

**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 FLSA.

## **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.

- 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 reasons; no compensation will be received for unused sick time upon **termination, resignation, retirement or change in status from full-time to part-time.** ~~separation from county service.~~
- 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.** ~~and approved by 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

## SECTION 5.32

### Overtime/Compensation Time

- A. The County pays non-exempt and exempt employees earning less than \$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 shall not be considered earned hours in relation to overtime pay **but holiday does count towards overtime**). All overtime shall be approved by the department head or Appointing Authority.
- B. Non-exempt and exempt employees earning less than \$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. An employee may not accumulate over eighty (80) hours of compensatory time at any given time.
- 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 **DrugfreeDrug-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



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) Mileage: Rate paid by the Federal Government if travel by personal vehicle is required. Voluntary use of personal vehicle, authorized by the department head, shall include reimbursement of estimated fuel consumption only. If~~

~~travel is required outside of the County where the County offers a substitute vehicle, no mileage reimbursement will be made for use of personal vehicle.~~

- (3) Travel: The county offers a corporate rental program through Enterprise 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. The Department Head and/or the Appointing Authority may also reimburse the employee an amount equal to a vehicle rental if the employee still chooses to travel in his/her personal 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**

- A. It is the policy of the County to establish uniform/dress code policies that reflect professionalism and pride in public service.
- B. Each department shall establish a written uniform/dress code that is predicated upon the following guidelines:
  - (1) The nature and type of work performed by personnel within the department,



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 Judge 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 County Judge shall forward all Line Item Transfer Request Forms to 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 Judge all paperwork. After review by the County Judge the paperwork shall be forwarded to the Treasurer's Office for payment.
- 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~~ ~~\$100~~ or less without obtaining quotes.
- B. All department heads may purchase materials or supplies for more than ~~\$1,000~~ ~~\$100~~ 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