

# **NELSON COUNTY FISCAL COURT**

**PERSONNEL ORDINANCE  
CLASSIFICATION AND COMPENSATION PLANS  
PERSONNEL POLICIES AND PROCEDURES**

**DEPARTMENT FOR LOCAL GOVERNMENT  
FRANKFORT, KENTUCKY 40601**

## TABLE OF CONTENTS

Ordinance	5
Welcome	6
Statement of Purpose	7
Scope of Coverage	7
Equal Employment Opportunity	7
Americans with Disabilities (ADA)-1990	7
Drug-Free Workplace Act-1988	8
Sexual Harassment	9
Administration of the Plan	9
Employment Process	10
Announcement of Positions	10
Applications for Positions	10
Appointment to Positions	11
Orientation of Newly Employed Personnel	12
Personnel Records	12
Classification of Employees	12
Employment of Relatives	13
Conditions of Employment	13
Introductory Period	13
Transfer	14
Promotion	14

## TABLE OF CONTENTS (Continued)

Demotion	14
Resignation	14
Exit Interview	15
Layoff (RIF)	15
Reemployment/Reinstatement	15
Retirement	15
Deferred Compensation Program	16
Progressive Discipline	16
Verbal Warning (reprimand)	16
Written Warning (reprimand)	16
Suspension	17
Suspension With Pay	17
Dismissal	18
Pretermination Hearing	18
Common Infractions	19
Political Activity	19
Employee Bonding	19
Drug/Alcohol Testing--Substance Abuse Policy	19
Drug-Free Workplace Certification	24
Compensation Plan	25
Pay Plan	25
Hours of Work	25
Overtime	26
Call-Out Pay	26
Workweek	26
Outside Employment	26

## TABLE OF CONTENTS (Continued)

Employee Benefits	26
Holidays	27
Vacation Leave	27
Sick Leave	28
Family and Medical Leave Act	30
Funeral	32
Special	32
Military	32
Voting	33
Jury Duty/Court Leave	33
Insurance	33
Hospitalization	33
COBRA	33
Workers' Compensation	35
Unemployment Insurance	35
Social Security	35
Section 125 Cafeteria Plan	35
Inclement Weather	36
Expense Reimbursement	36
Cell Phone Use	37
County Vehicle Use	37
Grievance Procedure	37
Employer Provided Items	38
Boot Allowance	38
Severability	38
Disclaimer	38
Repealer	39
Certificate of Receipt	40

**ORDINANCE NO. 210.2-2**  
**ORDINANCE FOR IMPLEMENTING CLASSIFICATION PLANS,**  
**COMPENSATION PLAN, AND POLICIES AND PROCEDURES**

WHEREAS, the Nelson County Fiscal Court recognizes that a personnel system which recruits and retains a qualified motivated work force is indispensable to effective and efficient County government; and

WHEREAS, it is essential to have a classification plan, compensation plan, and policies and procedures in writing delineating all aspects of employment affected by said classification plan, compensation plan, and policies and procedures.

NOW THEREFORE BE IT ORDAINED by Nelson County of the Commonwealth of Kentucky:

1. That the classification plan, compensation plan, and policies and procedures attached hereto shall be the system of personnel administration for the County; and
2. That the classification plan, compensation plan, and policies and procedures may be waived, altered, or suspended only by a change of ordinance.

Adopted this 21<sup>st</sup> day of September, 2020.

Official: \_\_\_\_\_

Attested: \_\_\_\_\_

**WELCOME**

Welcome to the Nelson County. You have been chosen to work with us, because your background indicates that you have the qualifications which characterize successful County employees.

The County recognizes the commitment required of our employees, and understands that quality employees are the County's most valuable resource.

These policies have been developed to provide you with information concerning the philosophies of our County in personnel matters. These policies will be effective as of October 1, 2019. There will be no retroactive clauses on any of these policies except as expressly stated, and it is expected that all employees will be affected equally in relation to their purpose and implementation. Please read through the personnel policies, and discuss any questions you may have with your supervisor.

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



\_\_\_\_\_  
JUDGE/EXECUTIVE

9-21-20

\_\_\_\_\_  
DATE

## **STATEMENT OF PURPOSE**

The Nelson County Fiscal Court recognizes that a personnel system which recruits and retains competent, dependable employees is indispensable to effective and efficient County government. These policies and procedures, classification and pay plans and job descriptions have been developed in order to achieve optimum efficiency, economy and equity in the pursuit of the County's goals and the utilization of its human resources.

The policies and procedures set forth hereinafter are intended to implement the personnel ordinance by providing procedures for:

1. Classifying positions in the County service;
2. Recruiting persons for that service;
3. Compensating employees equitably for their service to the County, and;
4. Providing for their welfare.

## **SCOPE OF COVERAGE**

The following Personnel Policies and Procedures have been adopted by the Nelson County Fiscal Court and are applicable to all persons employed or appointed to positions at all levels in the County government, with the exception of the following:

- A. All elected officials;
- B. Employees of the Sheriff, County Clerk, County Attorney and Jailer, unless expressly requested by the elected official in writing;
- C. All members of boards and commissions;
- D. Consultants, advisors, and counsel rendering temporary professional services;
- E. Independent contractors; and
- F. Temporary or seasonal employees.

## **EQUAL EMPLOYMENT OPPORTUNITY**

The Nelson County Fiscal Court seeks to provide equal employment opportunity to all its employees and applicants for employment and to prohibit discrimination based on race, color, religion, sex, national origin, age, disability, or because the individual is a smoker or nonsmoker. The County promotes equal opportunity in matters of hiring, training, promotion, pay, employee benefits and other conditions of employment.

## **AMERICANS WITH DISABILITIES ACT OF 1990**

Nelson County complies with the Americans with Disabilities Act of 1990, as amended by the Civil Rights Act of 1991, which prohibits discrimination on the basis of disability and protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment.

The County will provide reasonable accommodation to qualified individuals with a disability who, with an accommodation, can perform the essential functions of the job, unless the accommodation will impose an undue hardship for the County.

- A. Any person (employee or citizen) who believes that he or she has been subjected to prohibited discrimination may personally, or by a representative, file a complaint with the office of the County Judge/Executive or Constitutional Officer. A person who has not personally been subjected to discrimination may also file a complaint.
  
- B. When a person (citizen, applicant, or employee) believes he or she has been adversely affected by an act or decision by the County and that such act or decision was based on handicapped status, that person shall have the right to process a complaint or grievance in accordance with the following procedure:
  - 1. Step One: An aggrieved person must submit a written statement to the County Judge/Executive or Constitutional Officer setting forth the nature of the discrimination alleged and facts upon which the allegation is based.
  - 2. Step Two: The Judge/Executive or Constitutional Officer shall contact the complainant no later than fifteen (15) 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 nor more than forty-five (45) days after receiving the written statement. There shall be prepared a written documentary of the discussions at the informal meeting, which shall be preserved in the records of the Nelson County.
  - 3. Step Three: Within fifteen (15) days of the informal meeting, the County Judge/Executive or Constitutional Officer shall issue a written decision on the matter, and the decision shall be the final procedure for the complainant at the local level.
  
- C. There shall be prepared a written documentary of the discussion at the meeting, which shall be preserved in the records of the County.

#### **DRUG-FREE WORKPLACE ACT OF 1988 - Policy Statement**

It shall be the policy of the Nelson County that its workplace shall be drug-free in compliance with the Drug-Free Workplace Act of 1988 (PL 100-690, Title V, Subtitle D), including any future amendments. This publication provides details of this policy, a statement on dangers of drugs in the workplace, sources of information and assistance and is the basis of a form each employee is required to sign assuring compliance.

It is the policy of Nelson County that no employee shall engage in unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace. A controlled substance means a controlled substance in schedules I through V of the Controlled Substances Act (21 U.S.C. 812), and as further defined by regulation at 21 CFR 1308.11 through 1308.15, including any future additions or amendments.



The purpose of this policy is to avoid the dangers of drugs in the workplace as described further in this publication. Another purpose is to advise employees of available sources of counseling, rehabilitation, and employee assistance.

Each employee is notified hereby that they shall notify the County Judge/Executive or Constitutional Officer within five (5) days of any criminal drug statute conviction for a violation in the workplace. Within thirty (30) days, the county shall take appropriate action.

Employees found to be abusing drugs, but not convicted of any drug statute violation, will be subject to appropriate personnel action up to and including termination, or be required to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes. The employer is not required to pay for this rehabilitation.

Any employee violating the terms of this policy is subject to immediate dismissal.

### **SEXUAL HARASSMENT POLICY**

Nelson County is aware of, and complies with, all federal and state equal opportunity laws which make it illegal for sexual harassment to occur within the work place. EEOC defines sexual harassment as "unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature" which constitute unlawful sex discrimination when:

1. Submission to such conduct is either explicit 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 employment decisions affecting that individual; and/or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment;

If you feel you have been sexually harassed by anyone within the County government, please report the situation to your supervisor immediately. If the person harassing you is your supervisor, report the situation to the County Judge/Executive or Constitutional Officer. An investigation will be initiated immediately, with corrective actions taken as appropriate. To the extent possible, confidentiality will be maintained in the investigation.

### **ADMINISTRATION OF THE PLAN**

Pursuant to KRS 67.710 the County Judge/Executive is the chief executive of the County and is given all powers and required to perform all duties of an executive and administrative nature vested in, or imposed upon the County or its Fiscal Court. The Judge/Executive is responsible for the proper administration of the affairs of the County placed in his charge. Pursuant to KRS 67.710(7), the County Judge/Executive, with the approval of the Fiscal Court, has the authority to appoint, supervise, suspend, and remove County personnel, unless otherwise provided for by state statute. Notwithstanding the provisions of KRS 67.710(7), KRS 67.711(1) gives the County Judge/Executive express authority to hire a Deputy County Judge/Executive, and a reasonable number of other assistants, secretaries, and clerical workers to work within the

Judge/Executive's office, who shall serve at his/her pleasure. The Fiscal Court, pursuant to KRS 64.530(4), is required to fix reasonable compensation for these positions.

The County Judge/Executive is hereby designated as the County personnel administrator. In this capacity the Judge/Executive may delegate such duties and functions as he/she deems appropriate.

## **EMPLOYMENT PROCESS**

### **Announcement of Positions**

1. Announcement of a position shall include such information as to where to apply, deadlines for application, the title and pay ranges for the position, summary of duties of the position, and the position qualifications required. All written announcements of a position shall contain the following statement: "An Equal Opportunity Employer M\F\A\D."
2. Announcements for newly established or existing positions shall be made public in a newspaper of general circulation in the area. Existing positions may be filled from current applications on file or internal transfers when the County Judge/Executive or Constitutional Officer deems it in the County's best interest. The County's work force will be notified by posting of job vacancies or newly established positions in a conspicuous place to which all employees have access. Employees' requests for consideration for the positions shall be made to the County Judge/Executive or Constitutional Officer in writing. Pay range for internal transfers shall be listed on announcements of vacancy.

### **Applications for Positions**

1. The application form by which a person applies for a position shall require:
  - A. Information about the applicant's training and experience;
  - B. References and signed release form; and
  - C. Whatever additional information is required for an evaluation of the applicant's fitness for the position for which he/she applies.
2. Each application shall be reviewed by the County Judge/Executive or Constitutional Officer and such other persons as the Judge/Executive deems appropriate.
3. No person may be appointed to a position unless verified information on an official application form indicates that the person meets the required qualifications set forth in the position description for the position.
4. All application forms filed with the County shall be kept by the Judge/Executive or Constitutional Officer, or his/her designee, for the time required by law. All applications shall be acknowledged in writing.
5. All applicants shall be given a copy of the position description and appropriate forms to comply with Americans with Disabilities Act (ADA) and other requirements.

## Appointment to Positions

1. There are four types of appointments:
  - A. Introductory: The first ninety (90) days of service in a position to which an employee has been appointed, promoted, re-employed, or reinstated shall constitute an introductory period. Upon successful completion of the introductory period, the employee shall receive regular status. If at any time during the introductory period the appointing authority determines that the services of the employee have been unsatisfactory or are no longer needed, an employee may be separated from his/her position without the right of appeal or a hearing.
  - B. Full-Time: After successful completion of an introductory period, full-time appointments are made on a full-time basis, to full-time established positions, for an indefinite period.
  - C. Part-Time: Appointments may be made on a part-time basis, to part-time positions, for an indefinite period.
  - D. Temporary: Temporary appointments are made on a full-time or part-time basis, to a temporary or regularly established position, for a specified period of time not to exceed nine (9) months, unless otherwise approved by the Fiscal Court.
2. Full-time employees shall be entitled to all benefits as provided in these policies. Part-time or temporary employees shall not be entitled to any benefits unless otherwise stated in these policies.
3. The qualifications of an applicant for a position shall be ascertained on the basis of one or more of the following:
  - A. Information the applicant supplies on an application form prescribed and supplied by the County;
  - B. Written, performance, or physical examinations;
  - C. Interviews;
  - D. Information and evaluations supplied by the references whom the applicant identifies on the application form; and
  - E. Other appropriate means.
4. All persons who qualify for an appointment to a position of a particular classification shall be considered by the County Judge/Executive or Constitutional Officer for appointment. No person may be appointed to a position unless verified information on an official application form indicates that the person has the desired qualifications set forth in the position description.
5. All County employees shall be appointed and removed by the County Judge/Executive or Constitutional Officer, with approval of the Fiscal Court, unless they are employees appointed pursuant to the authorities granted to the Judge/Executive or Constitutional Officer by KRS 67.711(1).

## **ORIENTATION OF NEWLY EMPLOYED PERSONNEL**

1. An orientation shall be made available to all new employees by their supervisor as soon as possible after their first day of employment.
2. The orientation shall consist of the following elements:
  - A. Explanation of the purpose and goals of the County;
  - B. Overview of the County's history, structure and operations;
  - C. Overview of management policies and procedures; and
  - D. Other elements deemed appropriate.

## **PERSONNEL RECORDS**

1. A personnel file shall be maintained for each County employee by the Personnel Officer or person supervised by the Personnel Officer. All changes in the status of employees shall be recorded in these files, which shall be retained and maintained in accordance with applicable state and federal laws.
2. The file shall show:
  - A. The employee's name, address and phone number or phone where employee may be reached;
  - B. Position title;
  - C. Hiring date;
  - D. Departmental assignment;
  - E. Salary;
  - F. All changes in status as a County employee;
  - G. Labor standards, EEO-4, immigration requirements;
  - H. Whatever additional information this ordinance, other governing laws, or the County requires.
3. Personnel records of the County shall be public records as defined and controlled by the appropriate Kentucky Revised Statutes. They will be retained in accordance with the retention schedules adopted by the State Archives and Records Commission.

## **CLASSIFICATION OF EMPLOYEES**

1. All employees of Nelson County shall be classified as full-time, part-time, or temporary/seasonal.
  - A. Regular Full-Time Employee: An employee who works at least 35 hours per week on a regularly scheduled basis;
  - B. Regular Part-Time Employee: An employee who works less than 35 hours per week, but on a regularly scheduled basis;
  - C. Temporary or Seasonal Employee: An employee who works in a position which is of a temporary nature, either full-time or part-time. The position may be needed to meet a peak work load or for a seasonal type program such as summer

recreation. The maximum time limit for temporary or seasonal employees is (9) months.

2. Only full-time or part-time employees may occupy regular positions.
3. Full-time employees in regular positions shall be entitled to all benefits provided by the County. Part-time and temporary employees shall not be entitled to any benefits, unless specified otherwise by the Fiscal Court.

### **EMPLOYMENT OF RELATIVES**

The employment of relatives is addressed in the Nelson County Ethics Ordinance, No. 150.102. The hiring practices of the County shall reflect the standards set forth in this ordinance.

### **CONDITIONS OF EMPLOYMENT**

#### **INTRODUCTORY PERIOD**

**Initial:**

All persons initially appointed to regular positions shall be on an initial introductory period of ninety (90) days. For part-time positions, the introductory period shall be equal to 500 hours of employment.

**Promotional:**

Any employee who has served an initial introductory period and is promoted from within the County service to a new position shall be on an introductory period (referred to as a promotional introductory period) in the new position for a period of ninety (90) days, except for a part-time employee, who has worked for 500 hours and is awarded a full-time position in the same job as he or she worked part-time.

1.
  - a. While on an initial introductory period, an employee may be dismissed at any time without right of appeal.
  - b. An employee serving a promotional introductory period may be reinstated, without right of appeal, to the position from which he/she was promoted or to a position comparable to the one from which he/she was promoted.
2.
  - a. The introductory period may be extended for a class of positions if it is deemed that a longer period is needed to learn the work and evaluate that effectiveness of the work performed.
3. Prior to the completion of the initial ninety (90) day introductory period, the employee's performance shall be evaluated on a preliminary basis by the supervisor or department head. A determination shall be made at that time relevant to continuation of the introductory period.

4. During the initial introductory period, a new employee shall not take vacation or sick time which has been earned or accrued. If an employee terminates before the end of the introductory period, no payment will be made for any benefits earned or accrued.

### **TRANSFER**

Any employee occupying a regular position may request a transfer from one position to another comparable position, provided the position to which the employee is transferred is one for which he/she possess the appropriate minimum qualifications, and provided that the position applied for is vacant. The request must be in writing.

A full-time employee occupying a regular position shall be given consideration for the transfer; however, if the County Judge/Executive or Constitutional Officer deems that the best interests of the County necessitate the appointment of an applicant not currently employed by the County, the position may be filled by appointment of a person from outside the government.

### **PROMOTION**

1. When a vacancy occurs in a position above the entrance level, consideration shall be given to promotion of present employees. However, if the County Judge/Executive or Constitutional Officer deems that the best interest of the County necessitate the appointment of an applicant not currently employed by the County, the position may be filled by appointment of a person from outside the government.
3. An employee occupying a regular position may be promoted from one position to a higher position only if he/she possesses the minimum qualifications for the higher position and if the position is vacant.

### **DEMOTION**

In the event an employee becomes unable to perform the duties as stated in the position description, he/she may be transferred or demoted in lieu of taking any disciplinary action, provided the employee meets the qualifications for the demoted position, and the position is vacant. The employee's salary in the position to which he/she is demoted shall not exceed the maximum salary for the position, as established in the County's compensation plan.

### **RESIGNATION**

1. An employee wishing to resign should inform his/her supervisor or department head of the intended resignation as soon as possible after the decision is made. The notice shall be in writing, and shall include the effective date of the resignation.
2. An employee's resignation and its attending reasons, if noted, shall be recorded in the employee's personnel file.

3. The employment date of an employee who resigns and is reinstated will be the latest date of employment.
4. Any employee who is absent from work for three (3) consecutive work days without notifying his/her department head of the reason(s) for the absence will be considered to have abandoned the job and may be terminated from employment unless extraordinary justification is given which justifies the employee's failure to provide notification.

### **EXIT INTERVIEW**

Employees departing employment with the County are encouraged to participate in an exit interview. Such an interview enables the Personnel Officer to obtain information to reduce employee turnover, provide better employee selection, improve working conditions, and obtain information that could lead to improved employee morale.

### **LAYOFF (REDUCTION IN FORCE - RIF)**

1. The County Judge/Executive or Constitutional Officer, with the approval of the Fiscal Court, may lay off an employee or employees because of lack of work or funds. The order of layoff shall be determined by the needs of the County.
2. Consideration shall be given to the seniority and merit of persons being considered for layoff.
3. Temporary, seasonal and initial introductory employees shall be laid off before employees occupying regular positions affected by layoff.
4. Two (2) weeks before the effective date of the layoff of an employee occupying a regular position, the County Judge/Executive or Constitutional Officer shall notify the employee of the layoff in writing. The notice shall explain the reason(s) for a duration of the layoff (if known); a copy of the notice shall be placed in the employee's personnel file.
5. An employee who has given satisfactory service and is laid off shall be eligible for reemployment in other positions, provided that he/she meets the qualifications for the position and provided that the other position is vacant.

### **REEMPLOYMENT/REINSTATEMENT**

The County Judge/Executive or Constitutional Officer, with the approval of the Fiscal Court, may reemploy any former employee who has resigned from the County with a satisfactory employment record or who has been laid off because of lack work or funds.

### **RETIREMENT**

The County does not have a mandatory retirement age for its employees. It does participate in the County Employees Retirement System (CERS). All eligible employees must

follow current CERS requirements. All full-time employees, non-temporary working over 100 hours per month are required to contribute a percentage of their gross salaries to the system. All new employees must work for six (6) months before participation begins. Any employee coming to work for the County that is currently enrolled in the State or County Retirement shall be eligible for retirement benefits on the first day of employment with the County.

### **DEFERRED COMPENSATION PROGRAM**

Each full-time employee and each part-time employee may participate in the Kentucky Deferred Compensation Program. This program usually considered as a supplement to the County retirement program, allows the employee to invest in a 401K, 457 or Roth IRA program within the state program. The employee makes all contributions to this program. The County does not make contributions on behalf of the employee.

### **PROGRESSIVE DISCIPLINE**

1. The policy of the County is to be patient, fair and consistent in the administration of the organization and its employees. When problems arise, emphasis is on improvement and/or correction rather than punishment. However, willful, continued, or inexcusable breaches of County employment rules must be dealt with firmly under a uniform disciplinary policy which applies to all employees with the exception of the Sheriff's Department.
2. When an employee fails to follow any rule, regulation, operating procedure or job requirement, one of the following measures shall apply, depending upon the circumstances involved and the severity of the offense:
  - a. Verbal Warning
    - (1) In the case of a minor infraction, the immediate supervisor or department head shall administer the verbal reprimand without rancor as soon as possible after the offense
    - (2) The date of the verbal reprimand, along with a description of the occurrence which prompted the reprimand and any comments the employee may have made, shall be noted by the person giving the reprimand in his/her own supervisory file.
  - b. Written Warning
    - (1) In the case of either a second minor infraction or a more serious first infraction, the immediate supervisor or department head shall give the employee written warning specifying the reason(s) for such warning and noting any previous verbal and/or written warnings.
    - (2) Written warnings shall state that the employee's performance will now be reviewed on a daily basis for improvement and shall explain the consequences of continued infractions.
    - (3) The employee shall sign the written warning or the warning shall be signed by a witness; a copy of the written warning shall be forwarded to the Personnel Clerk to be placed in the employee's personnel file.



c. Suspension

- (1) After either a serious violation or repeated minor violations, the supervisor or department head shall request, in writing, that the County Judge/Executive or Constitutional Officer suspend the employee with or without pay. The request shall include the reason(s) for the suspension, along with details of previous disciplinary action/s taken against the employee.
- (2) The County Judge/Executive or Constitutional Officer, with the approval of the Fiscal Court, may suspend an employee for any period up to and including four (4) calendar weeks, depending upon the offense's severity.
- (3) When a decision to suspend an employee is made, the County Judge/Executive or Constitutional Officer shall provide written notification to the employee within three (3) working days. The notice shall include the reason(s) for and duration of the suspension. Any Solid Waste/Road employee not wearing a safety vest will be given a verbal warning for the first occurrence and then suspended without pay for one (1) day for the second occurrence. Any further violation will be considered a serious violation and become subject to other disciplinary action.
- (4) Employees suspended without pay for a period of four (4) calendar weeks shall forfeit all fringe benefits, with the exception of medical coverage.

Suspension With Pay

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

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

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

- ii. In the event the allegations against the employee are proven to be false, the employee shall immediately be reinstated to his/her position.
- (4) During the time an employee is on suspension with pay he/she is considered to be performing services for the County. Therefore, the employee must remain available to return to work within 24 hours of receiving written or verbal confirmation of his/her reinstatement from the appointing authority. In the event the employee is notified of this reinstatement verbally, the County shall provide written verification within one (1) working day.
- (5) Nothing in this policy or procedure should be construed as limiting the authority of the local government to suspend an employee without pay in those instances where such action is deemed appropriate.

d. Dismissal

- (1) When an offense is continually repeated, or misconduct is serious enough for discharge on the first offense, a supervisor or department head may recommend dismissal of an employee. The recommendation shall include the reason(s) for dismissal, details of previous disciplinary action taken against the employee, and the recommended effective date and time of discharge.
- (2) Upon review of the supervisor or department head recommendation to dismiss, the County Judge/Executive or Constitutional Officer shall provide the employee with a letter of intent to dismiss containing: (a) the reason(s) for dismissal; (b) the details of previous disciplinary action(s) taken against the employee; and (c) the recommended effective date and time of the intended discharge.

Dismissal – Pretermination Hearing

- (a) An employee who has been notified of an intent to dismiss him/her has the right to appear personally or with counsel at a pretermination hearing held before the Fiscal Court.
- (b) The request for a pretermination hearing 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 a request for a pretermination hearing within five (5) working days, it will be deemed that the employee has waived his/her right to a pretermination hearing.
- (c) The pretermination hearing shall be held within five (5) working days after receipt of the employee's request, excluding the day it was received.
- (d) The pretermination hearing is informal. It gives the employee the opportunity to respond to charges contained in the letter of notice of intent to dismiss.
- (e) Within five (5) working days, excluding the day of the pretermination hearing, 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/Executive or Constitutional Officer.  
The decision of the Fiscal Court shall be final.

- (f) Such action shall be recorded in the employee's personnel file.

#### Common Infractions

The following is a list of common infractions. While this list does not include all actions that call for disciplinary action, it is intended as a guide to assist in avoiding activities that are in conflict with the principles and goals of an efficient work force.

- A. Excessive absenteeism, lateness, extended meal times;
- B. Gambling while on duty;
- C. Abuse of sick leave;
- D. Insubordination;
- E. Proven theft of County property;
- F. Leaving work without authorization;
- G. Intoxication or use of intoxicants while on duty;
- H. Reporting to work under the influence of drugs or alcohol;
- I. Unauthorized use of County vehicles;
- J. Provoking or inciting a fight, or fighting during work hours;
- K. Mistreatment (physical or verbal) of citizens;
- L. Willful neglect or abuse of County property; or
- M. Deliberate falsification of time records.

#### **POLITICAL ACTIVITY**

1. No employee, as a condition of employment or continued employment, shall be required to contribute to a campaign or campaign for any candidate for political office.
2. No employee of the County shall engage in political activity during his/her assigned duty hours, while in uniform or while on County premises.

#### **EMPLOYEE BONDING**

All applicants seeking County employment which involves the handling of County funds or writing County checks shall be bondable. All employees involved in handling County funds shall be bonded at the expense of the County.

#### **DRUG AND/OR ALCOHOL TESTING—SUBSTANCE ABUSE POLICY (Amended 6/5/07)**

##### Section 1: Statement of Policy

Nelson County Fiscal Court is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any

Nelson County government employee illegally uses drugs on or off the job, comes to work under the influence, possesses, distributes, or sells drugs in the workplace, or abuses alcohol on the job. Therefore, Nelson County Fiscal Court has established the following policy:

- A. It is a violation of County policy for any employee to use, possess, sell, trade, offer to sell, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job.
- B. It is a violation of County policy for any employee to report to work under the influence of or while possessing in his/her body, blood or urine, illegal drugs in any detectable amount.
- C. It is a violation of County policy for any employee to report under the influence of or impaired by alcohol.
- D. It is a violation of County policy for any employee to use prescription drugs illegally, i.e., to use prescriptions that have not been legally obtained or in a manner or for a purpose other than as prescribed. However, nothing in this policy precludes the appropriate use of legally prescribed medications.
- E. Violations of this policy are subject to disciplinary action up to and including termination.

## Section 2: Definitions

- A. "Legal Drug" - A prescribed or over-the-counter drug, which has been legally obtained and is being used solely for the purpose for which it was prescribed.
- B. "Illegal Drug" - Any drug, which a) is not legally obtainable; b) may be legally obtained but has not been legally obtained; and/or c) is being used in a manner or for a purpose other than as prescribed or for which manufactured.
- C. "Abuse" - Misuse and/or inappropriate use.
- D. "Reasonable Suspicion" - A conclusion which is based on an objective and justifiable belief.

## Section 3: Types of Testing and Procedure

- A. Pre-Employment Testing - No applicant will be considered for employment with Nelson County Fiscal Court unless he/she is drug-free. All applicants who meet requirements for employment shall submit to a urine drug test. Those who test positive for any illegal substances, or who refuse to submit to a urine drug test, will not be hired.

- B. Random Drug Testing - All Nelson County Government employees identified as Safety Sensitive (see Section 4 Part B) will be subject to a random drug test. It shall be a condition of continued employment for all employees identified as Safety Sensitive to submit to routine random testing when selected.
- C. Reasonable Suspicion Testing - When there is reasonable suspicion to believe that an employee is illegally using drugs or abusing alcohol. "Reasonable suspicion" is based on a belief that an employee is using or has used drugs or alcohol in violation of the employer's policy drawn from specific objective and articulate facts and reasonable inferences may be based upon, but not limited to, the following:
  - 1. Observable phenomena while at work such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse;
  - 2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
  - 3. A report of substance abuse provide by a reliable and credible source;
  - 4. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.
- D. Accident/Workers' Compensation Injury – Any Nelson County Government employee that is involved in an accident or workers' compensation injury shall be subject required to a urine drug test and breath alcohol and/or blood alcohol test.
- E. Disciplinary Action – Disciplinary action up to and including termination may result from: a) an employee's refusal to submit to a breath alcohol and/or blood alcohol and urine drug test; b) a positive drug test result.

#### Section 4: Applicability

- 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 Workers' 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.
- B. Those positions identified as Safety Sensitive include, but may not be limited to:
  - 1. Employees who drive county-owned vehicles
  - 2. Employees of the County Jailer
  - 3. Animal Control Officers

4. Code Enforcement Officers
5. Paramedics
6. Emergency Medical Technicians (EMT)
7. Heavy Equipment Operators
8. Personnel driving CDL regulated vehicles
9. Mechanics who work on these regulated vehicles
10. Sheriff Deputies

## Section 5: Procedures for Drug/Alcohol Testing

### 1. New Employees

Note: All CDL employees will have a NIDA/DOT Drug Test. All other Nelson County Employees will have a 10 Panel Drug Test.

1. The prospective employee will be sent to the health care provider.
2. A signed consent form is obtained from the prospective employee prior to the testing.
3. All medications taken by the prospective employee within the last 14 days are documented, and the employee is required to sign the form. (Note: Road Department employees will not complete this form but follow DOT rules.)
4. The medical director for the health care provider reviews all prospective employees test results. The medical director will contact the prospective employee regarding any positive drug screen that may be the result of a listed medication.
5. All employee results are stored in confidential medical files.

### 2. Random Drug Testing

1. The health care provider will maintain two random pools.  
(Note: One will be for all CDL employees and meet DOT requirements. The second will include all Safety Sensitive employees.)
2. Each month, the health care provider will communicate with Nelson County Government and update the employee pools.
3. The health care provider will send the lists to the County Judge or his designee, and the names will be drawn.
4. The random testing, once begun, will provide for alcohol and drug testing of at least 50% of all employees identified as Safety Sensitive employees.
5. The random testing will be reasonably spaced over any twelve (12) month period.
6. The health care provider will notify the specified County representative each month of the names selected, both CDL employees and Safety Sensitive employees. The date will vary each month.
7. Upon notification the employee has been selected for a random drug screen, he/she will report to the health care provider. Failure to report may lead to

disciplinary action or termination. All employees must be on the clock during the test.

8. A signed consent form is obtained from the employee prior to the testing.
9. All medications taken by the employee within the last 14 days are documented, and the employee is required to sign the form. (Note: Road Department employees will not complete this form but follow DOT rules.)
10. The medical director for the health care provider reviews all employees test results. The medical director will contact the employee regarding any positive drug screen that may be the result of a listed medication.
11. All employee results are stored in confidential medical files.

### 3. Reasonable Suspicion

1. Nelson County Government will call and advise the health care provider that they need to send an employee for this type of testing.
2. A breath alcohol test and/or blood alcohol test and urine drug screen will be performed for all reasonable suspicion. If after hours, test will be performed the next business morning.
3. A signed consent form is obtained from the employee prior to the testing.
4. All medications taken by the employee within the last 14 days are documented, and the employee is required to sign the form. (Note: Road Department employees will not complete this form but follow DOT rules.)
5. The medical director for the health care provider reviews all employees test results. The medical director will contact the employee regarding any positive drug screen that may be the result of a listed medication.
6. All employee results are stored in confidential medical files.

### 4. Accident/Workers' Compensation Injuries

1. Nelson County Government will call and advise the health care provider that they need to send an employee for this type of testing.
2. A breath alcohol test and/or blood alcohol test and urine drug screen will be performed for all post-accident testing. If after hours, test will be performed the next business morning.
3. A signed consent form is obtained from the employee prior to the testing.
4. All medications taken by the employee within the last 14 days are documented, and the employee is required to sign the form. (Note: Road Department employees will not complete this form but follow DOT rules.)
5. The medical director for the health care provider reviews all employees test results. The medical director will contact the employee regarding any positive drug screen that may be the result of a listed medication.
6. All employee results are stored in confidential medical files.

5. Reporting of Results

All test reports will be sent to the County Judge's office of Nelson County Fiscal Court. County Judge's results will be mailed to County Attorney's office.

**NELSON COUNTY, KENTUCKY DRUG-FREE WORKPLACE CERTIFICATION**

Employees are hereby notified that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance. A controlled substance means a controlled substance in schedules I through V of the Controlled Substances Act (21 U.S.C. 812), and as further defined by regulation at 21 CFR 1308.11 through 1308.15, including any future additions or amendments. As a condition of employment, employees will:

- Abide by the terms of the County's drug-free workplace policies
- Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction

PENALTIES for drug abuse violations occurring in the workplace will include:

- Requiring the employee to participate satisfactorily in an appropriate drug abuse assistance or rehabilitation program; or
- Taking appropriate personnel action, up to and including termination.

If a supervisor has reasonable cause to suspect an employee of illegal drug use on the job or reporting to work under the influence of the same, he/she is to refer the employee to the Personnel Officer (County Judge) for appropriate action.

An employee reporting to work on medication prescribed by a personal physician, which impairs job performance, is to immediately notify his/her supervisor. The employee must submit a doctor's note indicating how the medication would affect his/her job performance and/or health and safety of others, so appropriate steps may be taken by supervisors to alleviate any hazards.

THE DRUG-FREE AWARENESS PROGRAM is intended to inform employees about:

- The dangers of drug abuse in the workplace
- The employer's intent of maintaining a drug-free workplace
- Any available drug counseling, rehabilitation, and employee assistance programs
- The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace

PLACE OF PERFORMANCE: All Nelson County work stations

I certify that I have read and will abide by Nelson County's Drug-Free Workplace Policy

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

\_\_\_\_\_  
Date



## COMPENSATION PLAN

### Pay Plan

1. A pay plan prepared pursuant to the personnel ordinance shall prescribe for each class a minimum and a maximum rate of pay and whatever intermediate steps, if any, the County Judge/Executive and Fiscal Court deem equitable.
2. Salary grades are determined by the relative difficulty and responsibility of the positions of the class, minimum qualifications, prevailing rates of pay, cost of living factors, the financial policy of the County and other related considerations.
3. At least once each year, the County Judge/Executive or his/her designee may:
  - a. Compare the County's salary rates, compensation policies and personnel developments of the County with those of other employers, public and private, in the area;
  - b. Analyze fluctuations in the cost of living;
  - c. Make recommendations for amendment of the pay plan based upon comparison, analysis and examination.
4. Employees shall be given consideration prior to the beginning of the fiscal year for increase to the next step of the grade assigned to their position, pending satisfactory service and availability of County funds.
5. An appointee to a new position shall receive the minimum salary for the class to which the position is allocated, except that the County Judge/Executive and Fiscal Court may cause the appointment to be made at a salary above the minimum:
  - a. In cases of unusual difficulty in filling the position; or
  - b. In hiring exceptionally qualified personnel.
6. In cases where appointments have been made above the minimum, justification for these appointments shall be made by the County Judge/Executive in writing.

### Hours of Work

1. Each employee shall work according to a schedule of hours determined by his/her supervisor. Non supervisory full-time employees shall work at least 35 hours per week.
2. Flexible work schedules may be utilized as agreed to in writing between each employee and his/her department head with the County Judge/Executive's or Constitutional Officer approval.
3. Mandatory Required Work. The nature of services provided by County government may require additional work beyond regular work hours. Department heads may require work beyond regular scheduled hours.

### Overtime

1. In order to determine whether an employee will receive overtime pay for hours worked in excess of forty (40) hours per week, each class shall be declared "exempt" or "non-exempt" in accordance with provisions of existing labor laws. Exempt employees shall not be compensated in cash for overtime worked. Non-exempt employees shall receive overtime pay at the rate of one and one-half (1.5) times the hourly wages for actual hours worked in excess of forty (40) hours in any work week. Non-exempt employees who are required to work all seven (7) days in a workweek shall receive overtime pay at the rate of one and one-half times the hourly wage for all hours worked on the seventh day of the work week if the cumulative weekly total exceeds 40 hours.
2. Time off with pay (such as vacation or sick leave) may not be considered as hours worked for overtime pay purposes.
3. Holidays for which employees are paid, but which are not worked, cannot be used for computing overtime.
4. Overtime work shall be approved in advance by the employee's immediate supervisor whenever possible, and shall be kept at the minimum consistent with maintenance of essential services and the County's financial resources.

### Call-Out Pay

The nature of services provided by County government sometimes requires that employees may be called out to perform certain types of work. It is the policy of the County that any employee who is called out to perform work on a "call-out" basis shall be paid a minimum of four (4) hours pay at the employee's regular rate of pay.

### Workweek

1. The official workweek begins on Saturday at 12:01 a.m. and ends on Friday at midnight, with the exception of EMS department, whose workweek begins at 7:01 a.m. on Friday and ends on the next Friday at 7:00 a.m.
2. The County may change the official workweek at any time, but not to avoid overtime provisions.

### Outside Employment

County employees owe their primary work allegiance and energies to their County job. Any outside employment which interferes with or creates a conflict of interest with the employee's County employment is prohibited.

## **EMPLOYEE BENEFITS**

Employee benefits constitute a basic ingredient in personnel administration. Benefits provided by Nelson County include the following:

## Holidays

1. Any full-time employees occupying regular position/s shall receive time off or equivalent compensation at the regular rate of pay for each holiday. Holidays include:
  - a. The first day of January (New Year's Day)
  - b. Good Friday (half day);
  - c. The last Monday in May (Memorial Day)
  - d. The Fourth of July (Independence Day);
  - e. The first Monday in September (Labor Day);
  - f. The fourth Thursday in November (Thanksgiving Day) and the following Friday;
  - g. The twenty-fourth day of December (Christmas Eve); and
  - h. The twenty-fifth day of December (Christmas Day).
2. When any holiday listed above falls on a Saturday, it will be observed on the preceding Friday. When any holiday listed above falls on a Sunday, it will be observed on the following Monday.
3. In addition to the above, any day may be designated as a holiday by proclamation of the County Judge/Executive, with the approval of the Fiscal Court.
4. Holiday pay is pay at the regular rate.
5. Employees who are on unpaid leave the scheduled work day before and the scheduled work day after a holiday will not receive holiday pay.

## Vacation Leave

1. All employees occupying regular full-time positions shall be entitled to vacation leave on the following schedule and said schedule shall be retroactive for all employees who were hired on or after September 1, 2018:

Anniversary Date	Earned Vacation	Total Accumulated
90 days	40 hours	
1 year	40 hours	80
2 years, 3 years and 4 years	80 hours	80
5 or more years	120 hours	120

2. All employees will receive his/her earned vacation balance on the pay date that includes their employment anniversary date. Any employee who takes unpaid time off during their twelve (12) month time period preceding their anniversary date will be awarded a prorated amount of vacation time. The prorated amount will be calculated based on actual paid hours in the prior twelve (12) months. You must have 1,820 paid hours to receive the full earned vacation. (Exception: Employees receiving Worker's Compensation Benefits will be counted as paid hours).

3. Vacation leave may not be taken by employees serving an initial introductory period; employees on promotional introductory period may take accrued vacation leave.
4. Vacation leave should be requested two (2) weeks in advance. Vacation leave may be disapproved if the employee's services are required at the requested time.
5. An employee may accrue vacation leave up to 240 hours. All vacation leave accrued over 240 hours will be credited to sick leave.
6. If you resign or are dismissed from County government, you will be paid for all accumulated vacation leave up to the legal maximum hours (240) that you are permitted to carryover from year to year and/or unused bank time, provided that you give Nelson County at least 14 calendar days written notice of your final work day. If you do not give 14 days notice, the County can refuse to pay you for any vacation time that you have accumulated.
7. When a former employee is reinstated, the person shall be considered a new employee for vacation leave purposes.
8. Employees absent because of sickness, injury or disability may use accrued vacation leave instead of accrued sick leave.
9. Compensation in cash for vacation and/or sick leave in lieu of time off may be given up to 40-hours every six (6) months but you shall not go below a 40 hour balance.
10. The Personnel Clerk shall ensure that accurate records are kept for vacation leave allowance, vacation leave taken, and the current accrued leave for each employee. Vacation leave must be taken in increments of not less than one (1) hour, with the exception of EMS department, which shall be four (4) hour increments.

#### Sick Leave

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

All employees occupying regular full-time positions shall be entitled to sick leave on the following schedule and said schedule shall be retroactive for all employees who were hired on or after September 1, 2018:

Time of Continuous Service	Earned Sick
90 days	12 hours
6 months	12 hours
9 months	12 hours
1 year	12 hours
Anniversary Date Thereafter	48 hours

1. All employees occupying full-time regular positions shall receive four (4) hours of sick leave credit for each month of service.
  - a. All employees will receive his/her earned sick balance on the pay date that includes their employment anniversary date.
  - b. Sick leave credit may be utilized by employees when they are unable to perform their duties because of sickness, injury, childbirth, or when they are quarantined, or when their absence from work is required due to sickness in the immediate family.
  - c. All foreseeable leave for such purposes shall require specific prior written approval of the department head.
  - d. In the event of sick leave is taken for three (3) consecutive days for any purpose, the department head or Personnel Officer shall require a certificate from a medical doctor giving information as to the circumstances involved.
  - e. Consistent with the Pregnancy Discrimination Act of 1978, pregnancy/childbirth shall be treated as a temporary disability, and is eligible for use of sick leave. The ability of the employee to return to work shall be determined by the employee's physician, consistent with the individual medical needs of the employee. Before returning to work the employee must provide documentation from their physician indicating the employee may return to their job.
2. All employees will receive his/her earned sick balance on the pay date that includes their employment anniversary date. Any employee who takes unpaid time off during their twelve (12) month time period preceding their anniversary date will be awarded a prorated amount of sick time. The prorated amount will be calculated based on actual paid hours in the prior twelve (12) months. You must have 1,820 paid hours to receive the full earned sick. (Exception: Employees receiving Worker's Compensation Benefits will be counted as paid hours).
3. When an employee takes sick leave, his/her immediate supervisor shall be informed of the fact and the reason(s) thereof no later than one hour before the time the employee was scheduled to report to work. Failure to notify the supervisor may be cause for disallowing the use of sick leave during the period of absence.
4. Absence for a part of a day that is chargeable to sick leave shall be charged proportionately in an amount not smaller than one hour.
5. The County Judge/Executive or his/her designee shall keep records of sick leave allowance, sick leave taken and balance of sick leave allowance for individual employees. An employee fraudulently obtaining sick leave, or a department head falsely certifying sick leave allowance for absence from work, may be suspended or dismissed. Abuse of sick leave shall be cause for disciplinary action, up to and including dismissal.

6. Absences on account of sickness, injury or disability in excess of that authorization for such purposes may, at the request of the employee, and with the approval of the department head, be charged to vacation leave credit.
7. The number of sick hours that employees may accrue shall be unlimited.
8. Upon retirement or termination employees must apply up to six (6) months (equivalent to 1008 hours) unused sick leave towards retirement, consistent with regulations governing such use by the County Employees Retirement System.
9. Compensation in cash for sick and/or vacation leave in lieu of time off may be given up to 40-hours every six (6) months but you shall not go below a 40 hour balance.

### **FAMILY AND MEDICAL LEAVE ACT OF 1993**

The Family and Medical Leave Act of 1993 requires "covered" employers with at least 50 employees to provide "eligible" employees with up to 12 workweeks of unpaid, job-protected leave in a 12 month period for specified family and medical reasons.

#### **EMPLOYEE COVERAGE**

The FMLA applies to all public agencies, including state, local, and federal employers. Thus, Nelson County is a "covered" employer as defined in the legislation.

Nelson County hereby adopts the most current version of the United States Department of Labor, Wage and Hour Division Publication on Employee Rights and Responsibilities Under the Family and Medical Leave Act, the most current version of which is attached hereto incorporated by this reference and which shall be updated with any revisions of said publication.

#### **LEAVE ENTITLEMENT**

Nelson County will grant an eligible employee up to a total of 12 workweeks of unpaid leave during any 12 month period, beginning from the date an employee's first FMLA leave begins, for reasons set forth in the above referenced publication.

#### **SUBSTITUTION OF PAID LEAVE**

It is the policy of Nelson County that employees will be required to substitute accumulated paid leave for FMLA leave. Respectively, the employee shall utilize sick leave and vacation leave in place of unpaid leave. To the extent the employee does not have 12 weeks of accumulated leave, the remainder shall be unpaid leave.

The County expressly reserves the right to deny the previous job to "key employees" in instances where such restoration would result in substantial and grievous economic injury to the County. "Key employee" is defined as a salaried FMLA-eligible employee who is among the highest 10 percent of all County employees.

**Insert WHD Publication 1420 Revised February 2013**

# EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

## Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

## Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

**\*The FMLA definition of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

## Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

## Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months\*, and if at least 50 employees are employed by the employer within 75 miles.

**\*Special hours of service eligibility requirements apply to airline flight crew employees.**

## Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and

a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

## Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

## Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

## Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

## Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

## Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

## Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.**



For additional information:  
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627  
[WWW.WAGEHOUR.DOL.GOV](http://WWW.WAGEHOUR.DOL.GOV)

U.S. Department of Labor | Wage and Hour Division



WHD Publication 1420 - Revised February 2013



#### Funeral Leave

1. Employees occupying regular full-time positions shall be granted three (3) consecutive paid working days off in case of death in the immediate family.
2. Immediate family shall include parents, grandparents, spouse, brothers, sisters, children, and grandchildren, current mother-in-law and current father-in-law.
3. Employees occupying regular full-time positions shall be granted one (1) working day off in case of death of grandparents-in-law, sister-in-law, brother-in-law of current marriage, any related step-family, nieces and nephews (on both sides of family), aunt and uncle on both sides of the family, and current son-in-law and current daughter-in-law.
4. In the event an employee desires to extend leave beyond three (3) working days due to a death in the immediate family, the employee may use sick leave, vacation leave, or time without pay upon receiving approval from the County Judge/Executive.

#### Special Leave

1. The County Judge/Executive may authorize special leaves of absence with or without pay for employees occupying regular positions for any period or periods not to exceed two (2) weeks in any calendar year for purposes deemed beneficial to the County.
2. The County has created a sick/vacation leave sharing program. An employee who has accrued a sick/vacation leave balance of more than seventy five (75) hours may request in writing that the appointing authority of the County for which the employee works makes available for transfer a specified amount of his or her sick/vacation leave balance to another named employee authorized to receive sick/vacation leave. The employee may not request a transfer of an amount of sick/vacation leave that would result in reducing his or her sick/vacation leave balance to less than seventy-five (75) hours.
3. Upon recommendation of the Fiscal Court, the County Judge/Executive may authorize special leaves with or without pay for employees in regular positions for any period or periods for purposes that are deemed beneficial to the County.

#### Military Leave (KRS 61.396)

Any employee occupying a full-time regular position with the County who is a member of the National Guard or any reserve component of the Armed Forces of the United States, or of the Reserve Corps of the United States Public Health Service, shall be entitled to paid military leave for intervals not exceeding fifteen (15) calendar days in any one calendar year for the purpose of attending annual mandatory training. A request in writing for military leave must be presented to the Personnel Officer not less than two (2) weeks prior to the beginning of the leave period. Failure to give such notice shall be cause for refusal to pay for such leave.

### Voting Leave (KRS 118.035)

Any County employee entitled to vote at any election in this state shall, if he/she has made application for leave prior to the day of election, be entitled to absent him/herself from any services or employment of the County for a period of four (4) hours on the day of the election, between the time of opening and closing the polls. The County maintains the authority to specify the hours during which the employee may take voting leave. Voting leave shall be unpaid leave.

### Jury Duty/Court Leave

1. In the event an employee is requested to serve on a jury, he/she shall be compensated at the normal rate of pay while serving on jury duty. All employees serving on jury duty shall be absent from work only during the times required by the courts.
2. County employees required to appear in court in a case related to their employment shall be paid at the same rate of pay they normally receive. When court time and normal work hours exceed forty (40) hours in a specific work week, the overtime rate shall be paid.
3. An employee involved in a personal case, either as a plaintiff or defendant, in a suit not resulting from duties performed on behalf of the county, may be granted leave, provided such leave is deducted from the employee's accrued vacation *or* sick time or classified as leave without pay.

## INSURANCE

### A. Hospitalization

1. A hospitalization and surgical plan is available to all full-time County employees. Single policy holders shall pay an amount, set annually by Nelson Fiscal Court, per month towards their health insurance policy, with County government paying the remaining cost. Family policy holders shall pay an amount, set annually by Nelson Fiscal Court, per month towards the cost of their health insurance policy, with County government paying the remaining cost.
2. All participating employees are subject to the terms and conditions of the group insurance plans provided by the County.
3. This policy is subject to change due to adjustments in the insurance carriers' rates.

### Consolidated Omnibus Budget Reconciliation Act - (COBRA)

The Consolidated Omnibus Budget Reconciliation Act requires employers sponsoring group health plans to offer employees and certain eligible dependents the opportunity to purchase a temporary extension of health coverage, at group rates, in certain instances when coverage under the plan would otherwise end. The following information is intended to give employees of Nelson County information regarding your rights and obligations under this federal legislation.

### Qualifying Events

Employees and eligible dependents provided health insurance by the county are entitled to purchase continuation coverage if a "qualifying event", as described below, occurs:

- a. Termination of Employment/Reduction of Hours - An employee and his eligible dependents can purchase up to 18 months of COBRA coverage if the employee (and his/her dependents) lose health coverage as a result of the employee terminating employment (other than as a result of gross misconduct) or reducing the employee's hours of employment.
- b. Death, Divorce, Entitlement to Medicare, or Loss of Dependent Status - An employee's eligible dependents can purchase up to 36 months of COBRA coverage if the dependents lose health coverage because of the employee's death, divorce/legal separation, or entitlement to Medicare, or because the dependent ceases to be an eligible dependent under the plan.

### Eligible Dependent

A dependent is eligible to purchase COBRA coverage if the dependent was covered under the group plan on the day before a COBRA event and will lose coverage as a result of the COBRA event. Each affected employee and dependent can make a separate election whether or not to purchase COBRA coverage. An employee or dependent cannot, however, elect COBRA if he/she was entitled to receive Medicare on the day before the COBRA event.

### Employer Notification of Employee/Dependent Eligibility

Upon an employee being hired into a position that is provided health insurance by the county, the employee shall be provided notification of the COBRA program and its applicability to the employee. Additionally, within 14 days of a qualifying event, the county will provide the employee and eligible dependents with notification of the opportunity to purchase COBRA coverage.

### Timeframe for Selecting Coverage

The deadline for making a COBRA election is 60 days after the later of the date the required COBRA notice is sent or the date coverage would otherwise end if COBRA coverage is not elected.

### Premium for COBRA Coverage

Employees or eligible dependents who elect to purchase COBRA coverage will be charged 102% of the cost of providing the coverage. Under certain circumstances, employees who are determined by the Social Security Administration to be disabled when their employment is terminated are entitled to extend their coverage from 18 months to 29 months. In such cases the premium for the additional 9 months of coverage may be as much as 150% of the cost of providing coverage.

### Payment of Premium

The first premium payment must be made within 45 days after the date the employee or dependent elects to purchase COBRA coverage. Beginning with the second month after the

election date, all premiums must be paid on a monthly basis and each monthly premium is due on the first day of the month. Payments can be paid no later than the 30th day of the month.

#### Termination of Coverage

The COBRA coverage period will end on the first to occur of the following dates:

- the date the 18, 29 or 36 month maximum coverage period ends;
- the date the employer terminates all group health plans;
- the first day an employee or dependent fails to timely pay the COBRA premiums;
- the date the employee or dependent is covered under another group health plan, unless the other group plan excludes or limits coverage for a preexisting condition affecting the employee or dependent; or
- the first date the employee or dependent is entitled to Medicare benefits.

#### B. Workers' Compensation Insurance

Workers' Compensation Insurance provides medical and hospitalization expense benefits as well as partial payment in lieu of salary for workers injured on the job. The County pays 100% of this form of insurance.

#### C. Unemployment Insurance

All employees are covered under this program. Nelson County pays 100% of the cost for this coverage. An individual who terminates his/her employment with the County may or may not be eligible to receive payments under this program, depending upon the circumstances involved in the termination.

#### D. Social Security

The County and the employee both contribute to the Social Security program at rates specified by the U. S. Congress.

#### Section 125 Cafeteria Plan

Each full-time employee may participate in the Section 125 Cafeteria Plan. This is a pretax plan for health, dental, vision, short term disability insurance premiums. Once enrolled, an employee must remain a participant until the next open enrollment period, (which is June of each year). The plan is legally binding and irrevocable, except when a change of status has occurred. (Marriage, Divorce, Death of Spouse or Child, Birth or Adoption of Child, Termination of Spouse's Employment, Child Coming of Age are considered changes of status). The employee will continue to participate in the Section 125 Cafeteria Plan from year to year unless the employee cancels during the enrollment period. The County pays the cost of participating in this plan for each employee, but not necessarily the cost of the insurance premiums.

## INCLEMENT WEATHER

In the event of occurrence of weather conditions in which travel to and from work may jeopardize the safety of employees, County offices may be closed at the direction of the County Judge/Executive. Employees will be notified of this action in a timely and appropriate manner.

Where individual circumstances exist, such as longer than average distance of travel to and from the work place, the employee must notify his/her supervisor, and may exercise his/her own judgment in not reporting to work. If County offices are not subsequently closed, this time off will be charged at the discretion of the employee to vacation leave or leave without pay.

## EXPENSE REIMBURSEMENT

Economy is required. Cost should be the most economical consistent with the County's best interest.

1. Any employee of the County incurring expenses for prior approved County related business or travel, meals, and expenses outside the County shall be reimbursed as follows:
  - a. Official travel in privately owned vehicles shall be reimbursed at the rate schedule paid by the Commonwealth of Kentucky.
  - b. Air travel shall not be first class unless other rates are unavailable. Under reasonable circumstances, or for necessary expediency, the County Judge/Executive may authorize other travel means.
  - c. Other necessary expenses may be authorized and approved for reimbursement at the actual rate of expenditure, as deemed appropriate. This shall include expenses for meals and lodging.
  - d. Conference and registration fees shall be approved in advance by the County Judge/Executive, and may be prepaid when necessary and appropriate.
  - e. Use of rental vehicles must be approved in advance, or justification provided that shows the use of such vehicle was more feasible than other types of available transportation.
  - f. Tips for meals are reimbursable at a rate of fifteen percent of the price of the meal.
  - g. Telephone calls for the purpose of County business are reimbursable at the actual rate.
  - h. Other necessary expenses which were unforeseeable prior to travel may be approved by the County Judge/Executive, with the approval of the Fiscal Court, upon presentation of documentation of the need for such expense.
2.
  - a. Receipts for all expenditures shall be obtained and attached to the request for reimbursement, which must be completed as soon as possible upon completion of travel.
  - b. All requests for reimbursements shall be signed by the supervisor.
3. Employees violating this section will be subject to appropriate disciplinary action.

## CELL PHONE USE

All County employees who are provided with a County cell phone are permitted to use the County phone for normal personal use so long as the minutes do not exceed the plan allotment. Any minutes over the planned allotment must be reimbursed to the County.

Employees assigned cell phones should make themselves available to take calls after hours for the personnel use.

### **(Adopted February 1, 2011)**

Cell phone use (texting included) shall be prohibited during working hours for employees while operating vehicles requiring Commercial Drivers License (CDL) or conducting flagging operations. This policy shall be applicable to drivers and work being conducted at the rear of the trucks (for example: garbage tippers, road department operators). If cell phone use is necessary or for an emergency, the employee shall park the CDL vehicle in a safe and appropriate location prior to the cell phone use. Bluetooth, ear pieces or other wireless devices shall not be allowed under this policy.

Each department may implement a more strict cell phone policy to fit individual departments' needs provided the more strict policy has been approved by the Fiscal Court. Disciplinary actions for a violation of such shall not exceed ordinance standards.

Violations of this policy shall be suspended without pay for one (1) day. Any further violation will be considered a serious violation and become subject to other disciplinary action.

## COUNTY VEHICLE USE

All County employees who are provided with a County vehicle are not permitted to use the vehicle for personal purposes, other than for commuting to and from work or de minimis<sup>1</sup> personal use. Tobacco and vaping use is not permitted in a county vehicle.

<sup>1</sup>De minimis personal use is minimal use such as a stop for personal errand on the way between a business delivery and/or the employee's home or work place. Delivering and picking up children to school is also considered de minimis personal use.

## GRIEVANCE PROCEDURE

From time to time, differences may arise between employees and employers. Every attempt should be made by both to resolve these differences on an informal basis.

Pending failure of resolution on an informal basis, any grievance or dispute which may arise from employment with the County shall be resolved in the following manner:

Step One:

1. a. The aggrieved employee shall present the grievance to his/her supervisor within three (3) working days of its occurrence or within three (3) working days of knowledge of its occurrence.
- b. The grievance (and all subsequent appeals) shall be in writing, and shall set forth the reasons and grounds for the grievance along with statement of the relief

- sought. The supervisor shall attempt to adjust the matter and shall respond to the employee in writing within three (3) working days.
- c. If the grievance is with the supervisor, the aggrieving employee will begin the grievance procedure at Step Two.

Step Two:

1.
  - a. If the grievance remains unresolved, it may then be presented by the aggrieved employee to the County Judge/Executive or Constitutional Officer within three (3) working days after receiving the department head's written response.
  - b. The County Judge/Executive or Constitutional Officer shall hear both parties and shall resolve the grievance/s within ten (10) working days. The decision of the County Judge/Executive or Constitutional Officer is final.

### **EMPLOYER PROVIDED ITEMS**

All employees who are provided county owned property including but not limited to uniforms, clothing, tools or other work related items; will be required to sign an agreement with Nelson County Fiscal Court. if there is a change in employment status (i.e. the employee quits, is terminated or changes job positions), employee shall return any and all items provided to him by Nelson County to employee's immediate supervisor within two (2) days of the change of employment status. If the employee does not return the items within two (2) days, the employee specifically permits Nelson County to withhold from any part of the employee's wages an amount sufficient to compensate Nelson County for its expenditures or for the value of the items that the employee has retained.

### **BOOT ALLOWANCE**

Employees who are required to wear steel-toed and Ansi approved safety shoes will receive reimbursement of \$100.00 annually or at the discretion of the supervisor.

It is the supervisor's responsibility to make sure that all safety shoes purchased meet all safety requirements and standards.

### **SEVERABILITY**

If any provision/s of these policies and procedures, classification plan, or compensation plan, or any provision/s of their subsequent application/s are held invalid, such invalidation does not affect the remainder of this ordinance or its application/s.

### **DISCLAIMER**

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

The term "regular position" indicates the position(s) in each class created by ordinance. The class(es) and/or number of positions in each may be changed by the County without notice, and the employee(s) occupying the position(s) may be affected by such changes.

#### **REPEALER**

Any prior ordinances that apply to the County's personnel program shall be explicitly repealed.



**CERTIFICATE OF RECEIPT**

During your first ninety (90) days of employment, you will be an introductory employee. This is expected to be a period of adjustment and learning. This period should also be considered an employment test. You are not guaranteed employment during the initial introductory period nor are you guaranteed employment upon the completion of your initial introductory period.

These personnel policies are not a contract of employment. Any individual may voluntarily leave employment and may be terminated by the employer at any time and for any reason. Any oral or written statements or promises to the contrary are hereby expressly disavowed and should not be relied upon by any prospective or existing employee. The contents of these policies are subject to change at any time at the discretion of the employer.

It is your responsibility to be familiar with the contents of this manual. Its contents will help guide you toward job behavior which reflects credit upon you and Nelson County.

I certify that I have received and read a copy of the Personnel Policies and Procedures of Nelson County.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE