

OUR MISSION

The mission of the Marshall County Fiscal Court is to deliver efficient and effective public services to all county residents reflecting value, quality and overall commitment to our citizens as customers. The County desires to foster a clean, safe and healthy environment, to conduct the affairs of county government with integrity and transparency, and to pursue inclusion and equality for all residents. The county is committed to a model of governance that values all of its citizens and promotes quality of life outcomes for all segments of the community.

OUR VALUES

- Constantly measure our services and programs by our stated mission and purpose.
- Embrace a model of governance that embodies honesty, transparency, respect and accountability.

- Create an environment that encourages trust, high ethical standards and equality for everyone.

- Build an organization that encourages competency, professionalism, responsiveness, accountability and a commitment to learning and continuous improvement.

- Respect diversity of thought and opinion and build consensus through listening, reflection, analysis and execution.

- Assemble a work force that emphasizes teamwork, collaboration and customer service.

- Accept our stewardship responsibilities by protecting the County's resources and planning for a future that develops and enhances these assets for public benefit.

CHAPTER 2 GENERAL ADMINISTRATION

SECTION 2.1 County Judge

A. The Marshall County Judge shall be the Chief Executive and Administrative Officer of the County and shall have all the powers and perform all the duties of an executive and administrative nature consistent with the Kentucky Constitution, Kentucky Revised Statutes and the Fiscal Court, (as amended from time to time).

B. The responsibilities and/or duties of the Marshall County Judge, as defined by KRS 67.710, are as follows:

(1) Provide for the execution of all ordinances and resolutions of the Fiscal Court, execute all contracts entered into by the Fiscal Court, and provide for the execution of all laws by the state subject to enforcement by him/her or by officers who are under his/her direction and supervision;

(2) Prepare and submit to the Fiscal Court for approval an administrative code incorporating the details of administrative procedure for the operation of the County and review such code and suggest revisions periodically or at the request of the Fiscal Court;

(3) Furnish the Fiscal Court with information concerning the operations of the County departments, boards, or commissions, necessary for the Fiscal Court to exercise its powers or as requested by the Fiscal Court;

(4) Require all officials, elected or appointed, whose offices utilize County funds, and all boards, special districts, and commissions exclusive of city governments and their agencies located within the County to make a detailed annual financial

report to the Fiscal Court concerning the business and condition of their office, department, board, commission, or special districts;

(5) Consistent with procedures set forth in KRS Chapter 68, prepare and submit to the Fiscal Court an annual budget and administer the provisions of the budget when adopted by the Fiscal Court;

(6) Keep the Fiscal Court fully advised as to the financial condition and needs of the County and make such other reports from time to time as required by the Fiscal Court or as deemed necessary;

(7) Exercise with the approval of the Fiscal Court the authority to appoint, supervise, suspend, and remove County personnel (unless otherwise provided by state law);

(8) With the approval of the Fiscal Court, make appointments to or remove members from such boards, commissions, and designated administrative positions as the Fiscal Court, charter, law or ordinance may create. The requirement of Fiscal Court approval must be designated as such in the County Administrative Code.

SECTION 2.2 Procedures for Organization/Reorganization of County Departments and Agencies

A. The County Judge may create, abolish or combine any County department or agency or transfer a function from one department or agency to another, provided that the County Judge submits a written plan for the reorganization to the Fiscal Court.

B. The reorganization plan shall state the need, how the reorganization will meet the need, the services and functions to be expanded, abolished, or reduced as a result of the plan, the long and short term costs, and the plan's impact on existing and/or proposed personnel and services.

C. The plan shall be submitted to the Fiscal Court for approval at a meeting of the Fiscal Court.

D. The County Judge or the Fiscal Court may cause the records and accounts of any administrative agency to be examined at any time.

SECTION 2.3 County Representation on Independent Boards, Commissions, Agencies and Special Districts.

A. The County Judge shall assure the representation of the County on all boards, commissions, agency, special districts, and joint City-County programs in which County participation is required.

B. Every independent board, commission, agency or special district which requires participation by County government shall submit a list of its governing body members to the County Judge and the Fiscal Court within thirty (30) days of the start of the County term of office.

C. Every special purpose governmental entity shall file annual budget requests, financial statements, annual reports and related information as required by county policy and state statute.

D. When a vacancy exists on any independent board, commission, agency or special purpose governmental entity, the chairman of the independent board, commission, agency or special district shall, within ten (10) days, notify the County Judge of the vacancy for filling.

SECTION 2.4 Marshall County Procedures for Administrative Agencies

A. Each Marshall County Agency shall maintain the following records:

(1) A financial record of the agency's activities
(2) Within thirty (30) days after the close of each fiscal year, each administrative agency shall make full report to the County Judge and to the Fiscal Court. The report shall include a financial statement and the general scope of the operation of the agency during the preceding year.
~~(3)~~

SECTION 2.5 Appointed Positions

A. The County Judge may appoint an executive secretary to assist with the execution of his/her administrative duties.

B. The County Judge may appoint a Deputy County Judge/Executive and/or a County Administrator. The Deputy Judge/Executive and/or County Administrator may be delegated any responsibility not construed as legislative in nature. The appointment of the Deputy Judge/Executive and/or County Administrator shall continue until such time the County Judge issues an Executive Order appointing a new Deputy Judge/Executive and/or County Administrator or declaring the position of Deputy Judge/Executive and/or County Administrator vacant.

C. The County Judge may appoint other personnel to assist with the executive and administrative duties within the budget of the County Judge.

D. A member of the Fiscal Court may be appointed by a majority of the Fiscal Court to temporarily assume the duties of the County Judge, where both the County Judge and the Deputy County Judge/Executive, if a Deputy County Judge/Executive has

been appointed, are absent from the County during an Emergency, or where both are incapacitated due to sickness, injury, or mental incompetence.

SECTION 2.6 Procedures for Appointment/Removal of Administrative Personnel and Members of Boards and Commissions

A. The County Judge shall inform the Fiscal Court of any open position on County Boards or Commissions, or in designated administrative positions.

B. The County Judge shall appoint individuals to administrative positions and to Boards and Commissions in writing, with the written nomination submitted to Fiscal Court.

C. The Marshall County Fiscal Court may require a nominee to appear at a public meeting for the purpose of questioning the nominee about matters relating to the appointed position.

D. No person shall be selected as a member of a board or commission or for an administrative position if the person holds or is employed in an incompatible position.

E. The appointment shall be filed and entered into by index into the Marshall County Executive Order Book.

SECTION 2.7 Limitation of Authority

All provisions set forth herein are subject to specific state personnel provisions.

CHAPTER 3 OPERATION OF FISCAL COURT

SECTION 3.1 Procedures for Meetings of Fiscal Court

A. The Fiscal Court shall annually set the dates and times for all regular Fiscal Court meetings via Resolution. The Resolution shall be issued no later than January 1st of each year, except in the first year of the term of office, when the Resolution shall be entered no later than one week from the date the term begins.

B. All meetings of members of the Fiscal Court at which any public business is discussed or any official action taken shall be open to the public in accordance with the Kentucky Open Meetings Act (KRS Ch. 61).

C. The County Judge may call a Special Meeting of the Fiscal Court for the purpose of transacting any business over which the Fiscal Court has jurisdiction.

D. Whenever the County Judge is unable, or refuses to call a Special Meeting, a majority of the Fiscal Court may call a Special Meeting. (KRS 67.040)

SECTION 3.2 Presiding Officer

A. The County Judge shall be the presiding officer of the Fiscal Court at all regular and special meetings.

B. If the County Judge is not present or able to preside, a majority of the county commissioners shall elect one of their members to preside.

SECTION 3.3 Quorum

A. Not less than a majority of the members of the Fiscal Court shall constitute a quorum for the transaction of business.

B. No proposition shall be adopted except with the concurrence of at least a majority of the members present; with the exception that passage of an ordinance requires a majority of the entire Fiscal Court.

SECTION 3.4 Disturbing Meetings

A. It shall be unlawful to disrupt any meeting of the Fiscal Court or to behave in a disorderly manner at any such meeting.

B. Any person violating any provision of this section may be prosecuted under the appropriate provisions of the Kentucky Penal Code.

SECTION 3.5 Order of Business

At each regular meeting of the Fiscal Court an agenda will be presented prior to the meeting. County Judge or designee shall be advised of any requests for items to be placed on the agenda no later than 12:00PM two (2) business days prior to the meeting with the approval of the County Judge. Any requests thereafter may be placed on the agenda at the discretion of the County Judge or designee. This agenda shall be followed unless dispensed with by a majority vote of the members present.

SECTION 3.6 Fiscal Court Minutes

A. The Clerk of the Fiscal Court shall attend all meetings of the Fiscal Court and keep a full and complete record of its proceedings.

B. The Clerk of the Fiscal Court shall keep an index of all Fiscal Court records and make such index of all Fiscal Court records available for public inspection in accordance with the Kentucky Open Records Act (KRS Ch. 61).

SECTION 3.7 Rules of Order

A. Except when in conflict with the foregoing provisions, Robert's Rules of Order shall govern the deliberations of the Fiscal Court.

B. The rules of order, other than those prescribed by statute, may be suspended at any time by consent of a majority of the members present at the meeting.

SECTION 3.8 Ordinances, Orders and Resolutions

A. An "ordinance" means an official written act of the Fiscal Court, the effect of which is general and lasting in nature, which is enforceable within the jurisdiction of the County; or a lawful appropriation of money.

B. All ordinances shall be introduced in writing; relate to one subject only; and contain a title which expresses the subject; such as, "An Ordinance relating to."

B. There shall be inserted between the title and the body of each County ordinance an enacting clause written in the following manner: "Be It Ordained by the Fiscal Court of the County of Marshall, Commonwealth of Kentucky;"

C. County ordinances shall be amended by ordinance and only by setting out in full each amended section;

D. No County ordinance shall be passed until it has been read on two separate days, unless an emergency is properly declared, but ordinances may be read by title and a summary only.

E. No County ordinance shall be passed until it has been published pursuant to KRS Chapter 424. Prior to passage, ordinances may be published by summary. Publication shall include the time, date and place at which the County ordinance will be considered, and the place within the County where a copy of the full text of the proposed ordinance is available for public inspection. In the event consideration for passage is continued from the initial meeting to a subsequent date, no further publication is necessary provided that each meeting, the time, date and place of the next meeting is announced.

F. All County ordinances and amendments shall be published after passage and may be published in full or in summary form at the discretion of the Fiscal Court.

G. An order or resolution may be utilized for action by the Fiscal Court where the action is specific in nature, not for an uncertain time period, and which is enforceable within county boundaries.

CHAPTER 4 FINANCIAL MANAGEMENT

SECTION 4.1 Budget Preparation Procedure

A. The annual budget preparation process shall be administered by a Budget Committee consisting of the County Treasurer, Assistant Treasurer, Deputy Judge/Executive and/or County Administrator and County Attorney working with County Judge.

B. By April 1st of each fiscal year, the County Judge shall obtain budget proposals prepared by each County department or agency receiving funds from the Fiscal Court.

C. The County Judge shall prepare a report of anticipated revenue from general fund taxes and intergovernmental transfers from city, state, and federal government.

D. The County Judge shall review the expenditures in each classification of each fund for the preceding year and for the current fiscal year.

E. The County Judge may obtain from the County Treasurer receipts for actual expenditures made during the current fiscal year.

F. An estimate shall be made of expenditures for the remainder of the current fiscal year any surplus, by fund, which will remain.

G. The County Judge shall submit the completed proposed budget to the Fiscal Court for initial review not later than May 1st of each fiscal year, with the exception of the Jail Fund budget which shall be submitted by April 1st.

SECTION 4.2 Duties and Procedures of the Marshall County Budget Committee

A. The Budget Committee shall prepare and develop a proposed budget that must be reviewed by the County Judge and submitted to the Fiscal Court.

B. The Budget Committee shall include such budgets as may be required by the activities of the County. No later than May 1st the proposed budget must be delivered to members of the Fiscal Court for review. The Fiscal Court shall make a detailed investigation of the proposed budget and submit comments and proposed amendments. Not less than twenty (20) days prior to the scheduled final action and adoption of the budget by the Fiscal Court, the County Judge shall submit the budget to the Kentucky State Local Finance Officer for approval as to form and classification.

C. The Marshall County budget approved by the State Local Finance Officer shall be submitted to Fiscal Court for adoption, in the form of an ordinance not later than July 1st of each fiscal year.

D. The County Judge shall cause a copy of the proposed budget to be posted in a conspicuous place in the courthouse near the front door not less than seven (7) days before final adoption.

(1) A summary of the County budget shall be published in accordance with KRS Ch. 424 before final adoption by Fiscal Court.
(2) A summary of the County budget shall be published in accordance with KRS Ch. 424 within 30 days after adoption by Fiscal Court.
(3) The County Judge shall maintain a copy of the budget as adopted, together with any amendments adopted thereafter, for public inspection.

SECTION 4.3 County Budget Hearing Procedures and Requirements

A. Local Government Economic Assistance (LGEA) and County Road Aid Fund (CRA):

(1) Publish notice of the proposed use hearing on the CRA fund shall be published not less than seven (7) days in advance of the scheduled hearing.
(2) The County Judge shall conduct the proposed use hearing.
(3) Copies of the published notice and written minutes of the hearing shall be maintained by the County Judge as public record.

B. Prior to adoption of the County budget and submittal to the State Local Finance Officer, the Fiscal Court shall conduct a budget hearing on the entire County budget to show the relationship of LGEA and CRA funds to other funds and uses. The date of the final budget hearing may be immediately prior to the first reading of the budget ordinance.

C. Notice of the budget hearing shall be published in at least one (1) newspaper of general circulation and other news media in the community shall be advised. The preceding shall be as follows:

(1) Published notice of budget hearing not less than ten (10) days prior to the scheduled hearing;
(2) The Fiscal Court shall conduct the budget hearing;
(3) Copies of the published notice and written minutes of the hearing shall be maintained by the Fiscal Court Clerk as public record.

SECTION 4.4 County Procedures for budget records to be maintained by the County Treasurer and/or Director of Finance

A. The County Treasurer shall receive and deposit all funds due the County.

B. County funds shall be paid out only on order of Fiscal Court.

C. No expenditures may be made in excess of revenues or for purposes other than appropriated.

D. No appropriations may be made which exceed adopted budget amounts.

E. The County Treasurer shall keep an Appropriation Expenditure Ledger. The ledger shall be a record of each budget appropriation, all expenditures from the appropriation and each budget fund.

F. The County Treasurer shall maintain general ledger in which all transactions are entered, either in detail or in summary. Each fund (General Fund, Road Fund, Local Government Economic Aide, etc.) has a complete balancing set of general ledger accounts. Control accounts are established for the Cash Receipts Register and the Appropriation Expenditure Ledger.

G. The County Treasurer shall maintain a Cash Receipt Register containing columns for total cash received, source of revenue and miscellaneous revenue for each fund.

H. The County Treasurer shall maintain an Appropriation Expenditure Ledger. This ledger is a group of accounts supporting in detail the appropriation and expenditure accounts of the General Ledger. An account must be provided for each appropriation made in the budget. The original appropriation and amendments and transfers authorized by order of the Fiscal Court shall be entered. All expenditures shall be charged to an appropriation account.

I. The County Treasurer shall maintain a record of all warrants paid (except payroll) in chronological order in a Warrant Distribution Register. Columns shall provide for date, payee, warrant number, appropriation expenditure account number and amount. Separate columns shall provide for each fund so that one register serves all funds.

J. The County Treasurer shall maintain a Payroll Authorization Book, designed to facilitate convenient preparation and certification of the payroll. One order of the Fiscal Court may be made to authorize payment for all employees for more than one payroll period.

K. The County Treasurer shall maintain an Individual Earnings Record for each employee, including gross earnings, deductions and net pay at the time computed.

L. The County Treasurer shall maintain a Notes Payable Register which provides information on notes for temporary loans in anticipation of the current year's revenue, indicating the principal amount, interest rate, due date, fund and other necessary details.

M. The County Treasurer shall maintain a Bond Register which records the history and authorization of each bond issue, whether general obligation bonds, revenue bonds or special levy bonds. A separate sheet shall be prepared for each issue.

N. The County Treasurer, shall submit quarterly reports to the Fiscal Court.

SECTION 4.5 Marshall County Procedures for Fiscal Court Administration by the County Judge

A. At the beginning of each fiscal year, the total amount of the appropriation represents the free balance, or unused appropriation amount, for each account.

B. As expenditures are made during the year, the amount of the expenditure is subtracted from the free balance to keep an accurate record of the exact amount of the unused appropriation at any time.

C. When any item is ordered, the free balance is encumbered in that amount, although it may be considerable time before the actual expenditure occurs.

D. The County Judge, or his/her designee, shall write and sign all warrants directing the Treasurer to make payments authorized by Fiscal Court. The County Judge shall maintain a record of all warrants.

E. At the close of each fiscal year the County Judge, or his/her designee, will be responsible for the preparation of records necessitated by the annual County audit and audit of the County Judge's office. The annual audits of the books, accounts, and papers of the County and the County Judge shall be conducted by the State Auditor of Public Accounts or a Certified Public Accountant, with the prior approval of the State Auditor of Public Accounts.

SECTION 4.6 Claims against Marshall County

A. The County Judge, or his/her designee, shall account for all claims against the County.

B. All claims for payment from the County shall be filed in writing with the County Judge.

C. Each claim shall be recorded by date, receipt and purchase order number and presented to the Fiscal Court at its next meeting.

D. Each order of Fiscal Court approving a claim shall designate the budget fund and classification from which the claim will be paid and each warrant shall, specify the budget fund and classification.

E. The payroll for County officials and regular County employees and recurring utility expenses are hereby pre-approved per Kentucky Revised Statutes. Other recurring expenses may be pre-approved by the Fiscal Court upon authorization of the State Local Finance Officer.

F. The depositor of Marshall County funds shall not honor any warrant on the County unless it is signed by both the County Judge and the County Treasurer. In the absence of the County Judge, the Deputy County Judge or ~~Finance Officer~~ may sign.

G. All offices collecting County or State monies shall utilize a daily deposit in an interest drawing account until settlement is made to the Commonwealth and County. County fees shall be remitted to the County no later than the 10th day of each month following the month of collection unless a written waiver is given by Fiscal Court or otherwise provided in an ordinance.

SECTION 4.7 Investment Policy

A. Investment Policy - The County hereby authorizes the following parties and individuals to invest the county's funds with written permission from the County Judge, pursuant to the terms and conditions of the Marshall County Investment Policy:

(1) County Treasurer
(2) Jailer (limited to Jail Funds)

B. Funds not needed for current expenses or obligations of the County may be invested in any of the following:

(1) Obligations of the United States and of its agencies and instrumentalities, including obligations subject to repurchase agreements, provided that delivery of these obligations subject to repurchase agreements are taken either directly or through an authorized custodian. The investments may be accomplished through repurchase agreements reached with sources including, but not limited to, national or state banks chartered in Kentucky.

(2) Obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States or a United States government agency, including but not limited to:

(a) United States Treasury;
(b) Export-Import Bank of the United States;
(c) Farmers Home Administration;
(d) Government National Mortgage Corporation;
(e) and Merchant Marine bonds;

(3) Obligations of any corporation of the United States government, including but not limited to:

(a) Federal Home Loan Mortgage Corporation;
(b) Federal Farm Credit Banks;
(c) Bank for Cooperatives;
(d) Federal Intermediate Credit Banks;
(e) Federal Land Banks;
(f) Federal Home Loan Banks;
(g) Federal National Mortgage Association;
(h) and, Tennessee Valley Authority;

(4) Certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation or similar entity or which are collateralized to the extent uninsured, by any obligations permitted by KRS 41.240(4).

C. The investment authority outlined above shall be subject to the following limitations:

(1) The County shall not purchase any investment on a margin basis or through the use of any similar leveraging technique.
(2) The County hereby adopts the following procedures for monitoring controls deposit or retention of investments and collateral:
(3) Working with the County's investment advisor, the County should receive a report on the deposits quarterly;
(4) The deposits or investments should be physically located in a safety deposit box.
(5) A third party custodian is desired for the collateral;
(6) The County's- bank/trustee -should keep possession and control of the investment security; and

D. The County shall keep a perpetual investment ledger.

E. The_–County hereby adopts the following standards for the diversification of investments, including diversification with respect to the types of investment and firm with which the County transacts business:

(1) The County's funds should be diversified by security type and institution. With the exception of fully insured or fully collateralized investments and demand deposit accounts, no more than 20% of the County's total investment portfolio shall be invested in a single security type or with a single financial institution.

(2) The County hereby adopts the following standards for the qualification of investment agents authorized to transact business with the county:

(3) The criteria to use in choosing investment advisors should be as follows:

(a) Licensed to do business in Kentucky
(b) Experience
(c) Capitalization of the investment advisor
(d) Criteria covering credit worthiness

F. The County hereby requests that it receive reports on the status of investment of funds on a quarterly basis.

CHAPTER 5 PERSONNEL ADMINISTRATION

A. It shall be the policy of the County to maintain equal employment opportunities for its labor force which will be in compliance with applicable federal and state laws. The County is an at-will employer and is not subject to merit system governance or regulations. County employees acquire no property rights in or to their employment with the County. Accordingly, the County reserves the right to modify, amend and interpret the provisions of this code at its sole discretion.

B. As an Equal Opportunity Employer, the County is committed to nondiscrimination in hiring, promotion, termination, pay, fringe benefits and other aspects of employment, on the basis of race, color, religion, sex, disability, age, national origin, military service,_—veteran status, pregnancy, AIDS/HIV, and genetic information.

SECTION 5.1 Definitions

Where used within these personnel rules, the following words and terms shall have the meaning indicated below:

Allocation: The assignment of an individual position to specific class of work based on the kind, difficulty, skill and responsibility of the work performed.

Appointing Authority: That person or body having authority under the laws of the Commonwealth of Kentucky to make appointments to positions. This shall include the County Judge and any elected official operating under this policy.

Appointment: The act of appointing authority by which a position is filled.

County Employees: Those employees supervised by their appointing authority.

Demotion: Changing one employee from one class of work to a different class of work at a lower pay grade.

Elected Official: Any elected official holding one of the constitutional County offices.

Performance Rating: An appraisal or evaluation of an employee's work performance.

Position: An individual job within the County's personnel system.

Position Description: A detailed written description of the specified duties assigned to and performed by a particular employee.

Termination: The dismissal of an employee.

Layoffs: The involuntary separation of an employee from his/her/her position and class due to a reduction in work force.

Resignation: The voluntary termination of employment by an employee.

Retirement: The termination of employment and transfer to retired status of an employee.

Earned Paid Leave: Any paid time off earned according to hours worked.

Exempt Employee: Those who are not granted the protections of the Fair Labor Standards Act (FLSA) and are not entitled to overtime pay or pay for compensatory time earned (compensatory time shall have no cap but will have no monetary value upon employment separation).

Non-Exempt Employee: Those who must be paid the minimum wage and overtime pay or compensatory time for any time worked beyond 40 hours in a given week according to the FSLA.

SECTION 5.2 Scope of Coverage

A. The following individuals are expressly exempted from coverage of this document; except for otherwise provided herein

(1) All Elected Officials and their employees who have adopted their own Administrative Code.
(2) All members of boards and commissions of the County.
(3) Consultants, advisors and counsel rendering temporary professional advice.
(4) Independent contractors.
(5) Employees made available to County by other agencies.
(6) Employees who have specific exceptions set out in the terms of their employment.

B. All County employment positions not expressly exempted from coverage by this section shall be subject to the provisions herein.

SECTION 5.3 Job Classification

A. The County Judge, or his/her designee, will be responsible for the preparation of a descriptive job classification plan for all non-elected positions.

B. Each job classification shall be in writing and include:

(1) A concise, descriptive title;
(2) Description of the duties and responsibilities of each position in each classification;
(3) State of minimum and desirable qualifications for each position.

C. All positions in a single class shall be sufficiently alike to permit use of a single title, description, qualifications, and pay range.

D. Job Classifications and Pay Scale will be as follows:

Grade	Minimum	Mid-Point	Maximum	Categories	Type
10	$963	$1,234	$1,506	Senior Dept Head	Exempt

9	$837	$1,073	$1,309	Dept Head II	Exempt
8	$763	$954	$1,145	Dept Head I	Exempt
7	$678	$848	$1,017	Supervisor II	Exempt
6	$632	$771	$910	Supervisor I	Exempt
5	$575	$701	$827	Admin Assistant	Non-Exempt
4	$548	$652	$756	Senior Clerk	Non-Exempt
3	$509	$606	$703	Clerk II	Non-Exempt
2	$497	$578	$658	Clerk I	Non-Exempt
1	$473	$550	$627	Entry Level Clerk	Non-Exempt

SECTION 5.4 Applicants

A. Each applicant shall complete and sign a standard written County job application form, and each application shall be kept on file for at least ~~two two~~ one yearss. All applicants shall sign a release authorizing the County to download and review the applicant's Kentucky Driving ~~his/her~~ Record or the Driving History Record for the state in which the applicant is licensed and for a criminal history background check along with drug and alcohol testing.

B. No full-time or regular part-time employee may be hired until having been interviewed by the department head. The County Judge shall make the selection, subject to approval of Fiscal Court, and notify the applicant and department head in writing of the selection.

C. Equal Employment Opportunity (EEO) information may be obtained from the applicant but shall not be used to exclude any person from employment.

D. All part-time and temporary employees, funded through state or federal programs, shall be recruited and selected in accordance with the appropriate program guidelines.

SECTION 5.5 Supervision

The Deputy Judge/Executive and/or County Administer is responsible for the supervision of all County employees. His/her responsibility may be delegated to appropriate department heads and supervisors. Each elected official shall be responsible for the supervision of all employees working within their particular office.

SECTION 5.6 Affirmative Action

A. The County Judge, or his/her designee, shall develop, maintain, and implement an Affirmative Action Plan consisting of:

(1) A statement of Policy
(2) Methods of Dissemination of the Policy
(3) Workforce Analysis
(4) Goals and Timetables

SECTION 5.7 Classifications of Employees

A. All employees of the County workforce shall be classified as full-time, part-time, seasonal or temporary.

(1) Full-Time Employee: An employee who works at least one hundred (100) hours per month on a regular scheduled basis.
(2) Part-Time Employee: An employee who works less than one hundred (100) hours per month on a regular scheduled basis.
(3) Seasonal Employees: Temporary or seasonal positions which coincide in duration with a particular season or seasons of the year and that may recur regularly from year to year, in which case the period of time shall not exceed six (6) consecutive months in any twelve (12) month period.

SECTION 5.8 Hours of Work

A. County offices shall be open Monday - Friday during the hours of 8:00AM - 4:30PM unless otherwise approved by the County Judge.

B. County department work schedules may be adjusted by the department head, subject to approval by the Appointing Authority or their designee.

C. Elected officials who occupy County owned facilities shall utilize the same hours unless otherwise determined by the elected official pursuant to KRS 61.160.

SECTION 5.9 Personnel Records

A. Beginning the first day of employment, all new employees shall report to an office designated by the County Judge or his/her designee to supply any information needed to complete personnel records, execute payroll withholding authorization and enroll in the employee benefit program, if applicable.

B. It is the obligation of the County Judge or his/her designee to maintain the official personnel file for each employee.

SECTION 5.10 Employee Records

It shall be the obligation of the employee to maintain current information by notifying the County Judge or his/her designee of all changes in personal or family status, home address, home telephone number, or any other changes which would affect payroll withholding or employee benefits.

SECTION 5.11 Personal Conduct

Images presented and statements made by all employees of the County can affect the entire organization; therefore, employees are expected to be friendly, courteous, appropriately dressed at all times and acting in accordance with the County Drug Free Workplace Policy. As a local government agency all employees are expected to display an attitude of public service in the performance of their duties.

SECTION 5.12 Safety

A. The health and safety of all County employees is of major importance. The County is striving to make everyone's job safe in all respects; therefore, all employees shall report in writing all hazardous conditions in their work area at once to their immediate supervisor. All injuries should be reported immediately to their supervisor and the supervisor shall report within twenty four (24) hours to the County Judge or his/her designee. Failure to report an accident and/or fill out the Worker's Compensation forms within the time period specified may jeopardize an employee's eligibility for Worker's Compensation benefits and/or untimely payment of medical bills.

B. All employees shall abide by the County's safety policies to help eliminate unsafe conditions and work practices. These policies are included in the County's safety manual, which is located in each department.

C. Employees driving a County owned vehicle shall obey all traffic laws, including wearing seat belts. Traffic citations incurred while driving a County owned vehicle shall be reported to the employee's supervisor immediately along with a copy of the charging instrument. The supervisor shall then report the incident to the County Judge or his/her designee by the end of the next business day. Furthermore, all employees shall have a duty to immediately report any change in their state driver's license status as a result of operating a private vehicle. All fines incurred as a result of driving any County and/or personal vehicle shall be paid by the employee.

D. Any employee injured while on duty will be covered under Workers' Compensation in accordance with State and local laws. Any employee who is unable to work, as a result of a covered compensable injury, may elect to use available vacation and/or sick leave time to insure that their regular take home pay amount is maintained.

SECTION 5.13 Credentials

If it should come to the attention of the Appointing Authority that an employee was hired on the basis of false credentials and/or an inaccurate employment application, said employee will be subject to immediate disciplinary action up to and including termination.

SECTION 5.14 Selection and Appointment

A. Each applicant shall complete and sign a standard written County job application and each application shall be kept for at least ~~two~~ ~~two~~ one (1~~2~~) years~~s~~. A resume or curriculum vitae may be attached to the County application.

B. The County Judge shall select job candidates to be submitted to Fiscal Court for approval. Fiscal Court shall approve all salaries or appropriate salary schedules. Elected officials operating within their budget shall select candidates and approve all salaries or appropriate salary schedules.

C. All employees whose positions are funded through state or federal programs shall be recruited and selected in accordance with the appropriate program guidelines.

SECTION 5.15 Methods of Filling Vacancies

The County will announce position vacancies internally. The Appointing Authority, at his/her discretion, shall publicize open positions externally and accept applications from outside candidates when deemed in the best interest of the County. The position may also be filled through existing applications on file within the prior ~~two two~~ one (~~12~~2) year period.

SECTION 5.16 Recruitment, Evaluation, and Certification

A. The Appointing Authority shall be responsible for:

(1) Accepting complete application forms from the applicants.
(2) Conducting interviews, reference checks, and evaluating training, experience and credentials.
(3) Administering pre-employment tests that may be necessary to demonstrate proficiency, including drug tests and pre-employment physical examinations.

SECTION 5.17 Announcements of Vacancies

A. Notice of employment opportunity and necessary examinations, if any, may be published by the Appointing Authority.

B. Such notices shall:

(1) List the vacant position(s).
(2) Specify for each position its position title, nature of work to be performed, and qualifications for employment in the position.
(3) Identify when and where to file applications for employment in the position.

SECTION 5.18 Appointments

A. The qualifications of an applicant for a position shall be ascertained on the basis of one or more of the following:

(1) Job related performance (internal candidates);
(2) Information provided on the application;
(3) Interview(s);
(4) References;
(5) Other appropriate considerations;

B. Where a declaration of emergency has been declared in accordance with KRS 39B, the County may hire employees on a temporary basis for emergency purposes without Fiscal Court approval. Other employees are to be recommended by the County Judge to the Fiscal Court with Fiscal Court approval required for all hiring

decisions. No employee should start work prior to Fiscal Court Approval being granted, except in accordance with KRS 39.B.010 ect.

SECTION 5.19 Transfer

Any full-time employee may request a transfer from one position to another such position provided the position to which the employee transferred is one for which he/she possesses the qualifications, and provided that the position applied for is vacant. The Appointing Authority may transfer an employee from one position to another in the same grade. Political or partisan endorsements are not a part of this process.

SECTION 5.20 Promotions

The County is committed to filling position vacancies by promoting existing employees whenever possible, based upon specific position needs and the availability of qualified candidates. The County will post these position vacancies. Current County employees, who meet listed qualifications, are encouraged to seek promotional opportunities. Vacancies will be filled by assessing candidates who meet the qualifications in a competitive process. In selecting an employee for promotion or appointment, the department head makes a recommendation to the Appointing Authority who will then decide if the request shall be recommended to the Fiscal Court for approval. Political or partisan endorsements are not a part of this process.

SECTION 5.21 Attendance, Leave and Fringe Benefit Provisions

A. The standard work week for County employees shall be forty (40) hours per week as prescribed by law, unless otherwise prescribed by the Appointing Authority. Specific departmental work schedules shall be prescribed by the department head or Appointing Authority. Work schedules for seasonal, temporary and part-time employees shall be specified by the department head according to the needs of the County and the rules and schedule stipulated for regular employees.

B. Employees shall be at their places of work in accordance with prescribed schedules. All County departments shall maintain daily attendance records of all employees pursuant to a payroll and attendance system prescribed by the County.

SECTION 5.22 Holidays

A. The Fiscal Court shall establish a holiday schedule and shall distribute same to all County employees and department heads. Such schedule shall be approved at the first Fiscal Court meeting of the calendar year.

B. If a holiday falls on a Saturday the day shall be observed on the preceding Friday. If the holiday falls on a Sunday the day shall be observed on the following Monday. The County may modify the observance of any holiday in the interest of service schedules to the public.

C. On occasion, due to operating and service requirements for the County, employees may be required to work on a holiday. If an exempt employee works on a holiday, a commensurate day off at a later time will be designated by the department head. If a non-exempt employee works on the approved holiday, they will receive eight (8) hours of regular pay plus time and one-half (1.5) times their regular rate for every hour worked on that approved holiday.

SECTION 5.23 Vacations

A. Full-time employees are eligible to use vacation hours after successfully completing six months of employment; exceptions may be authorized upon recommendation of the department head and approval of the Appointing Authority.

B. Employees receive vacation time based on years of service and number of regular hours worked including earned paid leave during a pay period. The employee will be credited with the following vacation hours:

Years of Service	Vacation Hours Earned Per Hour Worked*
0-1 Years	0.0192 Vacation Hours (40 hours/year)
1-3 Years	0.0385 Vacation Hours (80 hours/year)
3-6 Years	0.0577 Vacation Hours (120 hours/year)
6+ Years	0.0865 Vacation Hours (180 hours/year)

*Not to exceed 40 hours per week

The County Judge or Appointing Authority may grant exceptions to the years of service/vacation ratio as deemed necessary in certain instances of employment negotiations. Said exceptions should focus on the recruitment of department head level positions.

C. Vacation time may be used in fifteen (15) minute increments subject to the approval of the department head. To avoid conflicts with the County's operating schedules and needs, notification must be given in advance of vacation time usage. Consideration will be given to all requests, however, the County may deny the vacation time if conflicts occur. Generally a request should be made at least two weeks in advance. No employee shall be permitted to accrue vacation time in excess of two-hundred and forty (240) hours at any given time.

D. If an employee resigns, retires~~, or changes employment~~, ~~or changes employment,~~ is terminated or changes employment ~~status~~ from full-time to part-time, they will receive one-hundred percent (100%) of unused vacation and compensatory time paid at the regular rate of pay. ~~If an employee is terminated from their position, they will not receive any pay for unused vacation time.~~

E. Part-time employees, seasonal employees and temporary employees shall not be eligible to earn vacation leave unless specifically authorized by the County Judge or Appointing Authority. Any such exceptions to this policy shall be recorded in the Human Resource Department and notification given to the Fiscal Court.

SECTION 5.24 Sick Leave

A. Sick leave is a benefit, not a right. Paid sick leave entitles employees to time off to recuperate from illness or accident, while retaining their employment rights and pay for the time off. Its main purpose is to provide income for employees absent a relatively short time because of personal illness or injury. This time is not to be used as extra vacation. Full time employees will be credited with eight (8) sick leave hours for each month of employment. Full time employees are eligible to use accrued sick days after successfully completing thirty (30) days of employment. Exceptions to this policy may be authorized upon recommendation of the department head and approval of the Appointing Authority.

B. Paid sick time may be used when or if a member of the immediate family becomes ill and the employee must provide actual care for them. The "immediate family" shall include spouse, parents, grandparents, children, grandchildren, brothers, sisters, mother-in-law, father-in-law, brothers-in-law, sisters-in-law, daughters-in-law, sons-in-law, and individuals that serve as loco parentis. Adopted and step members are also included as "immediate family".

C. Unused sick leave will carry over from year to year without a maximum limit. Because paid sick time is to be used for medical ~~reason~~reasons~~;s;~~,, no compensation will be received for unused sick time upon termination, resignation, retirement or change in status from full-time to part-time.

D. Paid sick time may also be used for a medical, dental, or optical examination appointment or treatment. These appointments should be scheduled outside of normal work hours if possible. If not, the employee is expected to report to work before and/or after the scheduled appointment. Paid sick time shall be used in minimum fifteen (15) minute increments.

E. An employee must personally notify the supervisor when using sick time unless medically incapable. The notification must be made by the beginning of the shift, with the reason for and the length of absence given. The employee must personally notify the supervisor as far in advance as possible of the intention to use planned paid sick time. If making an appointment during work hours and advanced approval of the request is not received, paid sick time may not be granted.

F. If three consecutive days of sick time are used, the department head shall notify the Human Resource Director of absence. Under certain circumstances, a written doctor's excuse may be required by the department head upon returning to work. The County may require an employee present a certification of fitness for duty exam before returning to work from a qualified professional selected by the County. Human Resources or department heads may require a doctor's excuse anytime an employee is using an inordinate amount of sick time.

G. An employee may donate sick time to be used by a co-employee for sick time if all vacation and sick time has been used by the co-employee. For an employee to donate vacation time for a co-employee to use as sick time, a written request must be submitted to the Human Resources Director approved and delivered by the Department Head or the Appointing Authority.

H. A department head may require the employee to submit a medical statement, period of treatment, and date that the employee may return to work from sick leave when it occurs before or after a holiday or other scheduled day off or when an employee has a record of repetitious usage of short amounts of sick leave over an extended time period. The employee may be required to take a medical examination on returning from sick leave or on such occasions that it is in the best interest of the County. The medical examination shall be given by a physician designated by the County.

I. The County may investigate the alleged illness of an employee absent from work on sick leave. False or fraudulent use of sick leave shall be cause for disciplinary action, up to, and including termination.

SECTION 5.25 Facility Closure

In the event that the County closes the facility at which you work, an employee may use earned paid leave to be compensated for time loss or take the time loss without pay.

SECTION 5.26 Family and Medical Leave Act (FMLA)

A. FMLA provides entitlement for up to 12 weeks of job protected, unpaid leave, during a fixed 12 month calendar year:

(1) The birth of a son/daughter or care for newborn child;
(2) The placement of a son/daughter for adoption or foster care;
(3) Care for the employee's spouse, son/daughter, or parent with a serious health condition;
(4) The employee's own serious health condition.

B. Qualifying Exigency Leave. The FMLA requires that employers provide employees up to 12 weeks of leave in a 12-month period to tend to any "exigency" resulting from a service member's call to duty. The new FMLA regulations clarify that exigency leave may be taken by eligible employees (consisting of not only a spouse, son, daughter, or parent, but also "next of kin" — the next nearest blood relative) while their spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves, or if the family member is a retired member of the Regular Armed Forces or the Reserves. An employee whose family member is on active duty or call to active duty for the Regular Armed Forces does not qualify for this leave. Qualifying exigencies include short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities.

C. Military Caregiver Leave. An eligible employee is entitled to 26 work weeks of leave in a 12-month period to care for a covered service member in the Armed Forces (including the National Guard and Reserves) who becomes ill or injured as a result of his/her or her military service. The 12-month period begins when the employee starts using his/her leave. This leave may only be taken once per injury, but may be taken again if there are additional injuries. More than one family member may qualify for the leave.

D. If the employee was qualified for health insurance benefits when leave begins, the employer shall maintain health benefits for the employee in the same manner during periods of FMLA leave as if the employee continued to work. The employee shall be responsible for their portion of premiums to be paid when due.

E. The employee may exhaust all accumulated sick and vacation leave time prior to receiving unpaid FMLA leave.

F. Worker's Compensation shall be designated as FMLA leave as long as the illness or injury also qualifies as an FMLA qualifying event. If the illness or injury qualifies as FMLA leave, then FMLA runs concurrently with the Worker's Compensation Leave.

G. Upon employee being granted FMLA leave, the employee must continue to pay his/her own employee contribution to the health insurance plan ordinarily required of an employee. The employer will continue to pay the contribution ordinarily paid by the employer under the current health insurance plan. If the employee contribution payment is not paid by the employee, in such event, the employer may terminate the health insurance benefits of the employee during FMLA leave. However, the employee may exercise their rights for COBRA benefits.

H. In order to qualify for FMLA benefits, the employee must have worked for the employer for at least 12 months prior to the commencement of benefits and worked at least 1,250 hours in the prior year. The 12 month period need not be consecutive. Employment prior to a break in service of more than 7 years need not be counted unless the break in service was occasioned by the fulfillment of National Guard or Reserve Military Service Obligations.

I. Upon the employer granting FMLA leave, the employee receives an entitlement up to 12 weeks of job protected unpaid leave during any 12 month period.

J. When the need for leave is foreseeable, the employee must give the employer at least 30 days written notice of his/her intent to receive FMLA leave benefits. If the leave is not foreseeable, the employee must provide written notice as soon as possible. The employer reserves the right to require medical certification of a serious health condition for the employee's health or a member of his/her family as defined herein. The employer may also require periodic written medical reports during the leave of the employee's health status, health status of his/her family as defined herein, as well as "fitness-for-duty" certification upon return to work from a health care provider.

K. "Serious health condition" means an illness, impairment, injury, or physical/mental condition that involves either:

(1) any period of incapacity or treatment connected with in-patient care in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment in connection with such in-patient care; or
(2) continuing treatment by a health care provider which includes any period of incapacity that prevents the employee or family member from working, attending school, or any other regular daily activity.

SECTION 5.27 Bereavement Leave

An employee may use earned paid leave of up to three (3) days after the death of a member of the immediate family (spouse, parents, grandparents, children, grandchildren, brothers, sisters, mother-in-law, father-in-law, brothers-in-law, sisters-in-law, daughters-in-law, sons-in-law) and individuals that serve as loco parentis. Adopted step, and foster members are also included as "immediate family". Additional time off may be granted by the Appointing Authority or ~~County Administer~~ Deputy Judge/Executive in cases where additional travel time is needed.

SECTION 5.28 Special Leave

A. The employee may request to be absent, without pay, for personal reasons for a period or periods not to exceed 120 working days. Leave of absence without pay will not be granted until all vacation leave has been exhausted.

B. Request for leave for personal reasons shall be submitted in writing to the Appointing Authority or ~~County Administrator~~ Deputy Judge/Executive, stating the reasons for the request, the date the leave shall begin, and the probable date of return.

C. An employee who has been granted leave without pay status will cease to accrue any benefits during the leave period.

SECTION 5.29 Military Leave

A. Pursuant to KRS 61.394 and 61.396, all employees of this County, or of any department or agency thereof, who are members of the National Guard or of any reserve component of the Armed Forces of the United States, or of the reserve corps of the United States Public Health Service, shall be entitled to leave of absence from their respective duties, without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits to which they are entitled, while in the performance of duty or training in the service of this state or of the United States under competent orders as specified in this section. In any one (1) federal fiscal year, officers or employees, while on military leave, shall be paid their salaries or compensations for a period or periods not exceeding twenty-one (21) calendar

days. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued.

B. The employee shall give the County two (2) weeks notice prior to the scheduled leave if time permits.

SECTION 5.30 Civil Leave

A. Jury Duty: Upon receipt of the Order requiring the employee to report for jury duty, the employee must show the Order to the department head and/or Appointing Authority. There will be no deduction from accumulated leave.

B. The employee will be allowed to keep pay received for serving on a jury without deduction from full regular ~~salary salary~~pay.

C. If called for jury duty and released, the employee must return to work for the remainder of the scheduled shift.

SECTION 5.31 Court Appearances

A. Upon receipt of the Order requiring the employee to make a court appearance, the employee shall make arrangements with the employee's department head to comply with the Order.

B. If appearing in an official capacity in connection with the County as an expert witness because of professional or observed knowledge, the employee's court time is considered working time and no charge is made against leave time.

C. If the employee is involved in a personal case, either as plaintiff or defendant in a suit not resulting from his/her duties with the County, he/she may be granted leave, but the time off must be charged to his/her earned paid leave, or to leave of absence without pay.

D. If an employee is subpoenaed as a witness or as a deponent in a civil lawsuit, the employee may use available earned pay leave to account for his/her absence.

E. If an employee is scheduled to make a court appearance and released, the employee must return to work for the remainder of the scheduled shift.

SECTION 5.32 Overtime/Compensation Time

A. The County pays non-exempt ~~and exempt~~ employees ~~earning less that $913 per week/$47,476 per year~~ time and a half (1.5) for all hours earned over 40 hours in a work week (earned paid leave time including Sick, Vacation, and Holiday shall be considered earned hours in relation to overtime pay). All overtime shall be approved by the department head or Appointing Authority.

B. Non-exempt and exempt employees ~~earning less that $913 per week/$47,476 per year employees~~ shall have the option to take compensatory time in-lieu of overtime

pay. ~~This election will renew January 1st of each year and remain in effect for the entire year.~~ The election shall be filed with the Human Resource Director. Compensatory time shall be earned at time and a half (1.5) of hours worked.

C. Pursuant to KRS 337.285 Section 5, Subsection (a) 1 and 2, the county employee who provided work in excess of forty (40) hours in a public safety activity, an emergency response activity, or a seasonal activity as described in 29 C.F.R. sec. 553.24, may accrue not more than four hundred eighty (480) hours of compensatory time. A county employee engaged in other work in excess of forty (40) hours, may accrue not more than two hundred forty (240) hours of compensatory time. A county employee who has accrued four hundred eighty (480) hours of compensatory time off or two hundred forty (240) hours of compensatory time off shall for additional overtime hours of work, be paid overtime compensation.

D. Pursuant to KRS 337.285 Section 8, Subsection (a) and (b), upon a county employee's termination of employment, all unused accrued compensatory time shall be paid at a rate of compensation not less than the average regular rate received by the county employee during the last three (3) years of the county employee's employment or the final regular rate received by the county employee, whichever is higher.

E.~~C.C.~~ In cases where deemed appropriate by the Appointing Authority, exempt employees whose jobs require an extraordinary amount of hours worked during peak seasons may be allowed to adjust work schedules to fewer hours during non-peak seasons, but in no case shall these full-time exempt employees be allowed to have less than 2080 earned hours during any calendar year.

SECTION 5.33 County Vehicles

A. County vehicles shall be used exclusively for County business unless otherwise authorized by the County Judge. Other permissible uses may include take-home privileges to drive the vehicle to and from work each day and for use to report for after-hour emergencies and call back for service. The use of a County vehicle for general personal activity is not permitted, unless specifically authorized, in writing, pursuant to Memorandum or Employment Agreement.

B. Any employee operating any vehicle while performing the job will be responsible for that vehicle in the case of an accident. For additional policy and procedure see the County Drug-free Workplace Policy Any employee driving a County vehicle must stay in good standing with the Department of Transportation and further maintain a valid operator's license. Any accident, traffic citation, or driving arrest of an employee in a County vehicle must be reported immediately to the Appointing Authority.

C. All employees required to operate vehicles while performing their job shall have a review of their driving record annually, as determined by the County Judge or his/her designee. Prior to employment for a position requiring a valid driver's

license, applicants shall have their Motor Vehicle Report reviewed. Driving records shall be reviewed to insure drivers' licenses are current and valid.

D. Any employee found to be under the influence of alcoholic beverages or unauthorized drugs or controlled substances while operating a County vehicle or equipment shall be subject to disciplinary action, up to and including termination from employment.

E. All employees, while operating or being transported in a county vehicle, shall observe and obey all traffic laws and regulations, including the consistent use of seat belts and proper use of electronic devices. Violation of laws, rules or safety regulations may result in disciplinary action and the loss of use privileges for County vehicles.

SECTION 5.34 Health, Dental, Vision and Life Insurance

A. The County offers an employee, health, dental, vision and life insurance. Detailed plan documents explain the eligibility and receipt of these benefits. The sections below explain some of the basics of these benefits. The County's employee retirement, health, dental, vision and life insurance plans may also change from time to time. If the sections below are determined to be inconsistent with the current or revised detailed plan documents, the detailed plan documents govern.

B. The County currently operates a voluntary health insurance program for all of its full-time employees. A portion of the health insurance is paid by the employee, with the amount being set each year at the time of renewal. The effective date is governed by the Kentucky State's Health Plan. Immediate members of the employee's family may also be eligible to join the program. To find out who is eligible for coverage, contact the Human Resources Department. Coverage shall terminate according to the Kentucky State's Health Plan. Any employee or member having been covered under the group policy may apply for continuing coverage upon termination of employment. Eligibility will be determined based on COBRA laws and requirements (please refer to subsection F).

C. The County offers dental and vision insurance for all full-time employees. All Dental and Vision insurance is paid by the employee, with the amount being set each year at the time of renewal. The effective date of coverage is the first day of the following month of 30 days of employment. Immediate members of the employee's family may be eligible for this coverage. To find out who is eligible and what coverage is provided contact the Human Resources Department.

D. The County currently provides all full-time employees a term life insurance policy at no charge to the employee. The effective date of coverage is the first of the month following 30 days of employment. Upon separation, the policy will automatically terminate on the day of separation.

E. The employee's right to continue health insurance coverage at special group rates, by personally paying the full premium, is assured under federal law (the

Consolidated Omnibus Budget Reconciliation Act of 1985 or COBRA). This law requires that the employer notify the employee and any eligible dependents in writing about eligibility for continued group health insurance. The employee has the responsibility to timely notify the employer when the employee or any eligible dependents wishes to participate.

F. If an employee voluntarily quits, retires, is terminated or has reduction of working hours, the employee can continue health insurance coverage for 18 months, beginning with the date of the qualifying event, (a qualifying event is one in which an employee voluntarily quits, retires, is terminated except for gross misconduct or has a reduction in working hours) or extended to 29 months in cases of Qualified Beneficiaries, who are deemed by the Social Security Administration to have been disabled before the end of the first 60 days of COBRA continuation coverage.

G. If an individual is the spouse or dependent of an employee who experiences a qualifying event, the individual may continue health insurance coverage for 36 months, beginning with the date of the qualifying event. It is the individual or the dependent's responsibility to notify the health group administrator within thirty (30) days of the qualifying event when and if these qualifying events occur (e.g. such as divorce, legal separation, or dependent child is no longer an eligible dependent, etc.). The individual or the eligible dependent has the responsibility to file the application provided by the employer within sixty (60) days of loss of insurance coverage.

H. Following enrollment, the individual shall be responsible for making all premium payments on time to the Insurance carrier representative. If the individual misses making the payment on time, his/her insurance will be canceled the month the premium is not paid.

SECTION 5.35 Kentucky Retirement System - County Employees Retirement Program (CERS)

All employees who average one hundred (100) hours or more worked per month on an annual basis or currently participating in the Kentucky Retirement System must participate in the County's retirement plan. Retirement plan participation and benefits shall be governed by state statutes and administrative regulations promulgated by the state and retirement system. The County reserves the right to permit immediate enrollment into the County's retirement plan.

SECTION 5.36 Employee Relation Provisions, Training and Career Development

The County may permit or direct the attendance of employees at meetings, conferences, workshops or seminars intended to improve the knowledge, abilities and skills of County employees. The department head may release an employee from their regular duties during work days to attend classes at a recognized institution of learning if, in the department head's judgment, such classes contribute favorably to the County's goals and objectives and the career development of the employees.

SECTION 5.37 Performance Evaluations

The Appointing Authority and each department head are responsible for appraising the performance of personnel under their respective jurisdiction each January. To that end an annual performance appraisal program will be developed and administered by the County and updated as necessary.

SECTION 5.38 Disciplinary Procedure

A. To effectively serve the public, the County must maintain effective policies and practices for employee discipline. The County may administer verbal or written warnings, suspension, demotions or may terminate employment for disciplinary reasons. An employee may also be suspended pending the investigation of workplace misconduct, including but not limited to, policy violations.

B. Depending on the severity of the offense, the disciplinary process may begin at any of the steps listed herein, as determined by the County at its sole discretion;

1. Verbal Warning – The employee's supervisor may issue a verbal warning for conduct which necessitates disciplinary action.

2. Written Warning - The employee's supervisor may issue a written warning for conduct which necessitates such disciplinary action. The written warning shall be placed in the employees' personnel file.

3. Suspension –

   a) An employee's immediate supervisor may suspend him/her without pay for the remainder of his/her work shift if the employee violates department or County rules or regulations which may cause harm to him/her, other employees, the public in general, or property of the County or others.

   b) An employee's Department Head, with the prior approval of the Appointing Authority, may suspend him/her without pay for up to three (3) days of scheduled work time for any violation of department or County rules or regulations.

   c) The County Judge or Appointing Authority may suspend any County employee, without pay, for not more than fourteen (14) calendar days for disciplinary reasons or as a result of an internal investigation. Any suspended employee shall receive written notice of the suspension, including the reason for and duration of the suspension.

4. Termination – The County Judge, ~~with Fiscal Court approval~~, may dismiss an employee. Written notice shall be given to the employee prior to, or at the time of, termination.

5. Right to Respond

a) An employee who has been notified of an intent to dismiss him/her has the right to appear personally or with counsel before the Fiscal Court to respond to the Letter of Intent to Dismiss. Other Constitutional Officers operating under these policies shall serve as the hearing authority under this policy.

b) The request to respond must be made within five (5) working days of the employee's receipt of the Letter of Intent to Dismiss, excluding the day it was received. If the employee does not submit such a request within five (5) working days, it will be deemed that the employee has waived his/her right to respond.

c) The employee's meeting with the Fiscal Court shall be held at the next Fiscal Court meeting unless it is within five (5) days of said meeting. The County Judge may reschedule said meeting upon notice of good cause.

d) The meeting is informal. It gives the employee the opportunity to respond to charges contained in the Letter of Intent to Dismiss.

e) Within five (5) working days, excluding the day of the meeting, the Fiscal Court shall make a final determination on the termination. The employee will be notified, in writing, of the Fiscal Court's decision by the County Judge The decision of the Fiscal Court is final.

C. Grounds for disciplinary action of County employees, ranging from warnings to immediate termination, depending upon the seriousness of the offense in the judgment of the County, shall include, but not be limited to, the following:

(1) Dishonesty or falsification of records;
(2) Use of alcoholic beverages or drugs which affect job performance. This shall include the consumption of alcoholic beverages or drugs during working hours as well as the abuse of alcoholic beverages or drugs during non-working hours which, as a result of said abuse, affect the job performance of the employee during actual working hours;
(3) Unauthorized use, borrowing, or abuse of County equipment, vehicles, or property;
(4) Theft or destruction of County vehicles, equipment or property;
(5) Habitual tardiness, unauthorized or excessive absence or abuse of sick leave;
(6) Disregard or repeated violations of safety rules and regulations;
(7) Unsatisfactory performance of duties;
(8) Engaging in any form of harassment;
(9) Insubordination and/or disobeying a supervisor;
(10) The use of profanity, abusive language or inappropriate conduct with co-workers or the general public;
(11) Smoking in prohibited areas;
(12) Conviction of a felony crime or a misdemeanor;
(13) Performing outside work during working hours established by the County;

(14) Displaying or distributing campaign material for a political campaign during normal working hours; the placement of any campaign or political material on a County vehicle; or participating in political activities while on the job site or during normal working hours;
(15) Failure to obtain, or maintain in good standing at all times, any license or certification required to perform the duties of a position, or
(16) Violation of any County policy, rule or regulation;
(17) Improper discussion or disclosing of confidential information;
(18) The illegal possession, use or attempted possession of firearms or other weapons;
(19) Gambling on county property.

D. The County Judge or Appointing Authority may place an employee on leave, with or without pay, pending investigation of any alleged activity in violation of this Code.

SECTION 5.39 Demotions

A demotion is a change in pay and position. The County Judge may, with Fiscal Court approval, demote an employee provided the employee possesses the minimum qualifications for the position to which he/she is demoted. An employee may be demoted when it has been determined his/her performance is substandard, as a result of disciplinary action, or in lieu of a pending layoff.

SECTION 5.40 Separation

A. An employee may be separated from County service via:

(1) Termination;
(2) Resignation
(3) Retirement;
(4) Lay off due to lack of work or funds or abolishment of position.

SECTION 5.41 Resignations

A. An employee shall, in order to resign in good standing, give the Appointing Authority written notice at least two (2) weeks before the date of the resignation is to take effect. The Appointing Authority may agree to a shorter notice because of extenuating circumstances. A resignation made without the notice required by these rules may be regarded as cause for denying the resigning employee future employment by the Appointing Authority.

B. An employee's resignation and the circumstances pertinent to it shall be recorded in his/her personnel file.

C. The employment date of an employee who resigns and is re-instated or is dismissed and is re-employed shall be the date of re-employment.

D. All requests for employment references of current or former Marshall County Fiscal Court employees should be forwarded to the Human Resources Department for review and processing. Employees shall not provide any employment references for a current or former Marshall County Fiscal Court employee without obtaining prior authorization from the County Judge or his/her designee or Appointing Authority.

SECTION 5.42 Layoff

A. The County Judge shall submit in writing to the Fiscal Court whenever the County Judge proposes a reduction in force of County workers. If the Court does not act in any manner at the next scheduled Fiscal Court meeting, the County Judge may proceed with the reduction in force proposal per the procedures as prescribed herein. Other Constitutional Officers (including the Judge Executive and the employees within his/her office) may layoff employees, without the approval of the Fiscal Court, because of lack of work or funds. The order of layoff shall be determined by the needs of the particular department.

B. In layoff

(1) The order of layoff shall be established by the County Judge and approved by the Fiscal Court on the basis of the needs of the County;
(2) Consideration shall be given to both the seniority and merit of the persons considered for layoff;

C. Two weeks before the effective date of the layoff of an employee, if time permits, the County Judge shall:

(1) Notify the employee of the layoff;
(2) Explain the reason for the layoff;
(3) Certify whether his/her service has been satisfactory
(4) A copy of the notice shall be retained in the employee's personnel file.

D. An employee who has given satisfactory service, and is laid off, shall be eligible for re-employment in other positions for which the employee qualifies.

SECTION 5.43 Reinstatement

A. The County Judge with the Fiscal Court's approval:

(1) May re-employ any former employee:

(a) Who has resigned from County employment with a good record;
(b) Who has been laid off because of lack of work or funds.

(2) Shall reinstate any employee who has been demoted or dismissed for a reason prohibited by local, state or federal employment regulations.

SECTION 5.44 Conflict Resolutions

When a conflict exists between employees, or employees and supervisors that cannot be resolved by the department head, the County Judge or his/her designee may be engaged to mediate the conflict. A department head and/or the Human Resources Director may require any employee to attend counseling by an outside agency to assist in resolving a conflict. When referred, attendance is mandatory and failure to comply may result in disciplinary action.

SECTION 5.45 Complaints Relating to Suspected or Alleged Discrimination on Basis of Handicapped Status

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

B. Any person (employee or citizen) who believes that he/she has been subjected to discrimination as prohibited by Section 504 of the Rehabilitation Act of 1973, may personally or by representative, file a complaint with the Office of the County Judge. A person who has not personally been subjected to discrimination may also file a complaint.

C. When any person, (employee, citizen or applicant) who believes he/she has been adversely affected by an act or decision by the County and that such act or decision was based on handicapped status, said person shall have the right to process a complaint or grievance in accordance with the following procedure:

Step One: An aggrieved person must submit a written statement to the County Judge setting forth the nature of the discrimination alleged and facts upon which the allegation is based.

Step Two: The County Judge shall contact the complainant no later than twenty (20) days after receiving the written statement to establish an informal meeting with the objective of resolving the matter informally. However, in no case shall the informal meeting be conducted sooner than five (5) days or more than forty-five (45) days after receiving the written statement. The County Judge and the County Attorney or the County Attorney's designee shall represent the County during the informal meeting. There shall be prepared written documentation of the discussions at the informal meeting, which shall be preserved in the records of the County.

Step Three: Within fifteen (15) days of the informal meeting, the County Judge shall present to the Fiscal Court a proposed remedy.

Step Four: The Fiscal Court shall approve the proposed remedy, approve a different remedy or choose to take no action. The Fiscal Court shall issue a written decision on the matter within fifteen (15) days.

In the discussion of the grievance, the complainant may designate any person of his/her choice to appear with him/her and participate in the discussion. The Fiscal Court shall require the County Judge and the County Attorney or the County Attorney's designee to participate in the discussion of the grievance, when it is brought before the Fiscal Court. The decision shall be the final procedure for the complainant at the local level. However, should the complainant not be satisfied with the remedy, the complainant may offer an alternate remedy within fifteen (15) days of receipt of the Fiscal Court's written decision. The Fiscal Court has fifteen (15) days to act upon the complainant's alternate remedy or the earlier written decision shall be considered final.

~~A.~~D. The County will comply with the provisions of disability laws for employees who qualify. Employees should contact the Human Resources Director with questions or concerns about any needs or requests for reasonable accommodations.

Requests for reasonable accommodations must be submitted in writing to the Human Resources Director. Upon receipt of a request for reasonable accommodation for a disability, the Human Resources Director may require that the employee provide documentation from a medical professional regarding the disability and requested accommodation. Medical documentation provided for this purpose will be kept separate from the employee's personnel file and kept confidential, subject to applicable law. Only information related to the provision of a reasonable accommodation or information necessary to address safety issues in the work setting will be released to supervisors and/or departmental directors, subject to applicable law.

Any employee or applicant who believes he/she has been subjected to prohibited discrimination may personally, or by a representative, make a report with the office of the County Judge using the procedure outlined in the Reporting Procedures (Section 5.52) of this policy.

SECTION 5.46 Miscellaneous Provisions

~~1.~~A. Personnel Records:

~~A.~~1. For each County employee, a personnel file shall be maintained by the Human Resources Director.

2. The file shall include, but not limited to:
   a) The employee's name;
   b) The title of his/her position;
   c) The department or office to which he/she is assigned;
   d) Salary/Hourly rate;
   e) Past changes in his/her status as a County employee;
   f) All disciplinary action and counseling documents relate thereto;
   g) Performance evaluations/documents;

h) Whatever additional information deemed relevant or required by this Administrative Code;
i) Employee's application for employment.

3. All outside inquiries requesting verification of prior employment and/or performance information shall be directed to the Human Resource Director for a response.

SECTION 5.47 Political Activity

Any employee while in the service of the County is not required to contribute to any political fund or be denied the rights of political activity, as specified by the Kentucky Revised Statutes. No employee of the county shall engage in political activity during his/her assigned duty hours or in uniform.

SECTION 5.48 Prohibited Workplace Conduct

The Marshall County Fiscal Court is committed to maintaining a work environment in which people are treated with dignity, decency and respect. In keeping with this commitment, the County prohibits and will not tolerate prohibited workplace conduct which is defined as harassment, sexual harassment, discrimination or retaliation.

~~1.~~A. Harassment

~~B.~~1. Harassment includes illegitimate conduct based on an individual's race, color, religion, national origin, sex, age, disability or other protected status; conduct designed to threaten, intimidate or coerce an employee; conduct that has the purpose or effect of creating an intimidating, hostile or offensive working environment; conduct that has the purpose of interfering with an individual's work performance; or conduct that adversely affects an individual's employment opportunities or benefits.

2. As an example, prohibited conduct includes, but is not limited to, epithets, slurs, negative stereotyping, innuendoes, jokes, disparaging remarks, verbal conduct consisting of crude or vulgar language, inquiries and disclosures, and offensive verbal comments and commentary, or threatening, intimidating, or hostile acts, written or graphic material that denigrates or shows hostility or aversion that is on the employer's premises or circulated in the workplace.

~~(1)~~B. Sexual Harassment

~~C.~~(1) Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature when (1) submission to such is made, either explicitly or implicitly, a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for continued employment, benefits or other employment decisions affecting such individual; or (3) such conduct has

the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment.

~~D.~~(2) In addition to the policy guidance above, other forms of sexual harassment, intimate touching (e.g., more than a handshake or pat on the back) or intruding in the personal space of another, sexual innuendoes or jokes, sexually disparaging remarks, verbal conduct consisting of crude or vulgar language of a sexual nature, and inquiries or disclosures of sexual habits or proclivities, sexist remarks, offensive sexual flirtations, sexual advances, sexual propositions, sexual commentaries and sexually suggestive conduct.

~~(1)~~C. Discrimination:

Discrimination includes direct or indirect acts or practices of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practices of differentiation or preference in the treatment of a person or persons, or the aiding, abetting, inciting, coercing, or compelling thereof made unlawful by federal laws or state statutes, including but not necessarily limited to discrimination based on an individual's race, color, religion, national origin, sex, age, disability or other protected status.

~~2.~~D. Retaliation:

Retaliation includes conduct that would deter a reasonable worker from making or supporting a charge or complaint of harassment, sexual harassment or discrimination. It also includes any form of retaliation against any employee who, in good faith, reports harassment, sexual harassment or discrimination, assists in making a report of such conduct, or cooperates in an investigation of such conduct.

Reporting Procedures:

~~a)~~(1) Any employee of the County shall immediately make a report following the procedures set forth in these policies and procedures. The County will promptly investigate and respond to any such report. While an investigation regarding a report of Prohibited Workplace Conduct is pending, the County may take steps to protect the aggrieved employee, including but not limited to suspending or reassigning the accused employee.

~~b)~~(2) The County cannot respond to Prohibited Workplace Conduct of which it is unaware. Thus, it is imperative for an employee with a concern involving Prohibited Workplace Conduct to promptly make use of the reporting procedure in this policy. Employees should report Prohibited Workplace Conduct before it becomes severe or pervasive.

~~i.~~a) An employee must report Prohibited Workplace Conduct by reporting it to any supervisor or the County Judge as appropriate. ~~Although all reports will be accepted, a Policy Discrimination Form is available at the Human Resources' Department for this purpose.~~

~~ii.~~b) Anyone who is aware of Prohibited Workplace Conduct whether or not they are the victim, must promptly report it. Supervisors and Managers have

an obligation to report Prohibited Workplace Conduct of which they become aware by immediately contacting the Human Resources Director.

~~iii.~~c) Where appropriate, the person accused of Prohibited Workplace Conduct shall be notified of the complaint and/or the outcome. If the accused person is a County employee, he/she shall have the right and obligations of appeal set out below.

~~E.~~i. The County Judge or Appointed Authority, or their designee, will investigate the allegations and issue their response to a report of Prohibited Workplace Conduct within fifteen (15) working days of receiving the report. In cases where the Human Resources Director is the accused, the report shall be made directly to the County Judge or Appointing Authority.

~~F.~~ii. However, the County Judge (or in cases where the County Judge is the accused) the Fiscal Court may grant an extension of time where circumstances require it. In cases where an extension is granted, the person responsible for responding to the report shall promptly inform the reporting party of the extension and the new date for issuing a response.

~~G.~~iii. If, upon receiving a response, the employee is not satisfied with the disposition of the report, an immediate appeal may be taken by submitting a written appeal to the County Judge within fifteen (15) working days of when the employee received a response, using the form available from the County Judge or Appointing Authority.

~~H.~~iv. In cases where the County Judge is accused of Prohibited Workplace Conduct, the appeal must be submitted to the Fiscal Court, through the County Attorney, within fifteen (15) working days as stated above.

~~A.~~E. **Disciplinary Actions**

Upon a final finding of a violation of this policy, the offender will be subject to disciplinary action up to and including dismissal from employment.

SECTION 5.49 Confidentiality

The County is a public agency by definition and as such is subject to full compliance with state open records laws. When documents and information are not subject to public inspection and disclosure, in accordance with the law, the County has a duty to protect this information. Accordingly, all employees are expressly prohibited from releasing any and all information that is not subject to disclosure, protected by law, contract or written agreement, or otherwise not appropriate for release. Examples of such information would include, but not be limited to, personal identity information, health information, information from businesses and contractors and similar types of information. Employees shall verify the appropriateness of releasing any information

with their supervisor in advance of any action. Any open records request shall be forwarded to the County Attorney immediately.

SECTION 5.50 Drug Free Workplace

A. The Fiscal Court has determined that a comprehensive and effective drug use education, training, control and testing program will deter drug abuse and aid in ensuring a work environment that is as productive and as safe as possible to all employees and to the public. Abuse of drugs and use of illegal drugs is dangerous to employee health and safety and, in many cases, dangerous to the public as well. Drugs can interfere with an employee's effectiveness on the job and with clear and quick thinking. The effects of drug abuse linger and fester.

In addition, the Federal Highway Administration (FHA) has issued regulations which require that mandatory alcohol testing procedures be applied to all County employees subject to Commercial Driver License (CDL) testing and licensing procedures.

B. To accomplish the broad goals noted above the Marshall County Fiscal Court hereby declares its intent to establish a drug free workplace. The primary objective to accomplish this goal will be the promulgation and administration of a comprehensive drug free workplace policy that is attached to this Administrative Code and adopted by reference.

SECTION 5.51 Expense Reimbursements

A. Subject to budgetary limitations, any officer or employee of the County incurring expenses for pre-approved travel on behalf of the County shall be reimbursed for allowable out-of-County travel expenses as follows:

(1) Lodging Costs: Reimbursement for actual amount on receipt (conference rate). Non-conference rate shall require prior approval.

(2) Meal Costs: Consistent with the General Services Administration.

(3) Travel: The county offers a corporate rental program through Enterprise, Hertz and county owned vehicles for travel. These methods are preferred. Department Heads and/or the Appointing Authority may offer to pay mileage at the Federal Government Rate to use a personal vehicle if it is deemed more cost effective. ~~Alternatively, the employee may drive his/her own vehicle and receive mileage at the federal rate for miles traveled~~. If the employee still chooses to drive their personal vehicle, the employee will only receive what costs would have been for a rental vehicle.

(4) Air Fare: Lowest coach fare. County Judge or Appointing Authority approval required.

(5) Other Expenses: Tolls, parking and similar expenses. Expenses shall be necessary and reasonable. The County will not reimburse any expenses relating to the consumption of alcohol or tips.

(6) Higher reimbursement rates may be authorized due to travel site (i.e. high rate areas). Federal Government regulations shall be utilized for guidance.

B. Authorization

All travel by County employees must be approved in advance by the employee's supervisor and/or the Appointing Authority. Meeting notices supporting travel shall be submitted with the travel request, when available.

C. Reimbursement

(1) The Request for Reimbursement Form must be completed (including required receipts) and submitted to the department head within (30) thirty days after returning from travel. If reimbursement is requested prior to travel, reimbursement form must be submitted one (1) day prior to the Fiscal Court meeting prior to travel.

(2) The Request for Reimbursement Form must be signed by the employee requesting reimbursement, the department head.

SECTION 5.52 Uniform/Dress Codes

~~(1)~~A. It is the policy of the County to establish uniform/dress code policies that reflect professionalism and pride in public service.

~~(2)~~B. Each department shall establish a written uniform/dress code that is predicated upon the following guidelines:

~~C.~~(1) The nature and type of work performed by personnel within the department,

~~D.~~(2) The level of daily interaction with the public and customers,

~~E.~~(3) Practical considerations such as efficiency, safety, and comfort, and,

~~F.~~(4) Appropriate appearance and the need for the public to readily identify County personnel.

~~G.~~C. The County recognizes the diversity of each department and to that end it is understood that departmental policies will vary subject to the guidelines as noted herein.

~~(3)~~D. All written uniform/dress code policies shall specify whether uniforms, bearing the County seal/logo, will be required and the responsibility for the provision and maintenance of uniform apparel.

~~(4)~~E. All written departmental uniform/dress code policies shall be subject to the approval of the Human Resource Director.

~~(5)~~F. All amendments to departmental uniform/dress code policies shall be subject to these same provisions.

CHAPTER 6 Procurement

SECTION 6.1 General Provisions

A. The County Judge, or his/her designee, is responsible for the negotiation and execution of all contracts for supplies and services and for administration and supervising of the County purchasing system.

B. Every contract of the County shall be authorized or approved by the Fiscal Court before it is executed by the County Judge.

C. Every contract of the County shall be approved as to form and legality by the County Attorney.

D. The County Judge may delegate performance of part or all of the purchasing duties by appointing a designee, who may in turn delegate duties as needed to appropriate personnel under his/her supervision.

SECTION 6.2 Bid Award and Provisions

A. Requests for goods and/or services which cost less than $20,000, or are on an annual bid, or for which there exists a State pricing contract, are not required to be purchased through the competitive bidding procedure. However, the competitive bidding procedure may be used at any time to obtain competitive pricing. When the competitive bidding procedure is desired, the department head must have the County Judge's approval prior to advertising for bids.

B. The County Judge or his/her designee advertises for bids in the newspaper of jurisdiction in the County at least once, not less than seven days, or more than twenty-one days before bid opening. The advertisement shall include the time and place the bids will be delivered and opened, and will also include the place where the specifications may be obtained. All received bids must be time and date stamped and also include the initials of the receiver.

C. The County Judge or his/her designee shall open all bids publicly at the time and place stated in the advertisement. All bids shall be open during the Fiscal Court meeting unless otherwise specified.

D. The County Judge or his/her designee checks against the specifications to insure that all bids are considered on an equal basis and to insure that all bids meet the minimum specifications. After analyzing each bid with the assistance of the particular department head or other expert, the recommendation is made by the County Judge as to the lowest and best bid by a responsible bidder and recorded

in the Fiscal Court minutes. The Fiscal Court then decides whether or not to award the bid. If the lowest bid is not selected, the reasons are to be stated and recorded in the Fiscal Court minutes. The Fiscal Court may choose to reject all bids if none are satisfactory.

E. All bidders are notified of the Fiscal Court's action by the County Judge or his/her designee.

F. The County Judge or his/her designee, with the assistance of department heads, shall annually prepare a list of supplies and materials that the County expects to purchase where the value of which is $20,000 or more no later than the month of April. This list shall be made available to vendors who will be requested to submit their bids for such items for the forthcoming fiscal year. Items on which the County may expend less than $20,000 during a fiscal year, but for which it may nevertheless be desirable to solicit competitive bids, may also be a part of the annual bid process. Accepted vendors may adjust their prices down from that offered in an accepted bid, but they may not increase their prices above their bid.

G. The County may, at its discretion, require a bid bond, certified check, or other guarantee from vendors as insurance to the County that the material or service will be provided as specified in the bid advertisement. Bid bonds, certified checks, or other guarantees from unsuccessful bidders will be returned promptly. Successful bidders will have their bid bond, certified check, or other guarantee returned upon successful completion of the project or delivery of goods.

SECTION 6.3 General Purchasing Procedures

A. All purchases must be verified and approved by the issuance of a purchase order. When the vendor submits an invoice the purchase order number must be indicated; invoices without a purchase order number will not be paid. Sufficient funds must also exist in the department's particular line item from which the purchase will be paid. Department heads shall complete the purchase order form and signify their approval of the purchase by their signature or other appropriate method.

B. If insufficient funds exist, a written request to transfer funds must be submitted by the department head to the County Treasurer requesting funds be transferred. The Line Item Transfer Request should state the line item the funds are to be taken from and to which line item they are to be transferred along with the purpose of the transfer. The Treasurer who will prepare a Court Order for submission to the Fiscal Court.

C. It is the responsibility of each department head to insure that the correct goods are received, that the vendor's invoice is received and is correct, and that the purchase order amount has not been exceeded. Any deviation over 10% from the purchase order as issued should be brought to the attention of the Treasurer and/or Finance Director with a written explanation outlining the reason or reasons the projected cost exceeded the actual cost. When all invoices, bills of lading, shipping documents, etc. are correct and the goods have been received, each department head shall forward to the County Treasurer all paperwork. After review by the

County Treasurer the paperwork shall be forwarded to the County Judge's Office for review.

D. Approval of the Annual Budget does not constitute permission for departments to make purchases. Factors such as cash flow and deposits on hand must always be considered before purchases are approved.

E. "Blanket" purchase orders may be issued from time to time by the County Judge as necessary. Blanket purchase orders may be issued to facilitate a particular department's purchasing needs. A blanket purchase order shall give a department head the ability to purchase materials or supplies from a particular vendor, up to a dollar limit and for a time period specified by the County Judge.

F. The County Judge and department heads shall cooperate with each other to standardize all department supplies, material, equipment, and services where feasible.

G. The County may utilize the reverse auction process in the selection of vendors and contractors.

SECTION 6.4 Small Purchasing Procedures

A. All department heads have permission to purchase materials or supplies for $1,000 or less without obtaining quotes.

B. All department heads may purchase materials or supplies for more than $1,000 but less than $3,000 provided they obtain three or more quotes for the particular items. These quotes must be formal quotes submitted by vendors or quotes obtained by telephone, email, or online purchasing. If the lowest quote is not selected, a written explanation must be provided. If there are fewer than three vendors who supply the particular product the department head should notify the County Judge of this situation.

C. Purchases over $3,000 must first be verified and approved by the issuance of a purchase order. The request will state the purpose of the goods, the preferred vendor, need date, prices from at least three vendors, etc. The County Judge or his/her designee will compare the request with the particular department's budget plan to determine if funds have been correctly allocated. If the request is approved, a purchase order number will be issued for the purchase.

D. The deadline for purchase orders to be turned in for payment five (5) business days preceding the following Fiscal Court meeting.

E. Sole Source Procurement: A situation created due to the inability to obtain competition. Sole source procurement may occur when only one vendor or supplier possesses the unique ability or capability to meet the particular requirements of the solicitation. The purchasing authority may require a justification from the requesting department explaining why this is the only source for the requirement. If sole source procurement is required, the department head

must submit a written explanation about why no other would be suitable to meet its needs. The County Judge shall make the final determination that the procurement is a sole source.

~~1.~~G. Single Source Procurement: A procurement decision whereby purchases are directed to one source because of standardization, warranty, or other factors, even though other competitive sources may be available.

SECTION 6.5 Negotiated Process

A. Competitive bids must be received on all purchases where (a) an individual item exceeds $20,000; (b) the total purchase order exceeds $20,000; and/or (c) a recurring purchase is less than $20,000 per order, but the total for the fiscal year exceeds $20,000 or there is a reasonable expectation that the total annual purchase value will exceed $20,000 based on historical purchasing records. All purchases covered by competitive bids must be authorized and approved by the Fiscal Court. In all cases, all activities of the Purchasing Department must comply with the Kentucky Revised Statutes and all County Ordinances.

B. The negotiated process may be used instead of advertisement for bids when the amounts exceed $20,000 in the following circumstances:

(1) an emergency exists;
(2) the contract is for professional services;
(3) all bids received exceed the amount budgeted.

C. Before an emergency is declared, the appropriate department head shall determine whether or not the delay in obtaining bids will result in danger to health, safety, or property, and submit such determination to the County Judge.

D. The County Judge shall certify the existence of any emergency.

E. In the event all bids submitted are in excess of funds available, the County Judge shall prepare a written determination that there are no additional funds available.

F. A professional service is one performed by a licensed professional and an activity for which the license is required. Exampled included but are not limited to, physicians, attorneys, consultants, engineers, surveyors, and accountants.

SECTION 6.6 Procedures for Negotiated Process

A. When the prerequisites have been met for use of the negotiated process, the County Judge shall proceed to negotiate with one or more suppliers in order to obtain the most advantageous terms for the County.

B. The County Judge shall prepare a record of all negotiated contracts, showing the items and quantities acquired, name of suppliers, cost and date of contract.

C. Professional services shall be negotiated with such persons as are properly licensed to perform such services, and shall be limited to those services to which the license applies.

D. Where more than one bid was received, and all were in excess of the amount available, the lowest three bidders shall be notified that the County desires to negotiate a contract for a lesser amount based on revised quantities or specifications and fix a time limit for submission of proposals.

E. The County Judge shall examine the proposals received and shall negotiate with the suppliers for the terms most advantageous to the County.

F. The best negotiated proposal shall be submitted to the Fiscal Court for approval and award.

G. The County Judge shall notify all persons submitting a proposal that the award has been made.

H. The County realizes the importance of having a waste management policy and supporting recycling industries to further such policy. Therefore, preference may be given to purchasing items containing recycled material whenever practicable and feasible. All vendors offering goods, supplies, materials and equipment shall be notified of this policy. If a vendor has two items meeting the applicable specifications, one containing recycled materials and the other containing no recycled material, the item containing recycled material may be purchased. If the item containing recycled material is more expensive, approval to purchase must be obtained from the County Judge and/or the Fiscal Court.

SECTION 6.7 Code of Conduct

A. Conflict of Interest - No elected official, employee or designated agent of the County will take part or have an interest in the award of any procurement transaction if a conflict of interest, real or apparent, exists. A conflict of interest occurs when the official, employee or designated agent of the County, partners of such individuals, immediate family member, or an organization which employs or intends to employ any of the above has a financial or other interest in any of the competing firms.

B. Acceptance of Gratuities - No elected official, employee or designated agent of the County shall solicit gratuities, favors or anything of monetary value from contractors, potential contractors, subcontractors, or potential subcontractors. Vendors may from time to time make available to elected officials, employees, or designated agents gratuities of a normal business nature. Any gratuities, favors, or other things of a monetary value received by an elected official, employee, or designated agent of the County over $100 in value during any one fiscal year shall be reported to the County Judge who in turn shall make a quarterly report to the Fiscal Court.

C. Penalties - Any elected official, employee or designated agent of the County who knowingly and deliberately violates the provisions of this Code will be open to civil

suit by the citizens of the County without the legal protection of the County. Furthermore, such a violation of these procurement standards is grounds for termination by the County. Any contractor or potential contractor who knowingly and deliberately violates or intends to violate the provisions of these procurement standards will be barred from future transactions with the County.

D. All provisions of any Ethics Code adopted by the Fiscal Court will be strictly followed.

SECTION 6.8 Filing of Protest

The County Judge or his/her designee shall have authority to determine protests and other controversies of actual or prospective bidders or offerors in connection with the solicitation or selection for award of a contract. Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or selection for award of a contract may file a protest with the County Judge. A protest or notice of other controversy must be filed promptly and in any event within two (2) calendar weeks after such aggrieved person knows or should have known of the facts giving rise thereto. All protests or notices of other controversies must be in writing. The County Judge shall promptly review the protest and issue a decision in writing. A copy of the decision shall be mailed or otherwise furnished to the aggrieved party and shall state reasons for the action. The decision of the County Judge shall be final and conclusive.

CHAPTER 7 COUNTY PROPERTY

Any County employee found guilty of damage to, or destruction of County property or equipment, either through willfulness or negligence, shall be required to pay all costs of repairs or replacement of the property and may be subject to discipline, up to and including termination.

SECTION 7.1 Disposition of County Surplus Property

A. Real Property:

1. In the event the County Judge determines that the County retains surplus real property and that it will be in the best interest of the County to dispose of said real property, the County Judge shall make a written statement:

    (a) The real or personal property;
    (b) Its intended use at the time of acquisition;
    (c) The reasons why it is in the public interest to dispose of it;
    (d) The method of disposition to be used.

The property may be transferred via the following method:

(a) Transferred, with or without compensation, to another governmental agency;
(b) Sold at public auction following publication of the auction in accordance with KRS 424.130(1)(b);
(c) Sold by electronic auction following publication of the auction, including the uniform resource link (URL) for the site of the electronic auction, in accordance with KRS 424.130(1)(b); or
(d) Sold by sealed bids.

2. The aforementioned statement shall be submitted to the Fiscal Court for their action.

3. In the event there are no bids for the property, the property shall be sold by the County Judge in the best interests of the County. No County real property shall be sold on a negotiated basis for less than the appraised value.

B. Tangible Property:

1. The County office, agency, or person to which responsibility has been assigned by the County Judge to use and take care of a particular tangible item or items will notify the County Judge that a particular item is no longer needed or serviceable. The County Judge shall inquire of other County offices to determine if they have need of, or want to use, the item.

2. If no use for the property can be found, the property shall be disposed of in the same manner as Real Property except that no appraisal is required.

C. All other Property/Material of value:

In addition to real and tangible property the County periodically processes waste and excess material of value, in addition to recyclable goods and materials collected in conjunction with its solid waste management program. All waste and excess material of value (e.g. scrap metal, used cart parts, material dropped off by the public, etc.) is the property of the County. All departments receiving and/or processing waste and excess material shall ensure that the County receives the highest possible return for redemption of these items and all proceeds are returned to the Treasurer's Office. All proceeds for waste and excess material should be collected via check made payable to the Marshall County Fiscal Court or a credit receipt.

Marshall County Fiscal Court
Information Systems
Usage Policies and Procedures

Preamble

Most of Marshall County's financial and administrative information is accessible through the network. As such, this information is vulnerable to security breaches that may compromise confidential information and expose Marshall County to losses and other risks. At Marshall County, security is critical to the physical network, computer operating systems, and application programs and each area offers its own set of security issues and risks.

Confidentiality and privacy, access, accountability, authentication, availability, network maintenance, and an Information Technology system are components of a comprehensive security plan. This plan identifies key concerns and issues faced by the Marshall County Fiscal Court community at the application, host, and network level, and strive for a balance between the County's desire to promote and enhance the free exchange of ideas and its need for security of critical information and systems.

This document will:

1. Identify the elements of a good security policy;
2. Explain the need for Information Technology security;
3. Specify the various categories of Information Technology security;
4. Indicate the Information Technology Security responsibilities and roles; and
5. Identify appropriate levels of security through standards and guidelines.

This document establishes an overarching security policy and direction for the Marshall County Fiscal Court. All departments are expected to follow the established standards, guidelines, and operating procedures.

~~A.~~1. INFORMATION TECHNOLOGY SECURITY ELEMENTS

The elements of a good security policy include:

Confidentiality and Privacy
Access
Accountability
Authentication
Availability
Information technology system and network maintenance policy

Confidentiality refers to the County's needs, obligations and desires to protect private, proprietary and other sensitive information from those who do not have the right and need to obtain it.

Access defines rights, privileges, and mechanisms to protect assets from access or loss.

Social Media defines use and responsibility of use of social media sites.

Accountability defines the responsibilities of users, operations staff, and management.

Authentication defines method of proving network users and use of encryption.

Availability establishes hours of resource availability, redundancy and recovery, and maintenance downtime periods.

Information Technology Systems describes the computer structure and flow of data.

Network Maintenance describes how both internal maintenance personnel and external vendors are allowed to handle and access technology.

~~B.~~2. NEED FOR INFORMATION TECHNOLOGY SECURITY

Systems (hardware and software) designed primarily to store confidential records (such as the Financial Information System) require enhanced security protections and are strategically controlled systems to which ***access*** is closely monitored. Networks provide connection to records, information, and other networks. Guidelines for appropriate use of computer facilities and services are as follows:

A. **Respect the rights and sensibilities of others**

1. Electronic mail should adhere to the same standards of conduct as any other form of mail. Respect others you contact electronically by avoiding distasteful, inflammatory, harassing or otherwise unacceptable comments.
2. Others have a right to know who is contacting them.
3. Respect the privacy of others and their accounts. Do not access or intercept files or data of others without permission. Do not use the password of others or access files under false identity.
4. Distribution of excessive amounts of unsolicited mail is inappropriate.
5. While the Marshall County Fiscal Court encourages respect for the rights and sensibilities of others, it cannot protect individuals against the existence or receipt of materials that may be offensive to them. Those who make use of electronic communications may come across or be recipients of material they find offensive or simply annoying.

B. **Be aware of the legal implications of your computer use**

1. The Internet enables users to disseminate material worldwide. Thus the impact of dissemination on the Internet is often far broader than that of a statement made on paper or in routine conversation. Keep in mind that a larger audience means a greater likelihood that someone may object with or without legal basis.
2. Much of what appears on the Internet is protected by copyright law regardless of whether the copyright is expressly noted. Users should generally assume that material is copyrighted unless they know otherwise and not copy or disseminate copyrighted material without permission. Copyright protection also applies to much software, which is often licensed to the Marshall County Fiscal Court with specific limitations on its use. Both individual users and the County may, in some circumstances, be held legally responsible for violations of copyright.
3. Many other state and federal laws, including those prohibiting deceptive advertising, use of others' trademarks, defamation, violations of privacy, and obscenity apply to network-based communications.

C. **Respect the mission of the Marshall County Fiscal Court in the larger community**

1. The County makes Internet resources available to approved staff to further the County's services and related missions. These resources are strictly available only for County-related activities.
2. The County Information Technology (IT) Department attempts to filter the content of web pages, electronic mail, but is not responsible for the views expressed by individual users or outside entities, religious or political groups. Use computer resources lawfully.
3. Remember that you are responsible for all activity involving your account. Keep your account secure and private. Do not use identifying data or common words as a password; your password should be difficult to crack or otherwise guess either by individuals or by sophisticated computer programs.
4. The County is the custodian of a wide array of personal and financial data concerning its staff as well as the Marshall County Fiscal Court itself. Respect the County's obligations of confidentiality as well as your own. Only those with authorization may access, communicate or use confidential information.
5. The County has a right to expect that computer users will properly identify themselves. Computer accounts are assigned and identified to individuals. Don't misrepresent yourself.

D. **Do not harm the integrity of the Marshall County Fiscal Court's computer systems and networks.**
1. Today's information technology is a shared resource. Respect the needs of others when using computer and network resources. Do not tamper with facilities and avoid any actions that interfere with the normal operations of computers, networks, and facilities.
2. Avoid excessive use of computer resources. They are finite and others deserve their share. Chain mail, junk mail, and similar inappropriate uses of County resources are not acceptable. Web pages that are accessed to an excessive degree can be a drain on computer resources and, except where significant to the County's mission, may result in a permanent suspension of the Internet access privilege. Although a respect for privacy is fundamental to the County's policies, understand that almost any information can in principle be read or copied; that some user information is maintained in system logs as a part of responsible computer system maintenance; that the County must reserve the right to examine computer files, and that the County may be compelled by law or policy to examine even personal and confidential information maintained on County computing equipment.
3. You are granted privileges and responsibilities with your account. While these vary between groups, the use of County resources for personal commercial gain or for partisan political purposes (not including the expression of personal political views, debate and the like) is inappropriate and possibly illegal.

~~1.~~4. Individual County computer systems have varying resources and demands. Some have additional and sometimes more restrictive guidelines applicable to their own user.

~~2.~~5. All County codes of conduct apply to information technology as well as to other forms of communication and activity.

~~3.~~6. Information Systems employees are empowered to suspend some or all privileges associated with computer use in cases of misuse or threat to the integrity of all or part of the County's information management resources.

~~4.~~7. Before any permanent action is taken against a user, the user will be advised of the bases for the proposed action and given an opportunity to respond. Concerns about such actions may be raised through the usual administrative channels associated with the department or resource in question.

~~5.~~8. Where a violation of County's policies or applicable law appears to warrant action beyond a suspension or elimination of computer privileges, the matter may be referred to a supervisor, administrator or disciplinary body with appropriate authority or to law enforcement authorities.

~~6.~~9. Complaints or concerns about another's use of County's computer resources should be directed to the administrator responsible for the facility or resource in question.

~~3.~~3. SECURITY CATEGORIES

This policy applies to the following categories of security:

~~a.~~o ***Computer system and applications security***: Central processing unit, peripherals, operating system and data.

~~b.~~o ***Physical security***: The premises occupied by the Information Technology personnel and equipment.

~~c.~~o ***Operational security***: Environment control, power equipment, operational activities.

~~d.~~o ***Procedural security***: Established and documented security processes for information technology staff, vendors, management, and individual users.

~~e.~~o ***Network security***: Communications equipment, personnel, transmission paths, and adjacent areas.

~~C.~~4. INFORMATION TECHNOLOGY SECURITY RESPONSIBILITIES AND ROLES

Responsibility for guaranteeing appropriate security for data, systems, and networks is assigned to Information Technology Department, County Administration, and Department Heads.

In many cases, responsibility for designing, implementing, and maintaining security protections will be delegated to information technology staff, but the individual department heads will retain responsibility for ensuring compliance with this policy. In addition to management and information technology staff, the individual user is responsible for the information technology equipment and resources under his/her or her control.

At the Marshall County Fiscal Court, the Information Technology Director is responsible for:

1. Tracking technology and regulatory changes that may indicate or require a change or addition to the current policy;
2. Advising affected department head and staff of said changes;

3. Establishing procedures that support the implementation and maintenance of the security policy;
4. Assisting departments within the County to develop, implement and maintain their own security policies that support and facilitate the County's policy; and
5. Establishing and maintaining a repository for the County's collected security documents.

INFORMATION TECHNOLOGY STANDARDS AND GUIDELINES

Confidentiality and Privacy

The Marshall County Fiscal Court and all members of the County community are obligated to respect and, in many cases, to protect confidential data. There are, however, technical and legal limitations on our ability to protect confidentiality. For legal purposes, electronic communications are no different than paper documents. Electronic communications are, however, more likely to leave a trail of inadvertent copies and more likely to be seen in the course of routine maintenance of computer systems.

The County monitors the content of personal web pages, e-mail or other on-line communications. The County reserves the right to examine computer records or monitor activities of individual computer users for the following reasons: (a) to protect the integrity or security of the computing resources or protect the County from liability, (b) to investigate unusual or excessive activity, (c) to investigate apparent violations of law or County policy, and (d) as otherwise required by law or exigent circumstances. In limited circumstances, the County may be legally compelled to disclose information relating to business or personal use of the computer network to authorities having legal jurisdiction or, in the context of litigation, to other third parties.

Access

No one may access confidential records unless specifically authorized to do so. Even authorized individuals may use confidential records only for authorized purposes. The County's Computer Use Policy requires that members of the County community respect the privacy of others and their accounts, not access or intercept files or data of others without permission, and not use another's password or access files under false identity. Violators of any of these rules are subject to discipline consistent with the general disciplinary provisions.

Technology assets are to be housed in an appropriately secure physical location. Technology assets include servers, personal computers that house systems with controlled access (laptops are a category of special consideration), ports (active ports in public areas), sniffing devices (PC's set up to do this for diagnosis should be secure), modems and network components (cabling, electronics, etc.).

Passwords help protect against misuse by seeking to restrict use of County systems and networks to authorized users. Each authorized user (specific individual) is assigned a unique username and password that is to be protected by that individual and not

shared with others, is difficult to crack, is changed on a regular basis, and is deleted when no longer authorized.

The management for each area will ensure that controls are in place to avoid unauthorized intrusion of systems on the network and to detect efforts at such intrusion. Such controls may include some combination of the following: setting up base-line traffic monitoring and comparing with network logs for variances; implementing system control mechanisms to detect unexpected data conditions; monitoring successful and unsuccessful access to data; and, conducting port scans to ensure that only authorized users are connected to the network.

Requesting Network/User Access

Employees shall be given access on an as-needed basis. An Employee's Department Director and the Information Technology Director must approve a "Request for Access" before the employee is added or access to data is allowed or modified.

a. Department Director will make a "Request for Access" to the Information Technology Director.
b. Information Technology Director verifies the request and either approves or rejects the request. Rejected requests will be explained to the requesting Director.
c. Information Technology will add, delete or modify the user's access rights.
d. Information Technology will notify the Department Director upon completion of the request.

Social Media

Including, but not limited to Facebook, Twitter, LinkedIn, and YouTube.

The following activities are deemed inappropriate uses of social media: Use of social media for illegal or unlawful purposes, including copyright infringement, obscenity, libel, slander, fraud, defamation, plagiarism, harassment, intimidation, forgery, impersonation, and computer tampering (e.g. spreading Spyware, malware, viruses, etc.).

You are responsible for what you post. You are personally responsible for any of your online activity conducted with a Marshall County Fiscal Court e-mail address or any e-mail address used that can be traced back to the Marshall County Fiscal Court domain or any equipment which uses Marshall County Fiscal Court equipment.

Outside the workplace, your rights to privacy and free speech protect online activity conducted on your personal social networks using your personal e-mail. However, what you publish on such personal sites should never be attributed to the Marshall County Fiscal Court and should not appear to be endorsed by, or originated from the Marshall County Fiscal Court. If you choose to list your work affiliation on a social network, then you should regard all communications, on such networks as professional activity conducted at the Marshall County Fiscal Court.

Accountability

Individual users are responsible for ensuring that others do not use their system privileges. In particular, users must take great care in protecting their usernames and passwords from eavesdropping or careless misplacement.

Passwords are never to be 'loaned.' Individual users will be held responsible for any security violations associated with their usernames.

Operations staff is responsible for reviewing the audit logs and identifying potential security violations. The operations staff is responsible for establishing the security and access control mechanisms (such as usernames, passwords, logging, etc.) and may be held accountable for any security breaches that arise from improper configuration of these mechanisms.

Each user permitted to access a controlled system is to be made aware of the access policy for that system. Management will provide this information to the employee when first granting access and make the employee aware of the auditing capability in place to verify compliance.

All controlled systems must maintain audit logs to track usage information to a level appropriate for that system. All user sessions and all failed connection attempts must be logged. For user sessions, the following will be recorded: user, source IP, session start time/date, and session end time/date. For failed connection attempts, the number of attempts must also be recorded. Management has the discretion to determine whether additional logging is necessary.

Audit logging may also apply to networks. Logging of network traffic flow and access is a standard practice. If inappropriate use of the network is suspected, and/or management so requests, the Information Technology Director may authorize specific traffic logging on portions of the County network.

If the operations staff believes a security incident has occurred, they will immediately notify their management. Management will assess the potential implications of the incident, notify the Information Technology Director, and take any remedial and necessary action. All audit logs will be immediately duplicated and moved to secure media for further analysis.

Before adding new software to County computers and networks, system defaults should be carefully reviewed for potential security holes and passwords shipped with the software should be changed. Downloading software, particularly software that is not job-related or endorsed by the administration, may introduce security risks and is strictly prohibited.

Authentication

Authentication and data encryption or point-to-point communication will be implemented for all systems that send or receive sensitive data or when it is critical that both parties know with whom they are communicating. The decision of whether to encrypt data should be made by the professional system administrator responsible for the particular application being distributed, with the knowledge of the County Information Technology Director, County Judge, or department head.

Information Technology Systems and Network Maintenance

In the course of doing business, Marshall County Information Technology will require various levels of repair, general maintenance, and monitoring. All aforesaid activities will be the responsibility of the Marshall County Information Technology Department and staff. In instances where outside contractors are used, representatives of these contracted companies must follow all County IT policies.

Reporting Violations

All users and/or department heads of County systems and resources have the responsibility to report any apparent violations of law, County policy, or department policy to local management and Information Technology whenever such violations come to their attention.

Department management and users of the systems are required to report security violations. Accordingly, guidelines will provide specific guidance on what, when, where, to whom, and within what timeframe the violation should be reported and a copy will be filed with Information Technology Director.

End-User Good Practices Policy

Personal Hardware and Software Prohibited

No personal hardware or software is allowed. All equipment, and software of any kind, including programs, is the sole property of the Marshall County Fiscal Court. This is to reduce problems of equipment and software failure, damage to data files and the introduction of viruses. It is also a policy that disks, tapes, or portable media belonging to the County are not to be used in personal home computers and then returned. This restricts access to Marshall County's data and/or programs and prevents virus transmission.

Desktop

The primary user of each desktop computer, laptop, or wireless handheld is responsible for maintaining data integrity. Employees shall adhere to the following procedures for physical security of software and diskettes:

a. Identify the contents of all diskettes by using fiber-tip pens only.
b. Use licensed software only as allowed by the software license agreement.
c. Desktops should be locked or logged off at the end of each workday.

Workstation Backup

Information Technology insists that all critical data be stored on a file server. If critical data must be stored on the PC instead of on the File Server, the employee is responsible for backing up critical data files and for ensuring that backup media is stored in a safe place, preferably off-site.

Virus Prevention:

The Information Technology Department will initiate control procedures to regularly run virus detection programs on personal computers and file servers used to store confidential or sensitive information or that run critical applications.

To reduce the threat of computer viruses affecting our resources, employees should adhere to the following procedures:

- a. All desktop computers or laptops purchased with software, or received by another means, with software already loaded, should be scanned for viruses before use or connection to the network.
- b. All desktop computers or laptops where hardware is replaced or sent to a vendor for repair should be scanned for viruses before reuse or connected to the network.
- c. All software, including shrink-wrapped, shareware, or freeware, should be scanned for viruses prior to being loaded onto a desktop computer or laptop.

TELEPHONE/WIRELESS COMMUNICATION and MOBILE DEVICE ACCEPTABLE USAGE POLICY

Policy Statement

The County provides telephone and wireless communications services for staff in support of mission-related activities and to promote the cost-effective, appropriate and secure use of those devices.

Reason for Policy / Purpose

The purpose of this policy is to define standards, procedures, and restrictions for end users who have legitimate business uses for; telephones, wireless communications devices and services, connecting mobile devices (County or personally owned) to the Marshall County Fiscal Court network and accessing County data. The County wishes to promote the responsible use of telephones and wireless communications devices, and to provide guidance for the use of such devices in compliance with federal regulations. This mobile device policy applies, but is not limited to, all devices and accompanying media that fit the following classifications:

- Telephones
- Smartphone
- Other mobile/cellular phones
- Tablets
- Laptop/notebook computers

While the County provides telephones and wireless communications devices, it also desires that use of these devices be cost-effective and properly managed. This policy details responsibilities of both employees and departments with regard to the use of telephones and wireless communications devices.

Assumption of Privacy

The Marshall County Fiscal Court reserves the right to monitor all County phone lines to: (a) keep track of productivity and/or to monitor the quality of customer service, ("quality assurance"), (b) act upon reasonable suspicion that a County employee is engaging in unauthorized use of County equipment. This section serves as formal notification of such intent as per KRS 526.101.

Marshall County Fiscal Court employees do not have a right, nor may they have an expectation, of privacy while using any Government office equipment at any time, including the utilization of phone equipment. Any use of County communications resources is made with the understanding that such use is generally not secure, is not private, and is not anonymous.

Security and Conduct

The end user should exercise discretion as to who has access to his/her cell phone number as there could be a charge associated with the telephone use regardless of whether the communication is incoming or outgoing.

Marshall County Fiscal Court employees have an obligation to use their wireless communications services in a responsible, informed and safe manner; conforming to network etiquette, customs, courtesies, safety practices and any applicable laws or regulations.

Employees using wireless communications devices are responsible for securing them at all times. All losses shall be reported immediately to the designated departmental representative.

Hardware and Support

The Information Technology Department reserves the right, through policy enforcement and any other means deemed necessary, to limit the ability of end users to transfer data to and from specific resources on the County network or the Internet.

Users will make no modifications to the hardware or software that change the nature of the device in a significant way (e.g. replacing or overriding the operating system, jailbreaking, rooting) without written approval of the IT Director.

Policy Non-Compliance

Failure to comply with the *TELEPHONE/WIRELESS COMMUNICATION and MOBILE DEVICE ACCEPTABLE USAGE POLICY* may, at the full discretion of the Marshall County Fiscal Court, result in the suspension of any, or all technology use and connectivity privileges.

OPEN-RECORDS MANAGEMENT POLICY

I. Introduction

Open-Records Management Policy in Marshall County: E-Mail

The use of Electronic Mail (E-Mail) for conducting government business in Marshall County is widely recognized as an invaluable tool. The broad use of electronic communication by Marshall County includes: memo distribution, circulation of draft documents, dissemination of county directives, transferring of official documents, sending and receiving of external correspondence, and support of various aspects of county operations. Full implementation of governmental E-Mail systems expedites business communications, eliminates traditional forms of paperwork, and automates routine office tasks.

Electronic mail may be subject to open records requests, thus users should not have inappropriate expectations of privacy and informality with regard to electronic communications. Furthermore, proper in-place policy in compliance with state and/or county ordinances is imperative for effective management. In the course of use, electronic mail may be destroyed inappropriately; or it may be accumulating in systems when it should more properly be destroyed after it no longer has value to the county. Case law exists illustrating that electronic mail is discoverable under actions brought against the governmental entities and accordingly its inappropriate retention therefore brings risk.

II. Definitions

The very term "E-Mail" is ambiguous in its meaning because it is used to mean both the E-Mail system and the messages distributed by the system. It can also be used to describe the action of sending or receiving an E-Mail message. For the purposes of this document, the word "E-Mail" is distinguished by the following terms:

E-Mail systems are the applications that enable users to compose, transmit, receive, and manage, text and/or graphic E-Mail messages and images.

E-Mail messages are any communication supported by E-Mail systems for the conduct of official County business internally, between other governmental entities, and externally with vendors, clients, citizens, and others. This definition applies equally to the contents of the communication, the transactional information associated with each message, and any attachments to the body of the message.

E-Mail server is the physical hardware on which the E-Mail application resides. This server is housed and physically managed by the Marshall County Information Technology Department. Messages stored on this server, however, belong to Marshall County. **Any open records requests for messages stored on these servers will be forward to the County Attorney and submitted to Information Technology for immediate processing.** In accordance with good management practices, the server(s) containing electronic communication will be backed up on a routine basis as to assure preservation with retention guidelines.

Transactional information is information about the E-Mail message. It can include the name of the sender and all recipients, the date and time the message was created and sent, the host application that generated the message, and all of the systems and computers the message was routed through. Some or all of this metadata may or may not be a visible part of

the message. The federal courts have ruled that this information is a vital part of the message itself and is an important consideration when storing email messages.

III. Managing E-Mail Messages as Public Records

E-Mails as with traditional forms of paper are business communications, thus they are subject to audit, open records request, and legal examination through discovery motions and/or subpoena. Messages sent or received in the normal course of business are classified "government record" and therefore must be retained and managed as long as they are needed for administrative, legal, fiscal, or archiving purposes. If a message is county-related, then the proper retention period policy should be applied. If messages are of a personal nature, spam, unsolicited, i.e. unwanted advertisements, then such non-County E-Mails are of a non-record nature and should be deleted immediately.

1. Identification of E-Mail messages

The first step after receiving a message is to determine if it was created or received as part of the business of a government agency then establishing what kind of record the message is. While the Records Custodian should be the person coordinating the records management activities, the originator of the record, i.e., author of the message, or the recipient is usually the person who makes the initial retention decision based on the nature of the message within the scope of his/her responsibilities.

Figure 1.1 Illustrates the steps in this process.

If the message was not created or received as part of the business of a government agency, it is considered **non-record** material. Non-record material has nothing to do with the actions of the County and should be deleted immediately. Examples may include:

Personal Messages are those received from friends or work colleagues which have nothing to do with County business. Employees need to be reminded that the E-Mail system is provided by Marshall County primarily for work use. While a certain amount of personal material may be acceptable, abuse of the system can lead to disciplinary action and even termination. Agencies should have an appropriate use policy that addresses the timely deletion of such messages.

"Spam" is the term for electronic "junk" mail. It is similar to the advertising mail received at home. It is completely unsolicited and unwanted. Some spam mail can be offensive in nature and sent by hackers as a way of disrupting normal business operations. Spam is a growing problem in government E-Mail accounts. While there are tools and techniques for restricting the amount of spam received, there is currently no way to keep it out completely without interfering with the ability to receive important messages. Departments should contact the IT staff if they are receiving large amounts of spam mail.

Unsolicited E-Mail refers to mail that may be unwanted, but is somewhat business related, such as advertising from vendors. This could also include non work related E-Mail from co-workers such as jokes, miscellaneous news articles, non-work related announcements, etc. As with personal messages, see Marshall County Fiscal Court Information Technology Usage Policy to address the timely deletion of such non-work related email.

If the message is business related, then the message recipient should determine what type of message it is and apply the proper retention period.

IV. Establishing Retention Value

All E-Mail messages do not have the same value to the county, and therefore do not have the same retention period. The information in the E-Mail, the reason it was created, and the administrative, fiscal, legal, and/or historical value of the E-Mail to the County determines as with any other kind of record, what kind of record the message is. The majority of E-Mail messages in most agencies are minor administrative records having only brief convenience or reference value. However, E-Mail is also used to transmit records having significant administrative, legal, research, or other value and may need to be retained long-term, and some may need to be retained permanently.

As public records, E-Mail messages are subject to the same retention requirements as the same type of record in another format or medium. This means that E-Mail messages must be retained and disposed of in the same manner as the County's other records, according to records retention schedules approved by the State Archives and Records Commission for that agency or department. Retention periods for E-Mail records will vary according to the information the messages contain and the functions the messages perform. Just as Marshall County cannot schedule all paper or microfilm records together under a single retention period, the County cannot simply schedule E-Mail as a single record series.

No record, paper or electronic, should be destroyed if it is the subject of an Open Records request and/or legal action, i.e. discovery motion, subpoena, court order, etc. Even if the retention period for the record allows for its destruction, **it must be retained until the Open Records request (including any and all appeals) and/or the legal action is completed**.

1) Informational and reference materials are transitory in nature. They have no meaningful value to Marshall County for documenting policy, establishing guidelines or procedures, or certifying transactions and may be destroyed as soon as they are no longer needed. Most E-Mail messages fall into this category. Some examples of these types of messages are communications received from a professional list (not used for project development or creation of policy) or, general announcements received by all employees, such as news of an upcoming fire drill or impending building repair.

2) Temporary records have some documentary value to Marshall County, but do not need to be retained permanently. The retention period is determined by assessing their administrative, fiscal, or legal value. This time period may range from a few months to several years and should be defined in the agencies or departments records schedule.

These records must remain accessible for the *entire* retention period specified in the schedule. E-Mail records in this category should be managed and maintained like the rest of Marshall County's temporary records.

V. Schedules of Retention

All business-related public records in electronic communication form, i.e. "E-Mail" or otherwise

(see Kentucky Department for Libraries and Archives – Local Records Retention Schedule for the established ***"Description"*** criteria) are subject to the required retention periods.

For specific agency and/or departmental retention requirements not contained within this document, please refer to KDLA's website. Each of the following does have specific retention criteria; it is advisable to consult their schedule before deleting any business-related E-Mail items to assure compliance:

~~A.~~ Area Development District:
(http://www.kdla.ky.gov/recmanagement/schedules/kyareadevdistrict.pdf)

~~B.~~ County Attorney:
(http://www.kdla.ky.gov/recmanagement/schedules/kycoattorney.pdf)

~~C.~~ County Clerk:
(http://www.kdla.ky.gov/recmanagement/schedules/kycoclerk.pdf)

~~D.~~ County Coroner:
(http://www.kdla.ky.gov/recmanagement/schedules/kycoroner.pdf)

~~E.~~ Judge/Executive:
(http://www.kdla.ky.gov/recmanagement/schedules/kycojudge.pdf)

~~F.~~ County Sheriff:
(http://www.kdla.ky.gov/recmanagement/schedules/kycosheriff.pdf)

~~G.~~ County Treasurer:
(http://www.kdla.ky.gov/recmanagement/schedules/kycotreasurer.pdf)

~~H.~~ General Retention Schedule:
(http://www.kdla.ky.gov/recmanagement/schedules/erecordsgeneral.pdf)

VI. Preservation of E-Mail Records and Custodian of Record

1. Preservation - The Marshall County Information Technology Department has developed guidelines and procedures to incorporate E-Mail messages into their overall record-keeping systems following policies approved by the Kentucky Department for Libraries and Archives. Marshall County policy and procedures are designed to ensure that E-Mail records are appropriately preserved, secured, and made accessible throughout their established retention periods.

2. Custodian of Record - The County's electronic communication Custodian of Record is the Director of the Marshall County Information Technology Department. **All requests for electronic materials that constitute public-record under the provisions KDLA shall be forwarded to the County Attorney and processed immediately by the Director of the Marshall County Information Technology.**

Cellular Phone Use Policy

General Information

The Marshall County Fiscal Court recognizes that the use of technology plays a vital role in the delivery of public services and programs in local government. Specifically, technology such as cell phones, smart phones and similar PDA devices can enhance customer service, improve agency communications, and facilitate employee productivity in the daily discharge of duties. To that end the County promotes the use of employer-provided technology that accomplishes these broad purposes.

It is the goal of the County to supply its workforce with the tools of technology in a manner consistent with the objectives as stated herein. These practices are designed to ensure accountability with appropriate use and full compliance with other applicable rules and regulations.

Application

This policy relating to cellular phone usage applies to any device that originates or receives phone calls, leaves messages, sends text messages, accesses the Internet, or downloads and allows for the reading of and responding to email, and has the ability to take pictures, whether the device is County-supplied or personally owned.

County Owned and Supplied Devices

An employee who uses a County-supplied device or a County-supplied vehicle is strongly discouraged from using a cell phone, hands on or hands off, or similar device while driving, whether the business conducted is personal or County-related. This includes receiving or placing calls, text messaging, accessing the Internet, receiving or responding to email, checking for phone messages, or any other purpose related to your employment; the business; our customers; our vendors; volunteer activities, meetings, or civic responsibilities performed for or attended in the name of the County; or any other County or personally related activities not named herein while driving. Use of County owned devices for personal business should be kept to a minimum and clearly subordinate to activity related to official County business. Employees should have no reasonable expectation of privacy regarding utilization of these resources. Phone records are audited to ensure no inappropriate use has occurred. If minutes used are excessive creating additional charges to the account and/or if there are any charges for unauthorized text messaging or any other unauthorized charges, the employee will receive a bill for the additional charges and will be responsible for payment of these charges. The Treasure's Office will report such activity to the employee's department head for further review and follow up action as warranted.

Cell Phones or Similar Devices at Work

The County is aware that employees utilize their personal or county-supplied cellular phones during normal business hours, at the same time cell phones are a distraction in the workplace. To ensure the effectiveness of meetings and courtesy within common work spaces, employees are requested to turn all electronic communication devices to vibrate mode.

Personal Cellular Phones

While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of County phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees are therefore requested to minimize personal calls during regular work time where possible and to ensure that friends and family members are aware of the County's policy. Abuse of this policy may result in disciplinary action, including removal of the cell phone during work hours. The County will not be liable for any damage or the loss of personal cellular phones brought into the workplace.

Instant or Text Messaging

Use of a cell phone for text messaging provided by the County for personal purposes or reasons unrelated to the work of the County, is permitted only where such use is minimal. Any personal use of a cell phone, either personal or provided by the County may not interfere with the conduct of the County's business or interfere with an employee's performance of his/her job duties. Misuse of instant or text messaging is grounds for disciplinary action up to and including termination of employment.

Mobile Camera Phones

The County wishes to avoid any impropriety or harassment associated with the use of mobile camera phones. Therefore employees may not bring cameras, video and audio recording devices, or digital devices, such as cell phones, MP3 Players, or other electronic devices that have recording capability, to any areas where employees and visitors have an expectation of privacy, such as bathrooms, locker rooms, dressing areas, etc.;

Employees who violate this policy may be subject to disciplinary actions, up to and including employment termination.

Section I: Purpose and Goals

~~1.~~A. Realizing and accepting the legal, ethical and moral responsibilities associated with maintaining and running a county-wide government for all citizens of Marshall County, Kentucky; as well as running and maintaining a safe and healthful workplace for its employees; and understanding the potential for physical as well as monetary damage associated with the abuse of illicit substances, illegal drugs and alcohol to its employees, to the County as a place of employment and in turn, to the citizens of Marshall County, Kentucky as a whole; and with the intention to ensure that employees of the County understand that compliance with the stipulations set forth in this policy are conditions of employment with the County; the County is fully committed to doing its best to protect the safety, health and well being of all employees of the County, to the overall citizenry of Marshall County, Kentucky and to other individuals who make use of the County's facilities.

~~2.~~B. Likewise, it is the County's additional purpose(s) and intent to accomplish the following with the establishment of this policy:

~~C.~~1. As a recipient of Federal Funds, to comply with the Drug Free Workplace Act of 1988 (PL100-690. Title V, Schedule D).

~~D.~~2. To comply with Federal Department of Transportation regulations regarding employees holding Commercial Drivers Licenses (CDL).

~~E.~~3. To reduce the number of accidents and injuries to employees, other persons and property.

~~F.~~4. To reduce absenteeism and tardiness, and to increase the productivity of all employees of the Court.

~~G.~~5. To help ensure the reputation of the County as a whole and of the County's employees throughout the community.

~~H.~~6. In line with the County's stated goals and objectives, to provide leadership in helping to stem the tide of the abuse of alcohol, illicit substances and illegal drugs throughout Marshall County and the Commonwealth of Kentucky as a whole.

~~A.~~C. It is with these stated goals in mind that the Marshall County Fiscal Court issues this policy, declaring itself a *Drug and Alcohol Free Workplace* and hereby issues these accompanying rules regarding drug and alcohol use in the workplace for the County.

~~3.~~D. The unlawful manufacture, distribution, dispensation, possession, or use of alcohol or a controlled or illicit substance is prohibited in the workplace.

Section II: Definitions

~~a)~~A. Accident-- an unexpected and undesirable event resulting in damage or harm. For the purposes of this policy, the resulting damage or harm may constitute an injury which requires off-site medical attention be given to a person or damage to a vehicle or other property.

~~b)~~B. Alcohol-- means any intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol. This includes over-the-counter and prescribed medications which contain more than one-half (1/2) of one percent (1%) of alcohol by volume.

~~c)~~C. Alcohol Testing-- the testing for alcohol content by an Evidential Breath-Testing Device (EBT) or other Department of Transportation (DOT) approved device. DOT approved devices and procedures will also be used for non-DOT alcohol tests.

~~d)~~D. Drug-- means a controlled substance as defined in KRS 218A.010(6) and as established in 902 KAR Chapter 55, including:

1. Amphetamines
2. Cannabanoids (THC)
3. Cocaine
4. Opiates
5. Phencyclidine (PCP)
6. Benzodiazepines
7. Proproxyphene
8. Methaqualone
9. Methadone
10. Barbiturates
11. Synthetic Narcotics
12. Illicit Substances as defined in KRS 351.010
13. Volatile Substances as defined in KRS 217.900(1)

~~1.~~E. Drug or Alcohol Rehabilitation Program-- means a service provider that provides confidential, timely, and expert identification, assessment, treatment and resolution of employee drug or alcohol abuse.

~~e)~~F. Drug Test-- means a chemical, biological, or physical instrumental analysis administered by a qualified laboratory, for the purpose of determining the presence or absence of a drug or its metabolites or alcohol pursuant to standards, procedures, and protocols established by the U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA).

~~f)~~G. Employee Assistance Program (EAP)-- means an established program providing:

~~H.~~1. Professional assessment of employee personal concerns.

~~I.~~2. Confidential and timely services to identify employee alcohol or drug abuse. Referrals of employees with alcohol or drug abuse issues for appropriate diagnosis, treatment, and assistance.

~~J.~~3. Follow-up services for employees who participate in a drug or alcohol rehabilitation program and are recommended for monitoring after returning to work.

~~A.~~H. Illicit Substance-- means those prescription drugs used illegally or in excess of therapeutic levels as well as illegal drugs.

~~g)~~I. Medical Review Officer (MRO)-- means a licensed physician with knowledge of substance abuse disorders, laboratory testing, and chain of custody collection procedures, and who has the ability to verify positive, confirmed test results. The MRO shall possess the necessary medical training to interpret and evaluate a positive test result in relation to the person's medical history or any other relevant biomedical information.

~~h)~~J. Qualified Laboratory-- means a laboratory certified in accordance with the National Laboratory Certification Program (NLCP) by the United States Department of Health and Human Services' Substance Abuse and Mental Health Services Administration (SAMHSA).

~~i)~~K. Reasonable Suspicion-- as used in this policy, the term reasonable suspicion means, a belief that an employee is using or has used drugs or alcohol in violation of this policy, drawn from specific, objective and articulable facts and reasonable inferences drawn from those facts in light of experience, training, or education.

~~j)~~L. Refusal to Submit-- means the failure to provide adequate breath for testing without a valid medical explanation after the employee has received notice of the requirement for breath testing; or, the failure to provide adequate urine for controlled substances testing without a valid medical explanation after the employee receives notice of the requirement of urine testing; and/or engaging in conduct that clearly obstructs the testing process.

~~k)~~M. Safety Sensitive Position(s)-- Those jobs that would involve exceptional care and due diligence in the area of Public Safety to the County's citizenry and to all employees of the County.

~~l)~~N. Substance Abuse Professional-- A licensed or certified psychologist, social worker, employee assistance professional or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

~~m)~~O. Volatile Substance-- means any glue, cement, paint or other substance as described in KRS 217.900(1).

Section III: Applicability

~~1.~~A. This policy is intended to apply whenever anyone is representing or conducting business for the County and applies to all employees for whom the Fiscal Court pays Worker's Compensation Insurance Premiums including all employees of all duly elected Officers of the County. This policy applies during all working hours, while on call or paid standby and while performing work on behalf of the County while on or off County property. The policy applies to all County employees with special provisions

designated to those employees identified as holding Safety Sensitive positions. These positions are ones in which their performance requires an extra degree of care and diligence in the area of Safety to the community.

~~2.~~B. Those positions identified as Safety Sensitive include, but may not be limited to:

~~A.~~1. Employees of the County Jailer
~~B.~~2. Animal Control Officers
~~C.~~3. Code Enforcement Officers
~~D.~~4. Paramedics
~~E.~~5. Emergency dispatchers & dispatch supervisors
~~F.~~6. Firefighters
~~G.~~7. Emergency Medical Technicians (EMT)
~~H.~~8. Heavy equipment operators
~~I.~~9. Lifeguards
~~J.~~10. Personnel driving CDL regulated vehicles
~~K.~~11. Mechanics who work on these regulated vehicles
~~L.~~12. Aviation employees
~~M.~~13. Operators of non-CDL vehicles who transport senior citizens, the handicapped and children
~~N.~~14. Employees who supervise children and child related activities.

Note: The positions identified above as being "Safety Sensitive" include, but are not limited to, those regulated under 49 CFR Part 40. While this program includes those federally mandated employees, this Drug and Alcohol-Free Workplace Policy is not intended to replace and shall be separate from any Drug and Alcohol-Free Workplace Policy previously adopted and implemented by the County which may have included only federally regulated employees.

Section IV: Policy Requirements

~~1.~~A. Training

The County shall conduct substance abuse awareness training for all employees. This substance abuse awareness training shall consist of the following minimum requirements:

1. Upon a conditional offer of employment with the County, each applicant shall view the County Certified Drug Free Workplace Training Video, shall be provided a copy of and will be asked to read the County's Drug & Alcohol-Free Workplace policy. All current employees will also be asked to read and sign the *Certification of Acknowledgement – Drug & Alcohol-Free Workplace Policies and Procedures Form.*

2. Initial training shall consist of at least 1-hour for all employees.

~~a)~~3. Annual refresher training shall be conducted for all employees in substance abuse awareness and shall consist of no less than thirty (30) minutes.

~~b)~~4. All alcohol and substance abuse awareness training shall include, at a minimum, information concerning:

~~A.~~a) Alcohol and drug testing policy and procedures;

~~B.~~b) The effects of alcohol and drug use on an individual's health, work and personal life;

~~C.~~c) The disease of alcohol or drug addiction;

~~D.~~d) Signs & symptoms of an alcohol and drug problem;

~~E.~~e) The role of co-workers and Supervisors in addressing alcohol or substance abuse; and

~~F.~~f) Referrals to an employee assistance program.

~~1.~~*B.* In addition to all of the above training, all supervisory personnel shall receive an additional thirty (30) minutes each year of alcohol and substance abuse education and awareness training. This additional supervisory training will be documented using the *Supervisory Training Certification Certificate*. This additional supervisory training shall consist of at least, all of the following:

1. Recognizing the signs of alcohol and substance abuse in the workplace;

~~A.~~2. How to document signs of employee alcohol or substance abuse;

~~B.~~3. How to refer employees to an employee assistance program or other alcohol and substance abuse treatment program; and

~~C.~~4. Legal and practical aspects of reasonable suspicion testing for the presence of drugs and alcohol.

Note: The County's Drug & Alcohol-Free Workplace Program shall include controlled-access maintenance in the Human Resources Department, of business records including the names and position titles of all employees and supervisory personnel trained under the program as described above, and the names of all persons who presented alcohol and substance abuse awareness training, for review by the Office of Worker's Claims.

Note: Should any portion of this policy dealing with the actual administration of this policy be amended, employees shall be provided with copies of any administrative change or modification and given an opportunity to ask questions and obtain answers regarding any administrative change(s) in this policy. However, changes may not be made to the policy that would circumvent any requirements associated with 803 KAR 25:280.

Section V: Drug and Alcohol Testing

A. The County currently utilizes Ensite, LLC as its laboratory of choice for the collection of urine samples in the case of testing for controlled substances, and for the administration of breathalyzer tests for alcohol concentration. Ensite, LLC is also the County's third-party administrator of choice for the random selection category of testing. Employees are selected by Ensite, LLC using a statistically valid method of selection of specific employee codes. This random testing will be reasonably spaced over a twelve (12) month period. Because of the random nature of the selection process, any employee may be tested more than once, or not at all. Once collected, all urine samples are forwarded for analyzation to a certified facility designated by the county; which is a laboratory approved by the National Laboratory Certification Program (NLCP) under the United States Department of Health and Mental Services Substance Abuse and Mental Health Services Administration (SAMHSA).

~~1.~~**B.** While the Marshal County Jailer is a duly elected officer of the County, the Jailer's employees are included in the Worker's Compensation Insurance Policy for the Marshall County Fiscal Court as a whole. For reasons that should be obvious to the average observer, the Marshall County Jailer must maintain a "No Tolerance" policy for the use of illegal drugs by his/her employees. Accordingly, employees of the Marshall County Detention Center who test positive for illegal drugs without a valid medical or bio-medical explanation as provided a Medical Review Officer of the Fiscal Court's choosing shall be immediately terminated.

~~B.~~C. The County shall administer alcohol and drug tests in circumstances which include but may not be limited to the following:

~~a)~~1. Pre-Employment Testing-- Breath alcohol and urine drug testing shall be required of all new hire applicants after their receipt of a conditional offer of employment. After receiving the conditional offer of employment, applicants will have 48-hours in which to submit to testing at a testing facility of the County's choosing. The County requires that every newly hired employee test free of controlled substances and have a breath alcohol concentration of not more than 0.02. Each offer of employment by the County shall be conditional upon the passing of controlled substance and alcohol tests.

Refusal by any applicant for employment with the County to take the controlled substance test will result in the conditional offer of employment being withdrawn. All testing under this policy will be in accordance with Testing Protocols described elsewhere in this policy.

~~2.~~a) An applicant with a confirmed positive test for controlled substances and/or alcohol in a concentration of 0.02 or greater, which is not legitimately explained to and accepted by a Medical Review Officer of the County's choosing, shall not be considered for employment.

~~3.~~b) Any applicant who fails a controlled substance test shall not be considered for future employment with the County.

~~4.~~c) Any applicant who refuses to take a controlled substance test shall be disqualified from future consideration for employment.

~~5.~~d) Any applicant who tampers with, or attempts to tamper with, a urine specimen in any manner shall be disqualified from current and future consideration of employment with the County.

~~3.~~5. An applicant whose positive test is confirmed and upheld by the Medical Review Officer (MRO) may request that the same sample be retested at the employee's expense at a County approved laboratory.

Individuals undergoing pre-employment testing shall not begin official employment with the County until after all test results are received and shown to be negative. Upon receipt of the test result, positive or negative, the Judge/Executive or his/her designee shall inform the appropriate department head of the results.

Random Testing-- Employees in a Safety Sensitive position shall be required to participate in a statistically valid, unannounced random selection process, which will subject them to mandatory drug and/or alcohol testing. This category of testing will conduct random tests for alcohol at a rate of no more than ten percent (10%) for non-federally regulated Safety Sensitive positions.

Employees holding positions in which a Commercial Driver's License (CDL) is required, must also be tested at a minimum rate of ten percent (10%) for alcohol annually to satisfy Department of Transportation (DOT) requirements. In the case of random testing for drug use, non-federally regulated Safety Sensitive positions shall be tested at a rate of no more than twenty percent (20%). Employees holding positions in which a CDL is required, must be tested for drugs at a rate fifty percent (50%) annually to satisfy DOT requirements.

All employees in federally regulated Safety Sensitive positions shall be selected from a pool that is separate from the random selection pool for other non-federally regulated Safety Sensitive positions. The Judge/Executive shall utilize a third party to conduct the random selection of Safety Sensitive employees, including employees holding a CDL, to be tested. This random testing shall be unannounced and will take place throughout each calendar year.

Safety Sensitive employees are selected by a third party administrator using a statistically valid, random method of selection using specific employee codes. Because of the random nature of this testing process, Safety Sensitive employees may be selected for testing more than once or not at all. Once an employee is notified that he/she has been selected for testing, the employee must proceed immediately to the testing site of the County's choosing.

Note: Employees in non-Safety Sensitive positions shall not be included in the random selection pool. However, non-Safety Sensitive employees shall be subject to testing for other reasons. Procedures and protocols for "Reasonable Suspicion", "Post Accident" , "Return-to-Duty" and "Follow-up" testing all of which testing types are described elsewhere in this policy shall apply in their case

~~a)~~2. Reasonable Suspicion Testing-- A reasonable suspicion test shall be based on a belief that an employee is using or has used drugs or alcohol in violation of this policy, drawn from specific objective facts and reasonable inferences drawn from those facts in light of experience, training or education. The reasonable suspicion testing shall be based upon:

a) While at work, direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol;

~~a)~~b) While at work, abnormal conduct, erratic behavior, or a significant deterioration in work performance;

~~b)~~c) A report of drug or alcohol use provided by a reliable and credible source.

~~c)~~d) Evidence that an individual has tampered with a drug or alcohol test during employment with the County;

~~d)~~e) Information that an employee has caused, contributed to or been involved in an accident at work;

~~e)~~f) Evidence that an employee has used, possessed, sold, solicited, or transferred illegal or illicit drugs or used alcohol while on the County's premises or while operating the County's vehicle, machinery or equipment.

The Count Judge or his/her designee shall be notified immediately of any indication of reasonable suspicion. Both the observing Department Supervisor and the County Judge or his/her representative will review the policies and procedures herein and if necessary make arrangements with a testing facility of the County's choosing to conduct reasonable suspicion drug and/or alcohol testing as soon as possible. If a representative from the Office of the Count Judge is not available, the observing Supervisor shall obtain the assistance of another County Supervisor or other credible

and reliable source and together they shall complete the *Reasonable Suspicion Form*, and forward it to the County Judge. If after completing the form, it is determined that there is in fact, reasonable suspicion that the employee is under the influence of drugs and/or alcohol, the observing Supervisor or his/her designee will notify the employee and accompany him/her to the testing site.

When a reasonable suspicion test is ordered, the employee must submit to testing within 45 minutes of being notified that he/she will be tested. The observing Supervisor and/or designee shall remain at the testing site with the employee being tested, until the collection process is completed. Any employee who is tested for reasonable suspicion shall be placed on leave with pay until the results of the test are known. After submitting to the drug/alcohol test, the employee may not return to work until the results of the test are known and only then if the results are negative. Only the County Judge or his/her authorized designee may order a reasonable suspicion test.

4. Post Accident Testing-- Drug and alcohol testing will be conducted following an employee's involvement in an accident on or off the County's premises while on duty, or in the course of employment for the County, which requires off-site medical attention, to be administered to a person.

An accident not necessarily requiring that off site medical attention be given to a person but which results in property damage of five hundred dollars ($500.00) or more may be deemed a "qualifying event" for requiring post-accident testing. Drug and alcohol testing may be required of the employee(s) who were actively involved in the "qualifying event". The determination of the necessity of post- accident testing when off-site medical attention is not administered to a person shall be made solely at the discretion of the County Judge or his/her designee.

Qualifying Event Exception: Due to varying types of accident cause, all accidents categorized as a "qualifying event" may not require post-accident testing. Exceptions to the "qualifying event" for requiring post-accident drug and alcohol testing will include, but may not be limited to the following types of accidents:

~~1.~~a) Injuries whose onset is cumulative or gradual – such as carpel tunnel syndrome, progressive hearing loss, mental disorders, dermatitis, respiratory diseases, skin disorders, etc.

~~2.~~b) Injuries where the employee can be completely discounted as the contributing factor (i.e. injuries caused by a third party or some other uncontrollable force or event such as weather, insects, toxic plants, etc.)

~~3.~~c) Injuries where the employee can be completely discounted as the major contributing factor or those injuries occurring during physical fitness or a training event, in which the employee did everything within reason to avoid the injury accident, i.e. was performing training as instructed.

In each case, the County Judge or his/her designee shall determine the necessity of drug and alcohol testing and shall communicate such testing with the involved employee and the employee's respective department head. The Judge/Executive or his/her designee shall coordinate all required tests with the appropriate medical facilities.

An employee involved in an accident while on an out-of-town assignment, shall notify his/her Department Director or the Director's designee as soon as possible but no later than two (2) hours after the accident occurred. The department head shall notify the County Judge or his/her designee to discuss possible drug/alcohol testing requirements.

Other Qualifying Event: The Department Director or his/her designee may request controlled substance/alcohol testing when an employee caused or cannot be completely discounted from causing a vehicular or any other type of accident in which a safety violation occurs and death, serious bodily injury or major property damage did result or could have resulted. The County Judge or his/her authorized designee along with the employee's Supervisor, will be responsible for determining whether a safety violation has occurred. In each case, the County Judge or his/her designee shall determine the necessity of drug and alcohol testing and shall communicate such testing with the involved employee and the employee's department head. If a post accident controlled substance/alcohol test is required, a confirmed positive test may result in the employee's immediate termination.

~~a)~~5. Return-To Duty Testing-- In all cases, it shall be at the discretion of the County Judge, subject to all applicable laws and regulations, as to whether to allow an employee who has violated any provision of this policy to continue in the County's employment. In view of the fact that the use of illegal drugs is a violation of established law, employees who test positive for drugs without a valid medical or bio-medical reason as verified by a Medical Review Officer of the County's choosing, may be immediately terminated.

In the event that an employee who has tested positive for alcohol without a valid medical reason for a positive test, as confirmed by a Medical Review officer of the County's choosing, is allowed to enter a controlled substance/alcohol abuse rehabilitation program, the employee may be allowed to return to work only under the following circumstances:

~~A.~~a) The employee may resume regular duties only after the employee tests negative in an alcohol and/or controlled substance test administered by the County-approved laboratory and can provide a release to return to work from an appropriate substance abuse treatment facility or confirmation of continued and on-going participation in a County recognized substance abuse assistance program. An employee must test negative within a reasonable period of time from receipt of the initial test results not to exceed forty-five (45) days. Any repeat occurrence of substance abuse or violation of any other aspect of the County's Drug Free Workplace Policy will result in immediate termination.

~~B.~~b) Prior to returning to work, the employee shall be required to meet with the Judge/Executive or his/her authorized designee to receive an explanation of the terms of continued employment; and to sign a written *Return-to-Work Agreement*, detailing the terms under which the employee will be allowed to return to work.

~~C.~~c) Such agreement shall stipulate that the employee, at the County's request, may be required at any time, to submit to interviews and/or evaluation by the professional staff at an appropriate chemical dependency treatment facility approved by the County's Employee Assistance Program (EAP). The return-to-work agreement will also stipulate that the employee be required to submit to unannounced controlled substance and/or alcohol testing for up to twelve (12) months after resuming duties.

~~D.~~6. Follow-up Testing-- Any employee returning to work from successful completion of an Employee Assistance Program (EAP) treatment program for alcohol-related problems, or an alcohol rehabilitation program, shall be required to undergo one (1) year of quarterly drug and alcohol testing. The frequency of the follow-up testing shall consider recommendations of any involved Substance Abuse Professional (SAP) but shall be not less than once per quarter (every three months) for at least one (1) year. All follow-up testing may be requested at any time and shall be unannounced.

A. Testing Protocol

The collection of samples and administration of drug and alcohol tests shall follow all standards, procedures and protocols set forth by the U.S. Department of Health and Human Services Substance Abuse and Mental Health Administration (SAMHSA). Test results will be obtained by a qualified laboratory as defined elsewhere in this policy and results shall undergo a medical review as follows:

1. All test results shall be submitted for medical review by a Medical Review Officer (MRO) of the County's choosing, who shall consider the medical

history of the employee or applicant, as well as relevant biomedical information.

2. If there is a positive test result, the employee or applicant shall be given an opportunity to report to the MRO the use of any prescription or over-the-counter medication.

3. If the MRO determines that there is a legitimate medical explanation for a positive test result, the MRO may certify that the test results do not indicate the unauthorized use of alcohol or a controlled substance.

4. If the MRO determines, after appropriate review, that there is not a medical explanation for the positive test result other than the unauthorized use of alcohol or a prohibited drug, the MRO shall refer the individual tested to the Judge/Executive or his/her authorized representative for further proceedings in accordance with the County's Drug Free Workplace Policy.

Note: MRO determinations concerning the use of alcohol or a controlled or illicit substance shall comply with all procedures outlined in the U. S. Department of Health and Human Services (SAMHSA) "Medical Review Officer Manual for Federal Drug Testing Programs".

~~a)~~**E.** Testing Process

~~A.~~**1.** Any employee who has been ordered to undergo testing for drugs and/or alcohol shall receive an *Alcohol and/or Drug Testing Notification Form.*

~~A.~~**2.** Employees shall report to the collection site of the County's choosing immediately after being provided the notification to test. In the case of reasonable suspicion testing, a supervisor or designee shall escort the employee to the collection site. Drug testing shall be conducted by urine sample while alcohol testing shall be performed using a breath alcohol testing/screening device. Drug and alcohol analysis shall be performed by a trained technician. All testing shall follow the prescribed standards, procedures and protocols set forth by the U.S. Department of Health and Human Services' Substance Abuse and Mental Health Administration (SAMHSA).

~~B.~~**3.** To ensure that the test specimen is actually that of the donor, collection site staff shall require positive identification of the test subject.

~~B.~~**4.** Alcohol

The County shall require all tests for alcohol to be performed by a certified Breath Alcohol Technician (BAT).

~~C.~~**5.** Drugs

An eleven (11) panel urine test shall be conducted and shall include analysis for the following substances:

~~1.~~a) Amphetamines;
~~2.~~b) Cannabanoids/THC;
~~3.~~c) Cocaine;
~~4.~~d) Opiates;
~~5.~~e) Phencyclidine (PCP)
~~6.~~f) Benzodiazepines;
~~7.~~g) Propoxyphene;
~~8.~~h) Methaqualone;
~~9.~~i) Methadone;
~~10.~~j) Barbiturates;
~~11.~~k) Synthetic Narcotics

Section VI: Prohibited Activity

~~a)~~A. Prohibited activities involving the use of alcohol or controlled substances are listed in the following paragraphs.

~~a)~~**B.** The Marshall County Fiscal Court reserves the right to define and interpret prohibited activities that specifically include, but may not be limited to:

1. Alcohol
Prohibited conduct involving the use of alcohol includes the following:

a) The performance of or being immediately available to perform work duties while having an alcohol concentration greater than 0.02.

~~a)~~*b)* The consumption of alcohol or products containing alcohol during the performance of or being immediately available to perform work responsibilities.

~~b)~~c) The performance of, or being immediately available to perform those responsibilities designated as Safety Sensitive, within four hours after using alcohol.

~~c)~~d) The transportation of alcoholic beverages within County owned vehicles or equipment is strictly prohibited.

~~d)~~e) The use of alcohol for eight hours immediately following an accident requiring a post-accident alcohol test or until a post-accident test is administered, whichever occurs first.

~~b)~~f) Refusal (which is defined elsewhere in this policy), to submit or cooperate with any of the required testing types.

~~e)~~g) The operation of a County-owned vehicle following consumption of alcoholic beverages shall be considered a violation of this policy and shall result in disciplinary action which may include termination of employment.

~~d)~~h) Alcoholic beverages in open or closed containers are strictly prohibited in County owned vehicles and equipment.

Note: Employees attending training programs and/or conferences related to their employment with the County may participate in social functions associated with the program or conference. If alcoholic beverages are present at the social function and the employee chooses to engage in consumption of said beverage(s), he/she shall do so at his/her own discretion. Employees who choose to engage in the consumption of alcoholic beverages as part of a work related social function shall do so in a responsible manner, maintaining a conduct that would not reflect adversely upon the County. Any unbecoming conduct by an employee who has chosen to consume alcohol at such conference or training program that has an adverse effect upon the County shall be subject to disciplinary action up to and include termination of employment.

Note: Alcohol includes any intoxicating agent in beverage alcohol, methyl, and isopropyl alcohol whether used for medicinal purposes or not. Many over-the-counter and prescription medications contain high percentages of alcohol.

Note: Employees are hereby notified that they shall inform the Judge/Executive or his/her/her authorized designee, of any drug or alcohol related criminal charge or conviction within five (5) days of said charge or conviction. The Judge/Executive shall take appropriate action within thirty (30) days.

~~3.~~2. Drugs or Controlled Substances

Prohibited conduct involving the use of drugs or controlled substances includes, but may not be limited to the following:

~~A.~~a) The illegal or unauthorized use of prescription drugs is strictly prohibited. It is a violation of the County's Drug Free Workplace Policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action which may include termination of employment shall be taken if job performance deterioration and/or

other accidents occur as the result of the intentional misuse and/or abuse of prescription medication.

All doctors' statements and related medical information shall be confidential and maintained in a separate medical file in the Human Resources Department.

~~1.~~*b)* Testing positive for any of the prohibited substances during the performance of or upon being immediately available to perform work responsibilities.

~~2.~~*c)* Refusal (as defined elsewhere in this policy) to cooperate with any of the requested testing types.

~~3.~~*d)* Tampering with or attempting to alter, or actual altering of a test specimen is strictly prohibited and is grounds for immediate termination from employment with the County.

~~B.~~1. Volatile Substances

The intentional misuse, manufacture, sale, distribution, dispensation, or possession of a volatile substance as defined in KRS 217.900 which includes any glue, cement, paint or other substance containing a solvent or chemical having the property of releasing toxic vapors or fumes which when intentionally inhaled may cause a condition of intoxication, inebriation, stupefaction, dulling of the brain or nervous system, or distortion or disturbance of auditory, visual, or mental processes while at work, while on County property, or while conducting County business while off County property, is strictly prohibited and is considered cause for immediate discipline, which may include termination. Such misuse shall also be reported to law enforcement officials.

Section VII: Searches

A. When reasonable cause exists, the County reserves the right to conduct unannounced searches for controlled substances or alcohol anywhere on County property, including but not necessarily limited to:

~~A.~~1. Lockers
~~1.~~2. Desks
~~B.~~3. File Cabinets
~~C.~~4. County Vehicles and Equipment
~~D.~~5. Stationary Container

~~1.~~B. All searches must be conducted in the presence of a member of the Marshall County Sheriff's Office. Searches will be limited to a search that would be sufficient to

locate the item(s) being sought. Employees who refuse to cooperate during such unannounced searches of County property shall be subject to disciplinary action, which may include termination.

Section VIII: Consequence of Engaging in Prohibited Conduct—Alcohol

A. The first time an employee, as a result of a random, reasonable suspicion, follow-up or post-accident test is found to have an alcohol concentration above 0.02, disciplinary action which may include termination will be administered, depending upon the circumstances, including the employee's willingness to voluntarily resolve any medical or psychological condition relating to the employee's conduct and to seek evaluation, counseling and possible treatment or rehabilitation for alcohol related abuse.

B. Any second offense, in which the employee's test for alcohol indicates a concentration above 0.02, is considered grounds for immediate termination.

Section IX: Consequence of Engaging in Prohibited Conduct—Drugs

In view of the fact that the use of illicit substances is illegal, any employee who engages in prohibited conduct for drugs or controlled substances and whose random, reasonable suspicion, post-accident, or follow-up test result indicates a non-medical, or biomedical explanation for the positive result as confirmed by the MRO, may be immediately terminated.

Section X: Consequence of Engaging in Prohibited Conduct-- Volatile Substances

Any employee who engages in prohibited conduct for volatile substances as described elsewhere in this policy may be subject to immediate termination.

Section XI: Consequences of Refusal to Submit to an Alcohol or Controlled Substance Test

~~1.~~A. An employee is considered to have refused to submit to testing when he/she:

1. Fails to appear for any test within a reasonable time; or

2. Engages in conduct that clearly obstructs the testing process; or

3. Fails to provide a urine specimen for drug testing or a breath specimen for alcohol; or

4. Fails to provide enough urine for drug testing or an adequate amount of breath for alcohol testing and there is no medical explanation for the failure to produce; or

5. In the case of directly observed or monitored drug test collection, the employee submitting the specimen fails to permit the observation or monitoring of his/her or her provision of the specimen; or

6. Fails to or declines to take a second drug test when directed by an employer or collector ; or

7. Fails to undergo a medical examination or evaluation as directed by the MRO as part of the verification process; or

8. Fails to cooperate with any part of the testing process.

~~C.~~**B.** Failure to submit to an alcohol or controlled substance test as described above will result in immediate termination.

~~2.~~**C.** A judgment of "refusal to submit" will not apply to pre-employment testing, unless the applicant has begun the testing process and leaves or engages in conduct that clearly obstructs the testing process.

Section XII: Off Duty Alcohol, Drug Use and/or Volatile Substance Intentional Misuse and Callback

A. In no way, is it the County's intent to interfere in the private lives of its employees. However, all employees should be aware that an employee's off-duty use of alcohol, illegal use of controlled substances, intentional misuse of prescription drugs or intentional misuse of volatile substances as described in this policy which result in excessive absenteeism, tardiness, or poor work performance shall be subject to discipline, which may include termination of employment. In the case of alcohol abuse, such employees may be subject to counseling or treatment through the County's Employee Assistance Program.

B. The drug, alcohol, intentional misuse of prescription drugs and the intentional misuse of volatile substance prohibitions apply to employees who are on call for any special operation exhibiting a likelihood of requiring an employee to report to work (i.e. snow and ice removal). An employee who is called back to work to perform duties involving a higher level of ability and concentration regarding safety must report any:

1. Off duty use of alcohol in the prior four hours
2. Medically prescribed use of a controlled substance

~~3.~~C. An employee who is aware of a possible callback situation that may be reasonably expected, who engages in the off-duty use of alcohol shall be subject to disciplinary action which may include termination of employment. The illegal use of controlled substances or the intentional misuse of volatile substances may result in immediate termination if an employee was made aware of a possible call back situation.

Section XIII: Employee Assistance Program

A. Alcoholism and controlled substance addiction are recognized as diseases responsive to proper treatment. The County provides a level of care through its Employee Assistance Program (EAP).All employees shall be given information about the EAP including phone numbers at the time of his/her orientation.

1. All employees of the County are strongly encouraged to voluntarily contact the Employee Assistance Program if they believe they might have a problem with drug or alcohol abuse.

~~1.~~2. Other resources for information:
800 356-9996 ..... Al – Aanon

800 527-5344 .....American Council on Alcoholism

800 662-4347 .....Center for Substance Abuse Treatment

~~1.~~3. If an employee covered by this policy has been identified by a Substance Abuse Professional (SAP) as needing assistance in resolving problems associated with alcohol or controlled substances, the employee shall be subject to follow-up testing as prescribed elsewhere in this policy. The SAP shall be either a licensed physician, certified psychologist, social worker, employee assistance professional or addiction counselor.

~~1.~~4. Employees who voluntarily report a substance abuse problem prior to being required to take a controlled substance or alcohol test as defined in this policy, may not be subject to immediate termination as described elsewhere in this policy if they have voluntarily and conscientiously sought substance abuse assistance and have agreed to a treatment plan. However, if such an employee is allowed to stay on the payroll, he/she must understand that if the problem is not corrected and satisfactory job performance is not maintained, he/she shall be subject to disciplinary action which may include termination of employment. Failure to seek such assistance, or failure to abide by the terms of the treatment plan, shall be grounds for termination. Upon voluntarily reporting a substance abuse problem, the employee will be required to sign a *Substance Abuse Treatment Plan Form* that will further define conditions of continued employment.

Section XIV: Records Retention, Release and Confidentiality

~~1.~~A. The County shall maintain records of activities related to these Drug Free Workplace policies and procedures. All employee records regarding drug or alcohol testing are considered confidential and will be kept under controlled access, separate and apart from the employees standard personnel file. Employee records may not be released except upon written request of release by the employee, the release is ordered by a court or tribunal of competent jurisdiction or the release is to be used in a proceeding related to a benefit sought by the employee, such as worker's compensation or unemployment insurance.

~~2.~~B. The County shall maintain records and documents of all alcohol and drug test results, schedules for follow-up tests and records relating to evaluation and referrals. These records shall be maintained for a period of at least five (5) years. The Judge/Executive or his/her authorized designee shall provide test result information or other pertinent information relating to an applicant or existing employee's alcohol or controlled substance tests upon the applicant or existing employee's written request, and shall do so within five (5) working days of being notified of the applicant or employee's request.

Section XV: County Financial Assistance

The County will pay for all conducted tests as described in this policy except for a second controlled substance test (if requested by the employee) when that test confirms the initial test to be positive. Employees may utilize all service benefits available through the County's Employee Assistance Program (EAP) as described elsewhere in this policy. However, any other services that may be required by a Substance Abuse Professional which are not covered through the EAP will be at the expense of the employee being treated.

Section XVI: Drug Free Workplace Policy Administration and Enforcement

It shall be the responsibility of the Judge/Executive or his/her authorized designee to administer and enforce this policy. This policy and its programs are not to be interpreted or modified by any other County Supervisor or Director.

Section XVII: Responsibility

While it is ultimately the County's legal, ethical and moral responsibility to create and maintain a safe and healthful workplace for its employees, for others who make use of the

County's facilities, and for the general citizenry of Marshall County, Kentucky who may have business with the County; it is also true that *safety is everyone's responsibility*. Accordingly, all employees have an obligation to report violations of this policy to their immediate Supervisors, Department Supervisors or to the Judge/Executive or his/her authorized designee in order to maintain a safe and healthful work environment for themselves, for their fellow employees and for the Public-at-Large. All Supervisors and Department Supervisors are responsible for the drug and alcohol-free operation of their respective departments.

Note: The Marshall County Fiscal Court may change, modify, amend or rescind any part of this policy at any time that deals directly with the actual administration of the policy itself. However, changes may not be made to the policy that would circumvent any requirements associated with 803 KAR 25:28