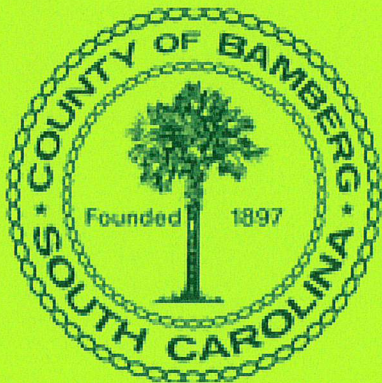


Personnel  
Policy  
Manual

April 7

2014



Bamberg County  
Bamberg, SC

### IMPORTANT NOTICE AND DISCLAIMER

*This Personnel Policy contains significant changes from prior versions. This Personnel Policy supersedes all prior handbooks, manuals, policies, ordinances and guides.*

**THE CONTENTS OF THIS PERSONNEL POLICY ARE PRESENTED AS AN OVERVIEW AND GUIDE REGARDING THE PERSONNEL POLICIES AND ORDINANCES OF BAMBERG COUNTY, IN EFFECT AS OF THE DATE OF PASSAGE. THESE PERSONNEL POLICIES SUPERSEDE AND REPLACE ALL PRIOR POLICIES, WRITTEN AND ORAL. THIS PERSONNEL POLICY CONTAINS CERTAIN POLICIES IN EFFECT ON THE DATE OF THE ISSUANCE OF THIS PERSONNEL POLICY. FROM TIME TO TIME, BAMBERG COUNTY MAY, IN ITS SOLE DISCRETION, CHANGE, DELETE, OR ADD TO THE PROVISIONS REGARDING PERSONNEL POLICIES WITH OR WITHOUT NOTICE. THIS PERSONNEL POLICY IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED TO CREATE, AND IT DOES NOT CREATE, A CONTRACT OF EMPLOYMENT, EXPRESSED, IMPLIED, UNILATERAL OR OTHERWISE, BETWEEN THE EMPLOYEES OF BAMBERG COUNTY AND BAMBERG COUNTY. NOTHING IN THIS PERSONNEL POLICY BINDS BAMBERG COUNTY TO ANY SPECIFIC PROCEDURE, WORKING CONDITION, BENEFITS, AND/OR PRIVILEGE OF EMPLOYMENT OR DEFINITE PERIOD OF EMPLOYMENT. NOTHING IN THIS PERSONNEL POLICY GIVES EMPLOYEES A CONTRACTUAL RIGHT TO INSURANCE COVERAGE, VACATION PAY, OR OTHER BENEFITS OR POLICIES THAT MAY BE DISCUSSED OR DESCRIBED IN THIS POLICY, ANY OR ALL OF WHICH CAN BE UNILATERALLY AMENDED OR ABOLISHED BY BAMBERG COUNTY AT ANYTIME IN ITS SOLE DISCRETION WITHIN THE CONFINES OF ITS POWER. IN THE EVENT THAT ANY MANDATORY LANGUAGE SHOULD APPEAR IN THIS PERSONNEL POLICY, THE TERMS OF THIS DISCLAIMER SHALL GOVERN OVER ANY SUCH APPARENTLY MANDATORY LANGUAGE, SO THAT NO CONTRACT IS CREATED.**

***THIS DISCLAIMER EXPRESSES THE COMPLETE UNDERSTANDING CONCERNING THE EMPLOYMENT TERMS WITH BAMBERG COUNTY. NO EMPLOYEE'S STATUS AS AN AT-WILL EMPLOYEE CAN BE CHANGED EXCEPT BY A CONTRACT ENTITLED "EMPLOYMENT CONTRACT" OR "EMPLOYMENT AGREEMENT" WITH BAMBERG COUNTY AND PERSONALLY SIGNED BY THE CHAIR OF COUNCIL ON BEHALF OF THE ENTIRE COUNCIL (AFTER THE AFFIRMATIVE VOTE OF THE ENTIRE COUNCIL) OR BY THE COUNTY ADMINISTRATOR. NO OTHER EMPLOYEE OR OTHER PERSON HAS THE AUTHORITY TO CHANGE THE STATUS OF AN AT-WILL EMPLOYEE OR ALTER ANY TERM OR CONDITION OF EMPLOYMENT.***

**BY SIGNING BELOW, YOU ACKNOWLEDGE THAT YOU HAVE RECEIVED A COPY OF THIS DISCLAIMER AND UNDERSTAND THAT THIS PERSONNEL POLICY SUMMARY DOES NOT CREATE A CONTRACT BETWEEN YOU AND BAMBERG COUNTY NOR DOES IT ALTER YOUR AT-WILL EMPLOYMENT STATUS WITH BAMBERG COUNTY.**

\_\_\_\_\_  
*Employee's Signature*

Date: \_\_\_\_\_

SPONSOR : Council  
FIRST READING : February 10, 2014  
SECOND READING : March 10, 2014  
PUBLIC HEARING : April 7, 2014  
THIRD READING : April 7, 2014  
EFFECTIVE DATE : April 7, 2014

**ORDINANCE No. 9-14-5**

**(AN ORDINANCE AMENDING THE BAMBERG COUNTY CODE OF ORDINANCES PERTAINING TO PERSONNEL POLICY AND MATTERS RELATING THERETO.)**

**WHEREAS**, on June 12, 1988, County Council previously passed the Bamberg County Personnel Rules and Procedures Manual via Ordinance No 9-88-1; and

**WHEREAS**, the Bamberg County Personnel Rules and Procedures Manual were thereafter amended by Ordinance Number 9-93-5 on August 16, 1993 and further by Ordinance Numbers 9-96-5, and 9-96-6; and

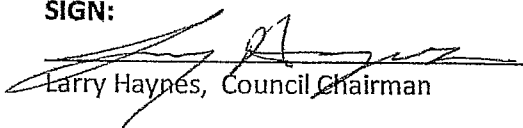
**WHEREAS**, the Bamberg County Council now desires to update their personnel policies to meet the demands of modern employment in County Government and to amend and fully replace all prior versions of the Bamberg County Personnel Policies and Procedures with the Ordinance attached hereto as Exhibit A;

**NOW, THEREFORE**, be it ordained, in this meeting duly assembled, that:

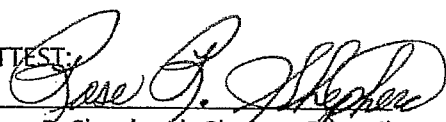
- 1) Any individual written contracts for employment services previously approved by Council and/or the County Administrator are not revised or affected by this and hereby remain in full force and effect;
- 2) All Bamberg County Personnel Policies and Procedures previously adopted be replaced with the Ordinance attached hereto as Exhibit A;
- 3) Should any part of the Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which shall be deemed hereby separable;
- 4) All Ordinances, Order, Resolutions, and actions of the Bamberg County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded;
- 5) This Ordinance shall take effect and be in full force and effect upon the Third Reading and Enactment by the Bamberg County Council.

**ORDAINED** in meeting duly assembled, this 7th day of April, 2014.

**SIGN:**

  
Larry Haynes, Council Chairman

**ATTEST:**

  
Rose R. Shepherd, Clerk to Council

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## **100. STATEMENT OF PERSONNEL POLICY**

The purpose of the rules and regulations set out in this chapter shall be to establish a consistent personnel policy for the county and to establish guidelines governing employees of the county. Accordingly, this chapter shall not apply to employees of any outside agency that may receive appropriations from the county. It shall describe the county's general philosophy concerning policies and procedures and shall in no way form a contract between the employees and the county. The provisions of this chapter are subject to change at any time upon being amended by ordinance of the county council. Further, notwithstanding any of the provisions herein, all employees of the county are employees at will who may quit at any time for any or no reason and who may be terminated at any time for any or no reason.

## **200. OBJECTIVES**

The intent of Bamberg County Council in adopting this ordinance is to provide a centralized personnel system designed to provide the citizenry of the county with the best qualified staff possible and to operate at reasonably peak efficiency.

The county recognizes that its employees are its most important resource for accomplishing the county's objectives. Therefore, it is deemed appropriate to set forth some specific objectives to help assure effective use of those resources in a manner that highlights its importance.

The following specific personnel policy objectives, although not all-inclusive, are intended to "set the tone" for dealing with all county employees and for the development of the county's written personnel policies and procedures contained in this chapter. The county shall thus strive:

- (1) To use the full potential of each employee;
- (2) To help each employee develop to his/her full potential;
- (3) To fully apply the principles of equal employment opportunity, avoiding unfair as well as illegal discrimination in all aspects of county operations;
- (4) To provide equitable and competitive compensation and benefits consistent with the county's economic ability and competitive pricing in the Bamberg County market;
- (5) To expect effective and efficient work performance from employees within the framework of reasonable work assignments;
- (6) To maintain reasonable hours of work consistent with the County's needs as determined by its Administrator;
- (7) To provide safe, sanitary, and healthful working conditions;
- (8) To be sympathetically responsive as able to the needs of employees;

(9) To communicate continuously and effectively with all employees in all matters which affect them in their work;

(10) To promote an attitude of courteous and efficient responsiveness to the public on the part of all employees; and

(11) To provide a culture which listens to employees' suggestions and complaints and provides each employee a fair hearing and responsible answer to grievance(s).

### **300. SCOPE**

Bamberg County provides personnel policies to help all county employees work together toward the accomplishment of the county's objectives. In the preparation of such polices, the individual needs and objectives of employees will be recognized and accommodated to the extent possible and feasible consistent with the objectives of the county. These policies are designed to promote legal and consistent human resource management of all county employees. It is intended that these policies enable all employees to know what is expected of them in the areas covered as well as what they can expect from the county.

The County Administrator is tasked to achieve the goals and missions as established by the Bamberg County Council. To achieve those goals and missions the County Administrator may, from time to time, have a need to allocate or re-allocate County personnel and other resources among County departments. Toward that end, the County Administrator shall have the authority to allocate, transfer and utilize existing vacant positions from any department or fund to any department or fund, so long as the transfer does not result in the County as a whole exceeding its total budget for the fiscal year. The County Administrator shall also have the authority to reclassify an existing position, whether that position is filled or vacant, from one pay grade to another pay grade, increase salaries within the confines of the budget ordinance, and shall have the authority to assign and to re-assign job titles to existing and vacant positions, so long as the reclassification does not result in the County as a whole exceeding the fiscal year's budget.

Accordingly, the county administrator or his/her designee shall be responsible for the administration of the following personnel policies and procedures which shall apply to all employees except those specifically exempted. It shall be the duty of the County Administrator, or his/her designee, to maintain all required personnel records. Each department/division head shall be required to submit to the county administrator or his/her designee, all necessary reports, records, and supportive data necessary to the accomplishment of an adequate personnel records system. Employee personnel records are the property of the county. Employees may review their personnel files, but will not be given copies of any documents in their personnel files without a proper legal request (such as a subpoena or other legal request).

### **400. AMENDMENT**

Amendments to these policies and procedures may be proposed by the county administrator and/or county council and shall be adopted by ordinance of the county council.

## 500. DEFINITIONS

As used in this chapter, the following terms shall have the indicated meanings:

*Administrative leave* includes, but is not limited to, leave granted or imposed by the county administrator or absence from work due to a death in the immediate family, inclement weather or terrorist activity.

*Agency* means any department, division, or unit funded in whole or part through the county, and under program control of the county, and subject to these policies and procedures.

*Appointment* means the act of placing an employee in an established, funded position.

*Authorized position* means a position included in the approved county budget.

*Civil leave* means absence from work due to jury duty, subpoenaed attendance in court or absence to pursue private litigation.

*Day* means the total hours in a workday that the employee is regularly scheduled to work.

*Demotion* means the movement of an employee, either voluntarily or involuntarily, from a position in one classification to a different position in another classification having a lesser degree of responsibility and a lower salary range.

*Department head (appointed)* means a manager of a major department of the county who is appointed to the position through the normal selection process as described in the policies and procedures set out in this chapter.

*Department head (outside appointed)* means a manager of a major department of the county who is appointed by an authority outside of county government for a specific period of time.

*Dismissal* means the action taken against an employee to separate him/her from service with the county.

*Division head* means a manager of a group of departments of the county who is appointed to the position through the normal selection process as described in the policies and procedures set out in this chapter.

*Established position* means an authorized position which has been classified in accordance with the classification plan.

*Exempt employee* means any regular, full-time or part-time employee exempted from minimum wage and overtime requirements as specified by criteria in the Fair Labor Standards Act (FLSA) to the extent that it pertains to public employers.

*Grievable matters* mean those disciplinary actions which are eligible to be appealed to the Bamberg County Grievance Committee.



*Immediate family* means the employee's spouse/domestic partner/significant other, parent, child, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, stepmother, stepfather, stepson, stepdaughter, aunt, uncle, niece, nephew, or first cousin.

*Introductory period* means a working test period required of an employee following an appointment to a position, normally not to exceed six months in duration.

*Introductory employee* means an employee who has been employed by Bamberg County for less than six months.

*Layoff* means termination of employment due to the abolishment of position or positions necessitated by a shortage of funds or a material change in the organization of duties within a department of the county.

*Military leave* means absence from work due to military duty or required military training.

*Nonexempt employee* means any regular full-time or part-time employee covered by minimum wage and overtime requirements as specified by any criteria, including the Fair Labor Standards Act (FLSA) to the extent that it pertains to public employers.

*Position* means a group of currently assigned duties and responsibilities requiring the employment of one person. A position may be occupied or vacant. Additionally, a position may be funded or unfunded.

*Possession in relation to substance abuse*, shall include, but is not limited to, the presence of drugs or alcohol on the employee, or in the employee's lunch box (bag), tool kit, purse, desk, locker, or cabinets, or in the employee's office, county vehicle, or other public property under the employee's control.

*Promotion* means the movement of an employee from one position to a different position having a greater degree of responsibility and a higher salary range.

*Regular, full-time employee* means an employee who is regularly scheduled to work and usually works at least 35 hours per week and is not a temporary or student employee.

*Regular, part-time employee* means an employee who is regularly scheduled to work less than 30 hours per week and is not a temporary or student employee.

*Review date* means the date on which an employee shall normally be considered for a merit salary advancement, based upon demonstrated job performance in a position.

*Sickness* means any illness or injury personally suffered by an eligible employee of the county.

*Temporary part-time employee* means an employee who is hired for a limited period of time and required to work on an as needed basis for less than 30 hours a week.

*Transfer* means the movement of an employee from one position and/or department to another position and/or department.

*Under the influence* means when an employee is affected by drugs or alcohol or a combination thereof in a detectable manner or in any detectable amount.

*Year* means the county's fiscal year, starting on July 1 and ending the following June 30.

**600. PERSONNEL ADMINISTRATION.**

(a) *County council.* The county council shall adopt and amend personnel policies and procedures at such times as it shall deem suitable.

(b) *County administrator.* The county administrator shall:

(1) Draft and apply such personnel policies and procedures and revisions thereto as may from time to time be necessary to carry out the intent and purpose of the provisions of the personnel system and submit proposed revisions of the policies and procedures to council for approval.

(2) Carry out or delegate such other duties as are prescribed by the personnel policies and procedures set out in this chapter.

(3) Oversee and approve the hiring, promotion, demotion, transfer, discipline and termination of all employees, including the authority to make salary adjustments in his/her authority and discretion within the constraints of the budget ordinance.

(c) *Delegation of duties.* The county administrator may delegate any or all of the duties assigned by the policies and procedures set out in this chapter.

**700. RECRUITMENT AND EMPLOYMENT; EQUAL EMPLOYMENT OPPORTUNITY POLICY.**

(a) It is the policy of the county to recruit, hire, train, and promote employees on the basis of qualifications and without discrimination because of race, religion, color, political affiliation, disability, national origin, sex, gender, genetic information, age or sexual orientation or identity; except where absence of such is a bona fide occupational qualification and is consistent with state and/or federal law. Furthermore, it is the county's practice to take affirmative action to remove any effects of and prevent discrimination because of race, religion, color, national origin, disability, gender, sex, genetic information, age, or sexual orientation or identity; except where absence of such is a bona fide occupational qualification and is consistent with state and/or federal law. This policy applies to all levels and phases of personnel administration such as recruitment, advertising, testing, hiring, training, promotion, transfer, leave practice, rates of pay, selection for supervisory positions, and employee benefits programs. Furthermore, all officials and employees of the county as well as employment agencies, labor organization, and advertising agencies with whom this county deals, will be informed of this policy.

(b) The personnel manager will serve in the capacity of equal employment opportunity officer. Under the direction of the administrator, s/he is responsible for the overall administration of the equal employment opportunity policy. Furthermore, s/he will monitor personnel actions of the organization

through direct contact with the division/department heads. Also, s/he has direct contact with all others who will play an important role in accomplishing the county's goals.

(c) Employee communication media will be utilized to emphasize the county's commitment to a program of equal employment opportunity and to keep the employees and the public informed of personnel practices. This may include, but is not limited to: bulletin boards, personnel policy manuals, formal and informal discussions, films, email, and/or in-house publications.

(d) The county shall have a system of communication and feedback controls within all management and departmental levels to assure compliance with this plan throughout the County. Further, the grievance procedures are available to address and resolve allegations or complaints of discrimination of any type.

(e) All job openings are to be filled on the basis of qualifications and individual merit rather than any consideration of race, religion, color, national origin, disability, gender, sex, age, genetic information or sexual orientation or identity.

#### **800. AFFIRMATIVE ACTION GOALS AND NON-DISCRIMINATION POLICY**

(a) The administrator, in consultation with the equal employment opportunity officer, establishes the affirmative action goals, action items, responsible officials, and target dates for the county to be thereafter adopted by county council by resolution.

(b) These goals should include recruiting, training, and promotion of underrepresented populations, including females, racial minorities, and other minorities, consistent with job opportunities as they occur.

(c) The ultimate purpose of this plan is for the staff of the county to fairly represent and reflect the diversity of the community of Bamberg County.

(d) Management may evaluate all employees to determine if their capabilities and skills are being fully utilized. Individuals who are found to be underutilized will be given priority consideration either for promotion or transfer to positions having greater potential for advancement.

(e) The county recognizes an obligation to its employees and to the people they serve to develop and utilize to full potential the talent and abilities of each employee.

(f) To this end, the county fully endorses and will continue to support the development and maintenance of a program of training and career development for the employees of the county.

(g) The county, within the limits of its resources, encourages every employee to avail himself/herself of career development opportunities provided by the county and to offer constructive suggestions and recommendations relative to these opportunities.

(h) The management and supervisory staff of the county have a responsibility to ensure that career development opportunities are maintained and made available on the basis of individual merit without

regard to race, color, religion, national origin, gender, sex, age, disability, political affiliation, genetic information, and/or sexual orientation or identity.

(i) Discrimination and harassment policy.

(1) It is the policy of the county that all employees shall have the opportunity to work in an atmosphere and environment free from any form of harassment or retaliation based on race, color, religion, gender, sex, sexual orientation, genetic information, national origin, age, or disability. Such forms of harassment or retaliation constitute discrimination under various state and federal laws and will not be tolerated by the county.

(2) Harassment is defined as verbal or physical conduct that demeans or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, sex, national origin, age, genetic information, sexual orientation or disability, or that of his/her relatives, friends, or associates, and that:

- a. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment; or
- b. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- c. Otherwise adversely affects an individual's employment opportunities.

(3) Examples of prohibited harassing conduct include, but are not limited to, the following:

- a. Epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to race, color, religion, gender, sex, national origin, age, genetic information, sexual orientation or disability; and
- b. Written or graphic material that demeans or shows hostility or aversion toward an individual or group because of race, color, religion, gender, sex, national origin, age, genetic information, sexual orientation or disability and that is placed on walls, bulletin boards, or elsewhere on county premises, or circulated in the workplace;
- c. Making, as a condition of employment, unwelcome sexual advances or requests, requests for sexual favors, or other verbal or physical conduct of a sexual nature;
- d. Making submission to or rejection of such conduct the basis for employment decisions; or
- e. Creating an intimidating, offensive, or hostile work environment by such conduct.

(4) Examples of conduct which may rise to the level of harassment include, but are not limited to, the following:

- a. Verbal—Sexual innuendo, suggestive comments, insults, threats, jokes about gender-specific traits, or sexual propositions;
- b. Nonverbal—Making suggestive or insulting noises, leering, whistling, or making obscene gestures;
- c. Physical—Touching, pinching, brushing the body, coercing sexual intercourse, or assault.

- (5) Any employee who feels that he or she has suffered any form of harassment or retaliation is required to immediately report the alleged conduct to his or her supervisor so that a confidential investigation of the complaint can be undertaken. Alternatively, the employee may report the alleged conduct to his or her department/division head or the personnel manager. Further, any employee who observes conduct by another employee which he or she believes to be harassing, retaliatory, or discriminatory is required to report such conduct as outlined above. All complaints of harassment will be treated confidentially and will be investigated promptly and thoroughly.
- (6) Any individual found by the county to have harassed another employee will be subject to appropriate disciplinary action ranging from placement of a written warning in his or her file up to and including termination.
- (7) Retaliation or discrimination against an employee for reporting or complaining about harassment is prohibited. However, employees should recognize that false accusations of harassment can have serious effects on innocent individuals. The making of accusations which are known by the accusing person to be false is a form of misconduct which will likely result in serious impairment of the county's efforts to administer this policy properly and effectively for the benefit of all employees. Accordingly, such misconduct may result in disciplinary action up to and including termination.

**900. TYPES OF EMPLOYMENT.**

The county has established three categories of employment based primarily on the duration of the job and hours of work required per week in the job:

*(a) Categories of employment:*

- (1) *Regular full-time:* A position which normally requires weekly hours of work equal to or exceeding 35 hours per week.
- (2) *Regular part-time:* A position which normally requires weekly hours of work less than 30 hours per week.
- (3) *Temporary:* Employment lasting for a limited period of time and requiring work on an as needed basis.

*(b) Temporary employment; special provisions.*

- (1) The personnel policies and procedures contained in this chapter apply to temporary employment unless otherwise noted.
- (2) Temporary employees are not subject to the county's pay system and rates established for regular employees, are not entitled to paid leave, are not entitled to pursue grievances, and are entitled only to those fringe benefits as required by law.

**1000. PROCEDURES; SELECTION PROCESS.**

(a) *Policy.* The recruitment goal for the county is to find and hire those persons who are most likely to become productive employees for a long and mutually satisfying partnership with the County. To fulfill this goal, the County's recruitment efforts are designed to attract qualified individuals to fill county job openings and to provide the county with reliable applicant sources from which qualified individuals may be selected for each job opening. All recruiting efforts will apply the equal employment opportunity goals of the County.

(b) *Procedure.*

(1) In order to eliminate duplication of effort in recruiting qualified applicants and to ensure that all potential applicants within a reasonable area have an opportunity to learn of vacancies within county service, it shall be the policy of the county that only the county administrator or his/her designee shall be authorized to expend funds for the advertisement of vacancies or for any other purpose related to the recruitment of applicants.

(2) All elected, outside appointed and appointed department heads shall notify the department manager immediately upon learning that a vacancy will occur. Except for those departments under the direction of an elected or outside appointed department head (for which the remainder of this subparagraph is optional), the personnel manager shall immediately notify the County Administrator of said vacancy, then take those steps as may be necessary to attract qualified candidates. Upon the appropriate screening, in accordance with paragraph (3) of this section, all qualified applicants shall be placed upon a register for the position vacancy. The entire list, accompanied by appropriate referral forms/applications, shall be submitted to the department head for selection of candidates to interview or hire (upon approval from the County Administrator).

(3) Any elected or outside appointed department head who elects not to follow the above selection procedures shall be responsible for all applicable EEOC recordkeeping and related requirements and any actions of their employees.

(4) If an emergency situation exists requiring the vacancy to be filled immediately, certification of the emergency must be made to and approved by the county administrator to waive the county's posting requirements.

(5) The selection process may include one or more or all of the following: oral interviews, evaluation of experience and training, reference checks, written examinations, performance tests or non-assembled examinations as specifically related to essential job skills and functions.

(6) Post-hire/Pre-employment physical examinations may be required for any and all positions as may be determined necessary after an offer of employment has been extended to a candidate, but before the candidate begins any work for the County. Such physical examinations will be consistent with the requirements of the essential functions of the position being filled.

(7) Starting salaries for newly employed personnel shall be approved by the county administrator and determined in accordance with procedures and guidelines of the County and/or any compensation plan approved by county council.

(c) *Promotions and transfers.* In order to provide upward mobility for the employees in county service, it shall be the policy of the county to, whenever practicable, consider applications from persons currently employed before applications from the public are considered. Job listings are available in the personnel department and on the County's employee bulletin board. Internal posting of job opportunities will be posted in conspicuous places for five days.

(1) First consideration may be given to those persons in the unit or department where the vacancy occurs for whom the vacant position would represent a promotion. If none of these persons are selected to fill the vacancy, all other county employees requesting consideration will be considered. Finally, any other applications may be considered.

(2) For the purpose of this section, newly hired introductory employees shall not be considered during the first three months of their introductory period as regular county employees and shall consequently be treated as outside applicants. Moreover, lateral transfers between departments shall be permitted for regular employees for the purpose of filling vacancies, but it is disfavored.

(d) *Final selection of new employees.*

(1) The final selection of the person to fill each vacancy within an elected official's department or within a department of an official appointed by outside authority shall be made by the applicable department head. The final selection of the person to fill each vacancy for an appointed official's department shall be made by the appropriate appointed department head with the approval of his/her division head and the county administrator. All starting salaries shall be established in accordance with the provisions of the plan of administration for the county and approved by the county administrator.

(2) The personnel department will be responsible for signing up all new employees and processing the necessary forms required to place them on the payroll and on department records. New employees shall begin their employment on the first day of the workweek of their department unless permission is obtained from the county administrator to begin at a different date.

(e) *Introductory period.*

(1) All employees of the county serve at will and no period of employment of any duration is guaranteed. New employees appointed to regular positions in the county shall undergo an introductory period which may last six months or more. Law enforcement and detention officers shall be on an introductory status until they comply with the existing state laws pertaining to law enforcement and detention officers. At the end of the introductory period, the department head shall determine whether the employee should be continued as a regular employee, if the employee's introductory period should be extended for up to three additional months, or if the employee should be discharged. If the department head determines that the employee's

introductory period should be extended or the employee should be discharged, the department head should report such action to the personnel manager. An employee dismissed during the introductory period shall have no recourse of appeal or grievance rights.

(2) If an employee is required to be away from work in excess of ten working days during his/her introductory period due to a covered injury by accident, or any other authorized leave, the period of such absence shall not be counted as time in service toward completion of the introductory period.

(f) *Suspension.* During an investigation, hearing, or trial of any employee on any criminal charge, or during the course of any civil action involving an employee or the employee's status with the county, when suspension would be in the best interests of the county, the county administrator may suspend the employee with or without pay for the duration of the proceedings as a non-disciplinary measure. Back pay shall not ordinarily be recoverable, but where the suspension is terminated by full reinstatement of the employee, the county administrator may authorize full recovery of pay and benefits for any portion or all of the period of the suspension.

(g) *Demotion.* Any employee whose work in his/her present position is unsatisfactory but who offers promise of becoming a satisfactory employee may be demoted by his/her department/division head. The notice of such action shall be reported to the county administrator by submission of a personnel action form.

#### **1100. Hiring of relatives; nepotism.**

(a) *Policy.* Two or more members of an immediate family as defined herein shall not be employed within the same department. Two or more members of an immediate family shall not be employed within different departments where one member occupies a position which has influence over another's employment, promotion, salary, administration and other related management or personnel consideration. Employment of close relatives may be permitted by the county administrator or his/her designee in strictly emergency situations after the nature of the emergency is announced for temporary periods of time, normally not to exceed 30 calendar days, or for some longer period with the approval of the county administrator in cases where other qualified applicants are not available.

(b) *Exception.* This policy shall be inapplicable to any employment decisions made by an elected official.

#### **1200. Terminations.**

(a) *Voluntary terminations.* Nonelected employees may terminate their employment, voluntarily, at any time. The county shall expect employees who resign from employment with the county to give the county reasonable notice so arrangements can be made to find a replacement and otherwise minimize any disruption of work created by the resignation. Employees who do not provide such notice may not be considered as leaving in good standing, unless the employee was prevented from giving proper notice due to extenuating circumstances or other circumstances beyond the employee's control and the situation is approved by their department head.



(1) Notice requirement to be considered to have resigned in good standing.

a. All employees who resign shall submit a letter of resignation to their immediate supervisor at least ten workdays in advance of their anticipated last day of work.

b. Department/division heads who resign shall submit a letter of resignation to the county administrator at least 20 workdays in advance of their anticipated last day of work.

(2) Abandonment of job—Any employee who fails to return to work after an approved leave has expired or who is absent from work for more than three consecutive work days without notifying his or her supervisor will be presumed to have abandoned their job.

(3) Resignation without notice.

a. Employees who resign without proper notice may not be eligible for reemployment, unless proper notice requirements are waived by the County Administrator or his/her designee.

b. In addition, an employee may not be eligible for reemployment if the employee initiates a resignation at the time that adequate grounds exist for termination of the employee's employment by the county.

c. Employees who resign without notice or in lieu of termination may not be reemployed until the facts surrounding their resignation are reviewed and a decision made to give the employee another employment opportunity.

(4) Rescinding resignations. An employee may not rescind a resignation without approval of the county administrator.

(5) An employee who resigns shall be paid at the end of the pay period during which the resignation becomes effective in accordance with the South Carolina Payment of Wages Act.

(b) *Involuntary terminations.*

(1) Employees being terminated involuntarily may be given advance notice, or termination may be immediate when, in the judgment of the department/division head and/or county administrator, it would be in the best interest of the county.

(2) Employees terminated involuntarily for any reason shall be paid for all hours worked through termination and all earned unused annual leave (subject to limitations as set forth in these policies) during the next regular payday following termination which shall not exceed 30 days after written notice is given.

(3) If an employee resigns after having been informed he/she is to be terminated involuntarily, the resignation may be considered as an involuntary termination.

(c) *Status of a dismissed employee.*

(1) Any dismissed employee of the county or other political subdivision of the state who seeks employment or reemployment, either to the same position or different position in the county, must disclose the date and reasons for dismissal from his/her former employment, which should be verified from his/her personnel records.

(2) An employee dismissed for cause may not be eligible for employment or reemployment to any position with the county.

(d) *Reduction in force.*

(1) In the event that a reduction in force becomes necessary, consideration will be given to the quality of each employee's past performance, the needs of the county, seniority, and other relevant factors in determining those employees to be retained.

(2) When involuntary terminations arise due to cutbacks in county operational funds requiring a reduction in force, before separating a regular full-time employee, efforts may be made to offer him/her an assignment to a vacant position for which he/she is qualified. Additionally, assistance in finding employment for the separated employee may be rendered. Terminations for reasons due to reduction in force shall be documented in the employee's personnel folder for his/her protection.

(e) *Exit interviews.* At the time of termination, for whatever reason, the employee may be interviewed in order to assure that the county's responsibilities to the employee and the employee's responsibilities to the county have been met in matters related to the separation. Employees should arrange with the county personnel office for the interview.

(1) Exit interview questionnaire. Employees who are being terminated for reasons other than discharge for cause may be interviewed at the time of separation and an "exit questionnaire" may be completed by the interviewer.

(2) Employee termination report. A personnel action form may be completed on all employees being terminated for whatever reason to assure that all details regarding the termination have been properly handled.

(3) General provisions.

a. Terminated employees are required to turn in all county-owned property at the time of termination. The employee must turn in all county-owned property, including, but not limited to, tools, keys, credit cards, identification cards, uniforms, cell phones, laptops, any electronic equipment, any computer equipment, etc.

b. In addition, terminated employees are required to satisfy any other obligations to the county at the time of termination or make reasonable arrangements to satisfy any such obligations. Failure to complete these requirements at the time of termination may result

in an appropriate deduction being made from the terminated employee's final paycheck and/or legal action being initiated against the terminated employee.

**1300. General personnel policies; hours of work**

- (a) *Departments covered.* All departments of county government are subject to the provisions of this section as to hours of work.
- (b) *Official hours of work.*
  - (1) It is the policy of the county to establish working hours that ensure maximum efficiency and coordination of services. Toward that end the county has established that the business hours of most county offices shall be no less than from 9:00 a.m. to 5:00 p.m., Monday through Friday, except for official holidays. Any exceptions to these hours must be approved by the county administrator. Departments and/or employees subject to exception will be at the discretion of the county administrator.
  - (2) Several county departments operate on a continuous basis seven days a week or provide emergency services that fall outside of the normal 9:00 a.m. to 5:00 p.m. time frame. In these instances the county administrator may authorize varied work schedules to accommodate the 24/7 nature of the services provided. These departments may have workweeks in excess of the normally scheduled hours. They will follow guidelines as required by federal or state laws pertaining to wages and hours.
  - (3) The county administrator may authorize varied work schedules to departments or employees when in his/her judgment it is in the best interest of the county and results in the continued achievement of the county's mission and goals.
  - (4) For recordkeeping and payroll purposes, the workweek begins at 12:01 a.m. Saturday and ends 12:00 midnight the following Friday.

**1400. Outside employment.**

- (a) The work of the county shall have precedence over the other occupational interests of non-elected employees. All outside employment for salary, wages or commission service, and all self-employment and any voluntary employment that may interfere with county employment must be reported to and approved by the county administrator after it has been approved and recommended by the department/division head.
  - (1) An employee's request for outside employment will not be granted when:
    - a. Such additional work will interfere with his/her duties as an employee of the county, or create a conflict of interest;
    - b. Such additional work lowers the efficiency of the employee;
    - c. Such duties, trades, businesses, or professions conflict with review, inspection, licensing, permitting, or regulation by the county; or
    - d. Such additional work interferes with or is contrary to the interests of the county.
  - (2) Unauthorized outside employment may be considered direct insubordination and may be grounds for dismissal.

- (b) County departments may, by agreement, either lend or borrow the services of regular employees during their regular working hours provided that the borrowed employee is not required to work more than his/her regularly scheduled work hours as a result of such arrangement. No additional compensation shall be received by a borrowed employee. This policy shall not interfere with the normal conditions of employment which require an employee to perform work in other County departments as part of his regular duties.

**1500. Overtime.**

- (a) Overtime for employees other than law enforcement, detention, and emergency response personnel is defined as time worked over 40 hours in a given seven-day workweek beginning Saturday at 12:01 a.m. All overtime worked in every department must have the prior approval of the department head, except in cases where emergency situations occur. Accounting for overtime for all departments shall be done on the official payroll time sheets. Overtime for law enforcement, detention, and emergency response employees, however, shall be based on a 28-day cycle with overtime being any hours worked in excess of 171 hours for law enforcement employees and emergency response employees during the cycle. All overtime shall be paid or compensated for in accordance with state and federal law.
- (b) Payment for overtime may be in cash or in compensatory time (at the County's sole discretion) and will be made only for hours worked over and above a 40-hour, seven-day workweek for other than law enforcement, detention, and emergency response employees. Overtime payment for covered nonexempt law enforcement, detention, and emergency response employees will be made only for hours worked over and above 171 hours, respectively, during a 28-day cycle.
- (c) Approved hours worked in excess of those listed in the preceding paragraphs are considered overtime for pay purposes. Pay for vacation time, sick leave, holidays, etc., is not pay for time worked and is, therefore, not considered as hours worked for purposes of overtime computations. Overtime hours shall be calculated at the rate of one and one-half times the employee's hourly rate of pay.
- (d) Exempt employees shall not receive overtime compensation for hours worked, travel time, attendance at meetings, etc., in excess of the normal workweek. However, exempt employees who are required to work on an authorized holiday shall be given a compensatory day off at another time.
- (e) Under limited circumstances, employees who work in the same department may, at their option, substitute (trading time) work hours provided that such substitution has prior approval by the immediate supervisor(s) of each employee involved and that the employees are substituting an equivalent number of work hours.

**1600. Official holidays.**

- (a) Unless otherwise stated in the Budget Ordinance, as passed by Bamberg County, the County recognizes the following holiday as official paid holidays for employees of the County of Bamberg:  
New Year's Day, Martin Luther King's Birthday, Good Friday, Memorial Day, Fourth of July, Labor Day, Thanksgiving and the Friday after, and December 24<sup>th</sup>-26<sup>th</sup> of each year.

- (b) When Christmas falls on a weekend day, the holidays observed shall be the Friday before and the Monday thereafter;
- (c) For each paid holiday, each eligible employee shall receive a holiday allowance equal to his/her normal pay for one workday. This time shall not be counted as hours worked for the purpose of computing overtime.
- (d) An employee who is required to work on an official holiday may be paid at the rate of 1.5 times the regular rate for all hours worked.
- (f) Exempt employees shall not receive payment for hours worked, travel time, attendance at meetings, etc., in excess of the normal workweek. However, exempt employees who are required to work on an authorized holiday shall be given a day off at another time.

**1700. Seniority.**

Seniority is an employee's length of service with the county dating from the employee's last hire date. Seniority is important to employees because it determines eligibility for certain benefits such as Annual Leave. Also, in other employment-related matters, the county will reward length of service by seeking to favor long-service employees, other factors being equal.

- (1) *Introductory employees.* Newly hired employees do not accumulate seniority until they have satisfactorily completed their introductory period and have been classified as regular employees. Upon successful completion of the introductory period, the employee hire date will then become their seniority date.
- (2) *Interruptions in service and loss of seniority.*
  - a. All terminations, regardless of cause, and layoffs exceeding six months shall be an interruption in service and may result in the loss of the accumulation of seniority status.
  - b. Employees who are laid off, subsequently recalled, and report back to work prior to the expiration of six months from their date of lay off shall not have an interruption or break in their seniority.
  - c. Employees who are laid off for a period exceeding six months and subsequently rehired will have their seniority date adjusted to give them credit for prior service after again satisfactorily completing the six-month introductory period.
  - d. Employees who voluntarily terminate their employment (resign, quit, job abandonment, etc.) or are discharged for cause, and subsequently are rehired shall not receive seniority credit for prior service. Their seniority shall begin with their new hire date after satisfactory completion of the introductory period.

**1800. Annual leave.**

- (a) *Purpose.* It is the policy of the county to provide paid annual leave affording opportunity for healthful rest and relaxation to all regular, full-time employees who are scheduled to work at least 30 hours per week. Employees shall earn annual leave while on annual leave, sick leave, or authorized leave with pay. Employees shall not earn annual leave while on leave without pay.

(b) *Rate of earnings.* All regular employees who are scheduled to work at least 30 hours per week shall be considered eligible for annual leave with pay. Annual leave may not be taken during the introductory period; however, such leave will accrue from the first calendar day of the month following when their employment begins:

- (1) Eligible employees with less than ten years of continuous service shall receive credit for one day per month.
- (2) Eligible employees with ten years of continuous service or more shall receive 1 1/3 days of credit per month.
- (3) The maximum number of earned days of annual leave that may be used in any one calendar year shall not exceed 30 workdays, without prior approval of the County Administrator.
- (4) An employee who changes from being full-time to part-time, without a break in service, shall retain the annual leave hours previously earned. If this change results in the employee having a maximum accumulation in excess of 45 workdays as of the effective date of the change, the employee shall not forfeit the excess. The employee shall retain this excess leave which shall be the maximum amount the employee may carryover into future years. If the employee subsequently reduces the amount of such leave carried over, the reduced amount, if in excess of 45 workdays, shall become the employee's maximum carryover into future years. If the employee further reduces the amount of such leave carried over to 45 workdays or less, 45 days shall become the maximum amount of unused annual leave the employee may thereafter carryover. 12 hour shift employees shall earn 7 hours of annual leave per month.
- (5) No annual leave accrual shall be permitted for an employee while on leave without pay or during suspension for disciplinary purposes, nor shall any annual leave accrued for unexcused absences, or when an employee is on a nonpay status. Annual leave shall accrue, however, to an employee while on authorized annual, sick, or other leave with pay.

(c) *Use of annual leave.*

- (1) Annual leave time may not be used or charged in units of less than one-half hour.
- (2) All eligible employees are encouraged to take at least one workweek, five continuous workdays, of paid annual leave each fiscal year. Eligible employees who work 12-hour shifts are encouraged to take at least three continuous 12-hour shifts of paid annual leave each fiscal year.
- (3) Except in the case of an emergency, all annual leave time must be approved a minimum of 48 hours in advance by the employee's division or department head. Whenever possible, an employee wishing to take more than four hours of annual leave time should request approval at least one week in advance. All annual leave must be requested through proper channels by the completion of an employee request form.
- (4) Whenever possible, employees will be allowed to take paid annual leave at times most convenient to them.
- (5) The division or department heads shall request their annual leave from the county administrator or his/her designee.
- (6) Elected officials or those appointed by an authority outside of county government may take leave whenever they wish and which is convenient to them.

- (7) When a paid holiday is observed by the county during the period an employee is on paid vacation, the employee shall receive only his/her regular holiday pay and that day shall not be charged against the vacation earnings.
  - (8) Should an employee become ill during a period of annual leave, he/she may be charged with sick leave rather than annual leave subject to the provisions of the sick leave policies contained herein.
  - (9) Pay in lieu of annual leave is not permitted, except at termination of employment, as outlined below.
- (d) *Carryover and payout of vacation earnings.*
- (1) Up to the equivalent of 45 days of unused annual leave may be carried forward from one calendar year to the next. All leave over the equivalent of 45 days of annual leave will automatically be lost at the end of each calendar year, except in the case where the county administrator approves in writing a carryover of annual leave in excess of 45 days.
  - (2) When an employee's employment with the county is terminated the employee shall be paid at his/her regular straight time rate for all hours of unused annual leave, not to exceed 45 days provided the employee has successfully completed his/her introductory period with the county. In the event of the death of an active employee, this payment shall be made to his/her legal representative.
- (e) *Attendance records.*
- (1) An attendance record shall be submitted by each employee to the department head and forwarded to the payroll department and the required department heads. This record shall reflect all hours worked and/or not worked (i.e., sick leave, vacation leave, civil leave, etc.) for all nonexempt employees. Only the hours not worked will be recorded for all exempt employees. Exempt and nonexempt employees will be as defined by state and federal law and identified by the personnel manager and approved by the County Administrator. All sick leave taken in excess of three days must be reported by the department head to the personnel department for a determination as to whether such triggers any other federal or state laws. Elected officials may designate leave or delegate that responsibility to the county's personnel department. An employee's record shall be made available to him/her for inspection upon request, though no copies shall be required to be made of the same.
  - (2) The head of each department shall be responsible for the completion of the attendance report for his/her department. This report shall be sent to the payroll and personnel departments no later than noon on the Monday following the last Saturday in the time sheet cycle.

#### **1900. Sick leave, Family Leave, and Medical Leave.**

- (a) *Purpose.* It is the policy of the county to provide reasonable time off with pay, up to the amount of unused sick leave earnings, to employees who are unable to work due to personal illness or injury. Each elected or appointed department/division head shall have the responsibility of enforcing this sick leave policy.
- (b) *Rate of earnings.* All regular full-time employees who are scheduled to work at least 30 hours per week shall earn credits for paid sick leave at the rate of one day per pay period of continuous service. 12 hour shift employees shall earn 7 hours of sick leave per pay period. There is no

qualifying period for sick leave; consequently, eligible employees will begin accruing this type leave immediately upon employment and may take it in accordance with their accrual during the introductory period. There is a 180 day cap for the accumulation of sick leave. Further, sick leave shall not be paid out at termination or retirement.

(c) *Use of sick leave.*

- (1) Sick leave will not be used or charged in units of less than one hour.
- (2) Sick leave may be used when an employee is unable to work due to personal illness or injury, or when the employee's presence may endanger the health of fellow workers.
- (3) Sick leave may be taken for medical, vision and/or dental appointments.
- (4) Sick leave may be used to cover the absence of an employee when it is necessary for that employee to care for an "immediate family member" with a serious illness or injury. Paid sick leave to care for an immediate family member will be limited to two days at any one time and to a maximum of six days per calendar year. However, the employee may qualify for additional unpaid family leave pursuant to state or federal law.
- (5) When a paid holiday occurs during the period an employee is on sick leave with pay, the employee shall receive only his/her regular holiday pay and that shall not be charged against his/her leave earnings.
- (6) Upon returning to work from sick leave, an employee may be asked to complete and sign an employee request form and provide supporting documentation covering the period of absence and submit same through channels for approval.

(d) *Payment of sick leave.*

- (1) In order to be eligible for sick leave with pay, an employee must:
  - a. Report to his/her supervisor within 30 minutes of the scheduled starting time the reason for the absence. An employee who fails to notify his/her supervisor may not be paid for the time taken prior to notification. (Except in cases of emergency where such notification is not possible.)
  - b. Keep his/her supervisor informed of his/her condition if out sick more than one workday. Failure to keep the supervisor informed as to his/her condition while on a leave of absence can result in disciplinary action, up to and including termination of employment.
  - c. If the absence is in excess of three consecutive working days, present a written statement by a licensed physician certifying that the employee's condition prevents him/her from performing the duties of his/her position. At his/her discretion, however, the employee's department or division head or personnel director (but not the employee's direct supervisor) may request written verification by a licensed physician of an employee's absence due to illness or injury if there is reason to suspect abuse of the privilege. Failure to provide this written verification may result in loss of pay for the time absent from work and/or termination of employment. A serious medical condition may also qualify for Family and Medical Leave Act, as described below.
- (2) Upon leaving county employment, for whatever reason, an employee will not be paid for any unused sick leave.



- (e) *Maximum accrual and carryover of sick leave.* Eligible employees who accrue sick leave shall be permitted to accrue only 180 days of sick leave.
- (f) *Long-term illness.*
  - (1) *General.* Family and Medical Leave may run concurrent with approved sick leave. However, after an employee has used all accrued sick leave credits, he/she may elect or be required by the county to then use his/her vacation leave before being placed on leave without pay. At the discretion of the county, an employee may be entitled to remain on leave (paid and/or unpaid) for up to six months from the last day worked.
  - (2) *Maternity/Paternity leave.*
    - a. Any regular full-time or part-time employee may be granted maternity/paternity leave for a period generally not to exceed 12 workweeks. An employee shall report the mother and/or child's condition to the employee's department or division head and/or personnel director as soon as soon as the pregnancy and/or birth are known.
    - b. All other sections of this sick leave program apply to maternity/paternity leave, including use of sick leave and annual leave earnings prior to being placed on leave without pay status.
  - (3) *Returning to work.* The position held by an employee may be held open while he/she is on an extended medical leave by redistributing the work among the other employees in the department or by filling the position on a temporary basis, if possible, and in accordance with the provisions of state and federal law. If it becomes necessary to fill the position on a regular basis in order to ensure continued smooth operation of the department and maintain a high level of quality in the delivery of services to the citizens of the county, and the employee is not a "key" employee as that term is defined in the under the law, the employee shall be notified immediately that the county may attempt to place him/her in a position of like status and pay when he/she is able to return to work, but will be under no obligation to do so.
- (g) *Federal and State Laws Governing Leave.* Bamberg County will follow the provisions of the state and federal laws governing leave and will consider such requests for leave under the County's policies and procedures. Bamberg County will grant eligible employees extended unpaid leaves of absence under certain circumstances, generally not in excess of a maximum of 12 work weeks during a 12-month period measured under the "Rolling Calendar" method. In certain situations, accrued vacation, accrued sick leave, workers compensation or disability benefits (if any) will be paid and such accrued leave time will be used concurrently with and counted as all or a portion of the total leave.

Bamberg County incorporates the requirements and the definitions of terms as provided in the federal and state law governing leave. Any questions regarding the application of this leave policy, should be directed to Human Resources/Personnel Department for guidance.

Decisions to grant leave requests will be made on an individual basis.

**2000. Administrative leave.**

Administrative leave includes, but is not limited to the following:

(a) *Bereavement leave.*

- (1) If a death occurred in the immediate family of a regular, full-time county employee, up to three days of bereavement leave with pay may be granted. If additional time is needed, the employee may utilize accrued annual leave upon approval of the department/division head. The definition of immediate family means the employee's spouse/domestic partner/significant other, parent, child, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, stepmother, stepfather, stepson, stepdaughter, aunt, uncle, niece, nephew or first cousin.

(b) *Inclement weather.*

- (1) If inclement weather occurs during a working day, and it is determined by the county administrator after consultation with knowledgeable sources that driving conditions may become extremely hazardous, the county administrator may authorize county employees to leave work before the usual closing time without loss of pay or leave time.
- (2) If inclement weather occurs during nonworking hours, hours of operation of county offices may be altered by the county administrator after consultation with knowledgeable sources. County employees will be granted administrative leave with pay as long as hazardous conditions exist, as determined by the county administrator or his or her designee. Announcing of operational plans will be made to local media outlets and are available by calling the Bamberg County Emergency Services department.
- (3) If inclement weather occurs during nonworking hours, the county will endeavor to notify local media outlets as soon as practicable as to when the hours of county operation are to be altered. If regular hours of operation are not to be altered, no announcement will be made.
- (4) If hazardous weather conditions make it impossible for an employee to report for work at his/her place of work (job), or the employee arrives late or leaves early due to these conditions, the employee shall be allowed, at the discretion of the department head, to:
  - a. Make up the time lost from work at a time scheduled by the department head.
  - b. Take the time off without pay.
  - c. Take the time off as vacation time.
- (5) This policy applies to all county employees of elected or appointed departments except those exempted by the county administrator (e.g. sheriff's department, public safety and public works employees.)

- (c) *Terrorist threats/bomb threats.* If a terrorist threat or bomb threat is received during working hours in any county building, evacuation thereof will be in accordance with the bomb threat plan prepared by the office of disaster preparedness. No employee will be excused from work as a result of an evacuation without the approval of the county administrator. Accordingly, employees will be required to remain in designated evacuation areas until given clearance to either return to their respective work sites or otherwise given permission to leave work. Failure to abide by this policy will result in an employee's having to take annual leave or being placed on leave without pay.

- (d) *Non-disciplinary suspension.* During an investigation, hearing, or trial of any employee on any criminal charge, or during the course of any civil action involving an employee or the employee's status with the county, when suspension would be in the best interests of the county, the county

administrator may suspend the employee with or without pay for the duration of the proceedings as a non-disciplinary measure. Back pay shall not ordinarily be recoverable, but where the suspension is terminated by full reinstatement of the employee, the county administrator shall authorize full recovery of pay and benefits for the entire or any lesser period of the suspension.

**2100. Military leave.**

- (a) In accordance with state law, all employees who are members of the South Carolina National Guard or any reserve unit of the United States Armed Forces shall be entitled to military leave without loss of pay, efficiency rating, or other benefits for up to 15 regularly scheduled workdays in any one calendar year so that they may participate in training or other such duties ordered by the appropriate authority. In addition, if these employees are ordered by appropriate authority to serve during an emergency, they shall be entitled to such additional leave, not exceeding 30 additional regularly scheduled workdays, as approved by the county administrator.
- (b) An employee going on military leave shall notify his/her elected or appointed department head immediately but not more than three days after receiving notification of duty necessitating such leave and shall provide necessary documentation as soon after it is available as possible.
- (c) Further, federal law provides that employees will be granted an unpaid leave of absence, upon request, to perform active duty for training or inactive duty training with the Armed Forces of the United States or the National Guard and shall be entitled to reinstatement with the employer after performing such duty in accordance with federal law. Further, still, persons performing certain military duties or training with the Armed Forces of the United States or a reserve component thereof shall be entitled to federal reemployment rights if they meet the requirements and criteria therefore. The county complies with all federal laws explicitly. The county personnel office will provide additional details on request.

**2200. Civil leave.**

- (a) *Jury duty.* All regular county employees selected for jury duty shall be entitled to civil leave with pay for the period of absence required. Such leave shall not be charged to annual or sick leave earnings, except that on any day when such employee is excused from service on a jury, he/she will be required to report for duty at the regular place of work if there are at least two hours left in the workday, or he/she may be charged annual leave for the time excused from jury duty. Likewise, any period of time for which an employee is excused from jury duty because of illness shall be charged to sick leave. An employee shall be entitled to all fees received as a juror.
- (b) *Official court attendance.* All regular employees subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the county, state or federal government shall be entitled to leave with pay for such period as his/her court attendance may require. Any fees paid for such service may be retained by the employee.
- (c) *Private litigation.* Absence of a county employee to appear in voluntary private litigation in which he/she is a party or witness shall be charged to annual leave or to leave without pay. The involuntary absence of a county employee who is subpoenaed as a witness in a civil matter will not be charged to annual leave, but will be treated in accordance with paragraph (b) above.

### **2300. Leave without pay.**

The county administrator, upon the advice of elected or appointed department/division heads, may grant leave without pay for a period not to exceed a total of six months from the date last worked, when it is in the best interest of the county. Normally, such leave will be granted only under unusual and extenuating circumstances and where the employee has no other leave, paid or unpaid, available. When the leave without pay expires, a person may be reinstated to the prior position he/she vacated if such position still exists or to some other available position for which he/she is qualified if the prior position no longer exists. If he/she does not report back to work within three working days after the leave is ended, the employee will be assumed to have abandoned the job and is terminated unless the employee notifies his/her supervisor that they are ill or have another circumstance that may warrant an extension by the county administrator.

### **2400. Training and development.**

- (a) The county encourages the continuing self-development of employees so that they improve their job knowledge and performance in current job assignments as well as developing new knowledge and skills that will equip them for advancement to higher levels of responsibility in the county's service. Therefore, the county will provide in-house training programs conducted by either county or outside personnel. The county will support participation of county personnel in job-related workshops, conferences, seminars, college and technical school courses, correspondence courses, and other training and development programs that will help employees develop to their full potential in service with the county. Funds for supporting such training and development will be provided by the county consistent with the county's financial position and within the limits of the budget.
- (b) *Training funds.* Funds for training must be approved by the County Administrator or otherwise approved in the annual budget by the county council. New training programs requiring any substantial expenditure of funds should be presented to the county administrator for discussion and review at least two months before the annual budget is to be submitted to county council.
- (c) *Educational assistance.* The county may pay the cost of an employee's approved training in accord with the county's reimbursement policy
- (d) *Memberships; professional and civic organizations.* Within the confines of the County budget, the County Administrator may allow department/division heads and supervisors to join professional and civic organizations when, in the administrator's judgment, the membership contributes to the individual's professional growth and is job-related.
- (e) Upon approval of the County Administrator, the county will pay 100 percent of approved annual membership-related expenses.

### **2500. Payroll changes.**

Any action which will affect an employee's base pay, status, or identification shall be promptly reported to the county personnel department by the submission of a personnel action form by the department head. No changes shall be made without an approved personnel action form from the county

administrator or her/his designee, who has the authority to make salary adjustments in his/her authority and discretion within the constraints of the budget ordinance.

**2600. Retirement.**

Bamberg County participates in the South Carolina Public Employee Benefit Authority system. Membership upon employment is mandatory for all full-time and part-time personnel who fill a permanent position. Persons filling a temporary position, whether in a full-time or part-time capacity, have the option of membership. The effective date of enrollment in the retirement system is the date of the employee's appointment to regular county service.

**2700. Disciplinary action.**

(a) *Purpose.* The guidelines set out in this section are provided so that should it become necessary for disciplinary action against an employee, such discipline will be administered in a consistent manner without regard to race, color, religion, age, sex, sexual orientation, genetic information, disability, or national origin.

(1) In the application of discipline under the terms of this policy, the following guidelines should be followed:

- a. The purpose of discipline is usually to correct and not to punish.
- b. The severity of the discipline should be appropriate for the seriousness of the misconduct—Not too lenient or excessive.
- c. Where more than one instance of discipline is necessary to correct misconduct, the discipline should be progressively more severe to impress upon the employee that the misconduct must be corrected.
- d. The discipline should be timely—As soon as possible and reasonable after the event giving rise to the need for discipline, but allowing time for proper investigation and decision on the discipline to be administered.
- e. The severity of the discipline should be consistent with that administered to other employees under the same or similar circumstances.

(b) *General.*

- (1) Disciplinary actions may be taken when an employee's work performance or actions are sufficiently below standards so as to be detrimental to the county and/or the employee or if the employee violates county policies and/or ordinances which allow disciplinary action.
- (2) There is no progressive discipline policy in Bamberg County. The county reserves the right to take any form of disciplinary action against any employee at any time. In general, types of disciplinary actions which may be taken in regard to regular employees, as determined appropriate by the supervisor depending on the particular facts, are as follows:
  - a. *Oral warning.* In certain instances of substandard performance or conduct, an oral discussion between the employee's department/division head and the employee may be sufficient to correct the situation. In such cases, the department head need not fill out any formal written notice, and there need not be any documentation placed in the employee's

personnel file; however, the department/division head may make an informal note for his/her own records in case the corrective action sought is not forthcoming.

- b. *Written warning.* This action should take the form of a written notice of reprimand written by the employee's department/division head and given to the employee. This notice shall state clearly the reasons for the reprimand and provide for the employee's signature acknowledging receipt thereof. A copy of this notice should be retained by the department/division head with an additional copy sent to the personnel department to be filed in the employee's file.
- c. *Suspension.* This action may be taken as a corrective measure when the action and/or behavior of an employee are serious enough to warrant more than a written reprimand but less than discharge. It shall clearly state the reasons, duration, and actions to be taken (discharge) if the action and/or behavior or similar actions/behavior is repeated. As with the written reprimand, this notice shall provide for the employee's signature acknowledging receipt thereof. The original shall be given to the employee, a department copy retained, and a copy forwarded to the personnel department.

During an investigation, hearing, or trial of any employee on any criminal charge, or during the course of any civil action involving an employee or the employee's status with the county, when suspension would be in the best interests of the county, the county administrator may suspend the employee with or without pay for the duration of the proceedings as a non-disciplinary measure. Back pay shall not ordinarily be recoverable, but where the suspension is terminated by full reinstatement of the employee, the county administrator may authorize full recovery of pay and benefits for the entire or any lesser period of the suspension.

- d. *Demotion.* Any employee whose work in his/her present position is unsatisfactory but who offers promise of becoming a satisfactory employee may be demoted. The notice of such action shall be reported on a personnel action form.
  - e. *Discharge.* If the employee's action, in the judgment of the employee's department/division head warrants, the employee may be discharged. Written notice may be given to the employee giving the reasons and effective date of discharge subject to the provisions for involuntary termination. This notice may also provide for the employee's signature acknowledging receipt thereof. In cases where notification must be mailed, it may be sent by certified mail, return receipt requested, and the signed return receipt retained. The original may be given (or mailed) to the employee, a department copy retained, and a copy forwarded to the personnel department along with a properly executed personnel action form for processing.
- (3) Any non-introductory employee may seek an appeal of any disciplinary action taken against him/her that results in a suspension of three days or more or an involuntary demotion or transfer or discharge through the grievance procedures established herein.
  - (4) If the misconduct is of such a serious nature that the supervisor or administrator feels the individual(s) involved should be removed from work until the matter is investigated, the individual may be suspended from work without pay until a decision on discipline is reached. If it is later determined that the suspension was improper or not appropriate, the individual will be reimbursed for the time lost from work due to suspension. An employee who is suspended

pending investigation of misconduct may be temporarily transferred to an available position for which he/she is qualified, provided such transfer is approved by the county administrator.

- (c) *Rules of conduct.* Employees are expected to observe established rules of work and conduct. Accordingly, violations thereof may be subject to disciplinary action pursuant to this policy.

**2800. Grievance procedure and discrimination resolution.**

- (a) *Intent.* It is our policy to provide a means to resolve situations or problems that may arise from the employment relationship.

(b) *Employee rights.*

- (1) All employees who think or feel they have been treated improperly or unlawfully are entitled to present a grievance or appeal, without fear of recrimination in instances where they have been suspended for three days or more, involuntarily transferred or demoted or discharged, or discriminated against on the basis of a disability. Former regular employees may appeal their termination.
- (2) To resolve a grievance or appeal without undue delay.
- (3) All employees are made aware of their rights under this policy.

- (c) *Grievance committee.* The county administrator shall appoint a five-member grievance committee.

- (1) *Term.* The term of a committee member is for two years. Interim appointments to replace a committee member shall be for the unexpired term.
- (2) *Representation.* Members are selected on a broadly representative basis (management and non-management employees) from the various departments and agencies.
- (3) *Presiding officer.*

- a. The committee members will annually elect a chairperson to serve as the presiding officer of all hearings and procedures conducted by the committee. When the chairperson is unable to attend a hearing, he/she will select another committee member to serve as the presiding officer.
- b. The presiding officer will have control of the proceedings of hearings. S/he is responsible for taking whatever action is necessary to ensure an equitable, orderly, and expeditious hearing. All parties will abide by his decision, except when a committee member objects to a decision to accept evidence, in which case the majority vote of the committee will govern.

(4) *Hearing procedures.*

- a. The hearing board shall consist of the six members of the grievance committee. A quorum consists of four members. Committee members who are employed in the same department or agency as the grieving employee will not serve as hearing board members.
- b. The hearing board has the authority and discretion to call for files, records, and papers pertinent to any investigation; to determine the order of testimony and the appearance of witnesses; to call additional witnesses; and to secure the services of a recording secretary. Repetitive, cumulative, or irrelevant testimony will not be allowed, and the scope of the

hearing shall be narrowly limited to the specific subject of the grievance. Tapes of hearings will be destroyed within two months of the hearing date.

(d) *Grievance/appeal procedures.*

(1) *Step one—Discussion between employee and immediate supervisor.*

- a. The employee should first discuss the problem or grievance with his/her immediate supervisor within 15 calendar days of the suspension, involuntary transfer, demotion, discharge or discriminatory event. If the situation concerns the employee's immediate supervisor, the employee may go directly to the department head.
- b. The supervisor will investigate the matter and seek an appropriate solution to the situation. The supervisor may seek advice and counsel from the higher level of management. A response to the employee will usually be provided within five working days.

(2) *Step two—Discussion between employee and department/division head.*

- a. If the supervisor is unable to resolve the situation, or if the employee is not satisfied with the solution, he/she may present the matter to the department division/head.
- b. The department head will investigate the problem, collecting all relevant facts, and provide the employee with a response within five working days.

(3) *Step three—Hearing before the grievance committee.*

- a. If the department head is unable to resolve the situation or if the employee is not satisfied with the solution, he/she may submit a written request to the county administrator or elected official for a hearing by the grievance committee.
- b. The county administrator or elected official will coordinate with the chairperson of the grievance committee to schedule a hearing within ten working days of receipt of an employee's written request.
- c. Reports of findings and recommendations. The committee will submit to the county administrator or to the elected official if the employee is an employee of an elected official, a report of its findings and its recommendation within 20 calendar days after the hearing.
- d. The county administrator or elected official will review the committee's recommendation and either approve or reject it within 14 calendar days.
  - i. If approved, the committee's recommendation becomes final, and the chairperson of the committee will provide copies of the recommendation to the county administrator or elected official, employee, and the department/division head.
  - ii. If the committee's recommendation is rejected, the county administrator or elected official will make his/her own final decision within one week of receipt of the recommendations without further hearing. Copies of this decision will be provided to the employee, the department/division head and the grievance committee chairperson.

(4) In lieu of this process, mediation can be utilized to resolve grievances when both parties agree to mediation.



### **2900. Workers' compensation.**

- (a) All county employees are covered by the South Carolina Workers' Compensation Act. If an employee is injured or suffers disability because of an accident while performing his/her duties, he/she shall immediately report that fact to his/her immediate supervisor (in the absence of the employee's immediate supervisor, the injury should be reported to the department/division head or the personnel department). Failure to immediately report an injury may result in loss of workers' compensation benefits. After the employee reports an on-the-job injury, his/her immediate supervisor shall notify the department head concerned, who shall notify the personnel department. The personnel department will prepare the necessary forms for compensation to cover the hospital, medical payment, and/or personal disability payments (an employee's health insurance should never be used in this case) based upon information provided by the department head. Such forms will include, but not be limited to, the employee's first report of injury and the OSHA report.
- (b) If an employee is injured while performing his or her duties after 5:00 p.m. or on a weekend or holiday and requires medical treatment, proceed to an urgent care or emergency room and notify the personnel department the next day or as early as possible.
- (c) When an employee is injured during the workday and medical treatment is required, it will be provided by the county designated/authorized workers compensation provider. Please contact the personnel department for a referral.
- (d) If an applicable injury renders an employee disabled for a period of time, the county will pay the employee at his/her regular rate of pay for the period of up to seven calendar days without loss of leave or benefits. If the disability extends beyond seven days, the county will cease payment to the employee and turn the matter over to its carrier for further investigation and settlement with the injured employee as to payment/compensation for time lost during the remainder of the disability period.

### **3000. Employment of interns.**

- (a) Interns shall be of two types: those who are unpaid (usually to fulfill practicum requirements for educational purposes) and those who are paid, who shall be of two types: those who are employed directly by the county and those who are recommended through an outside agency or special program on a reimbursable basis.
- (b) All interns shall be appointed by the county administrator upon recommendations from the department/division heads. All interns and/or intern programs shall be coordinated through the personnel department and shall work for a limited period of time.
- (c) Any department head wishing to use interns without pay shall submit a request in writing, giving all the details of the program and the name(s) of the person(s) who will be serving without pay and the length of the internship. The county administrator shall approve or disapprove, in writing, the request of the department/division head.
- (d) Department/division heads wishing to use interns with pay shall submit their request in writing to the personnel department, which shall coordinate between that department and any special intern program available or interns to be hired directly by the county.

- (e) Interns to be paid by the county on a reimbursable basis shall be determined by the county administrator, and copies of the contract or agreement between the county and the agency or special program shall be given to the personnel and finance departments.

**3100. General service regulations.**

- (a) *Attitude and common courtesy.* When contacting the public in any manner, especially on public business. County employees shall do so in a courteous manner. Every employee shall, at all times, endeavor to conduct him/herself in a manner that reflects credit upon his/her department and the government of Bamberg County. Employees are expected to at all times to dress and conduct themselves in a professional manner.
- (b) *Disclosure of confidential information.* No official or employee shall, without the approval of his/her supervisor, disclose confidential information concerning the property, government, or affairs of the county. Nor shall he/she under any circumstances use such information to advance the financial or other private interest of him/her or others. (See also South Carolina Ethics Act of 1991, as amended and part 3200 below).
- (c) *Use of county-owned equipment or property.* No employee shall take for his personal use any county-owned equipment or property. All employees shall use county-owned equipment and property only in the manner authorized by the appropriate county official. An employee who is on call may be authorized to take a vehicle to his/her residence by his/her department/division head.
- (d) *Surrender of property.* An employee who is discharged is required to return all items of equipment and property, including uniforms, belonging to the county. Failure to return such equipment and property may result in an appropriate deduction being taken from the employee's final paycheck.
- (e) *Partisan political activity.* Partisan political activity by any employee shall be prohibited during regular working hours. Employees may not use county equipment, supplies, vehicles, or other properties in any partisan political activity. Employees who are paid either in full or in part by federal monies are covered under the Federal Hatch Act and the Federal Election Campaign Act and will be required to conform to the regulations of those acts. Employees are permitted to:
  - (1) Express his/her opinion on political subjects and candidates, display stickers or posters on their cars or houses, and wear buttons and badges, except when in the performance of county responsibility.
  - (2) Take an active part in political management and political campaigns. Attend political conventions and participate in the deliberation or proceedings of the convention, or any of its committees. Employees may be candidates for, or serve as delegates, alternates, or proxies at such a convention even though such candidacy involves a public partisan election. Volunteer work for a partisan candidate, campaign, committee, political party, or nominating convention of a political party is permitted.
  - (3) Be a candidate for a political party office, non-partisan elective office, accept an appointment to fill a vacancy in an elective office, to the extent that the above may not constitute a conflict of interest, but may not be a candidate for public elective office in a partisan election. An employee may serve at the polls as an election official or clerk, or as a checker, watcher, or challenger for a political party candidate in a partisan election.
- (f) *Prohibited activity.* County employees are prohibited from:

- (1) Using his/her official authority or influence for the purpose of interfering with or affecting the results of an election or nomination for office.
- (2) Directly or indirectly coercing, attempting to coerce, commanding or advising a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
- (3) Being a candidate for public elective office in a partisan election (candidacy for political party office is not prohibited).
- (4) Using county facilities, equipment, or personnel at any time to further their own candidacy or the candidacy of any other candidate or candidates. Failure to adhere to this policy may be grounds for immediate dismissal. No stickers are allowed at the workplace.

For the purpose of this policy, "partisan" is defined as being of a single party or cause. Violations of these rules may result in dismissal or such other disciplinary action as the county administrator and/or county council shall deem appropriate.

(g) *Personnel records.* Personnel records and recordkeeping systems shall be established and maintained as required to efficiently and effectively control and manage the county's workforce, comply with applicable federal/state/local regulations, and otherwise meet the county's needs in personnel-related matters.

(1) *Personnel records.*

- (a) Records of all employees' actions, including, but not limited to, recruiting, hiring, pay, benefits, promotions, demotions, transfers, layoffs, recall from layoffs, terminations, disciplinary action, educational, social, recreational programs, etc., are the property of Bamberg County and shall be maintained in accordance with Affirmative Action Program requirements; Equal Employment Opportunity Commission requirements; Records and Reports Part 1602, Subpart I—State and Local Governments Record Keeping; State Freedom of Information Act; and other applicable laws and regulations.
- (b) All employee personnel records and personnel action forms, including, but not limited to records of disciplinary actions taken, shall be maintained by the Bamberg County personnel department.
- (c) All employees shall be required to acknowledge *receipt* of any disciplinary actions and may write any concerns or rebuttals on the form. Failure to acknowledge receipt of a disciplinary action is insubordination and may result in disciplinary action up to, and including, immediate termination.

(2) *Employee service records.*

- a. A service record file on each employee shall be maintained by the county personnel department in accord with federal and state regulations.
- b. The service record shall contain such data as employment application, evaluation reports, leave records, special commendations, training and educational records, pay and benefits data, status change action, etc.
- c. Except for references, all information in an employee's service record file shall be open for the employee's review after the employee makes a request to the personnel department.

- d. Approved review of his/her service record file by an employee may be made only in the county personnel department.
  - e. Employee service records may not be taken out of the personnel department.
- (h) *Confidentiality of personnel records.* Personnel records shall be maintained in a confidential and secure manner and released only with proper authorization and in accord with the State Freedom of Information Act and other applicable federal and state regulations.
- (i) *Employee responsibility.*
- (1) Employees should keep their department heads and the personnel department advised of any changes in their personal data, such as address, phone number, number of dependents, etc.
  - (2) Employees shall report these changes to the personnel department.
- (j) *General.*
- (1) Inquiries concerning employee records shall be directed to the personnel department.
  - (2) Personnel records of terminated employees shall be retained for three years from the date of termination. A service record shall be maintained in accordance with state and federal law.
- (k) *Job/credit references.*
- (1) The personnel department, when contacted for job/credit references, shall provide the caller with service record information that would verify employment and dates of employment. If the employee signs an appropriate release, the county will provide additional job-related information.
  - (2) No other information may be communicated except that which conforms with the Federal Privacy Act, the South Carolina Freedom of Information Act, or state and federal law.
- (l) *Moving expenses.* Since most county employees live within the county and therefore within a reasonable commuting distance of their jobs, moving/relocation expenses, as a rule, will not be paid by the county for new or existing employees. However, such expenses may be paid in exceptional situations where it is deemed in the best interest of the county to provide such assistance and/or if the move is required by the county. In such cases, the move and expenses to be paid must have prior approval of the county council, and the amount of expenses to be paid will be individually determined in each case based on the merits and circumstances of each case.

**3200. Ethics code.**

- (a) All Bamberg County employees shall abide by the provisions of the South Carolina Ethics Act of 1991, as amended, or its successor.
- (b) Pursuant to the South Carolina Ethics Act, 1) no county employee is allowed to use the influence of his or her government employment to financially benefit himself, a member of his or her family or a business with which he or she is associated, and 2) no county employee is allowed to provide anything of value to any public official with the intent to influence decisions made by that public official, and 3) no county employee is allowed to receive anything of value (money or item) for speaking before a public or private group, except that the county can be reimbursed for actual expenses incurred by the employee for the speaking engagement, and 4) no county employee is allowed to serve as a member of any agency that regulates business with which that employee is

associated, and 5) no county employee can have an economic interest in any contract with the state or county if that employee is authorized to perform an official function relating to that contract.

**3300. Safety policy.**

- (a) *Responsibility, accountability for safety.* It is the policy of the county to conduct all operations as safely and efficiently as possible. Accordingly, the responsibility, authority, and accountability for safety are assigned to all department/division heads and/or supervisory personnel within their individual area of operations. The county promotes safe and healthy work practices and compliance with statutory programs and requirements in the areas of occupational safety and health.
- (b) *Employee responsibility.* Each employee is responsible for performing his/her own work in a safe and efficient manner and for observing safety rules and regulations. Further, any safety hazard observed thereby should be immediately reported to the appropriate supervisor or department/division head.
- (c) *Vehicle/equipment operations.* In the case of vehicle and/or equipment operations, drivers/operators are expected to follow the principles of "defensive driving," i.e., to drive so as to prevent accidents in spite of the incorrect action of others and in spite of adverse driving conditions and to safely use electronic devices while operating a vehicle.

**3400. Safety coordinator; responsibilities.**

The County Administrator shall designate an employee to be the safety coordinator for the County. It shall be the responsibility of the County Administrator's designee to administer a total safety effort at a staff level and to coordinate this effort through the Personnel Department with all departments/offices to ensure that safety standards are met throughout the county.

**3500. Substance abuse policy.**

- (a) *Purpose.* The intent of this policy is to document the county's position with respect to alcohol and drug abuse (substance abuse). The county's position requires procedures that are designed to:
  - (1) Establish and maintain a safe, healthy working environment for all employees;
  - (2) Ensure the reputation of the county and its employees as good, responsible citizens;
  - (3) Reduce the incidence of accidental injury to employees or to property;
  - (4) Reduce absenteeism, indifferent job performance, and other nonproductive action; and
  - (5) Provide assistance toward rehabilitation for any employee who seeks the county's help in overcoming any addiction to, dependence upon, or problem with alcohol or drugs.
- (b) *General policy.* Alcohol and/or drug abuse in the workplace is dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury and possible death. The failure of any employee to comply with the procedures set forth in the policy will result in disciplinary action up to and including discharge.

The county will treat alcohol and/or chemical dependency as a health problem. The voluntary seeking of assistance for any such problem is encouraged, and an employee will not be subject to discipline solely

as a result of seeking assistance for such problem. However, the seeking of assistance for any such problem will not shield the employee from discipline for a violation of the county's substance abuse policy if such violation comes to the county's attention through other means, such as direct observation, job performance, drug testing, etc. before the employee voluntarily seeks assistance.

The Drug-Free Workplace Act of 1988 requires all county employees to notify the county within five calendar days after any criminal conviction for the manufacture, distribution, dispensation, possession, or use of narcotics, drugs, or any other controlled substance at the workplace. Criminal conviction means a finding of guilt, a plea of no contest, or a plea of guilty. The county will notify all federal contracting agencies and grantors of such conviction within ten days of receiving notice of the conviction.

Employees will be given a copy of this policy and will be required to sign a form acknowledging its receipt. By continuing to work, the employee agrees that he/she will abide by the policy as a condition of employment. Failure to sign the form will result in disciplinary action up to and including discharge.

The term "county property" as used in this policy includes, but is not limited to, work sites, parking lots, vehicles, offices, and locations where an employee is working for the county in any capacity.

(c) *Inspection.* To ensure that illegal drugs and alcohol do not enter or affect the workplace, the county reserves the right to search all county property, including vehicles, containers, lockers, or other items. A search may be conducted whenever the county has reasonable suspicion that an employee may be in violation of this policy. Failure to consent to, or cooperate with, such inspections will be grounds for disciplinary action up to and including discharge.

(d) *Alcoholic beverages, illegal drugs, and legal drugs.*

(1) *Alcoholic beverages.*

- a. The consumption or possession of alcoholic beverages on county property is strictly prohibited and places the violator in jeopardy of immediate discharge. The possession of alcohol in a personal vehicle on county property is not prohibited provided such possession is in compliance with this policy, as well as state, federal, and local laws.
- b. Being under the influence of alcoholic beverages while on duty will subject an employee to disciplinary action up to and including discharge. An employee will be considered under the influence of alcohol when, in the judgment of the employee's supervisor or another county official, the employee's ability to perform the job safely and effectively is affected by the use of alcohol. An employee who is perceived to be under the influence of alcohol will be removed immediately from the workplace and may be required to submit to a breath or blood test to measure the blood alcohol concentration. A determination that an employee is under the influence of alcohol may be made by the county without conducting a test to determine the employee's alcohol concentration.
- c. Employees who consume alcoholic beverages at any time during work hours, including lunch and breaks, either on or off county premises, may be subject to disciplinary action up to and including discharge.
- d. Any employee arrested for an alcohol-related incident must immediately notify his/her supervisor and the county administrator of the arrest if the incident occurs:

- i. During scheduled working hours;
- ii. While operating a county vehicle on county or personal business; or
- iii. While operating a personal vehicle on county business.

(2) *Illegal drugs.*

- a. "Illegal drugs" are drugs or controlled substances which are: (1) not legally obtainable or (2) legally obtainable but not obtained or used in a lawful manner. Examples include cocaine, marijuana, opiates, amphetamines, and phencyclidine, as well as prescription drugs which are not lawfully obtained or properly utilized. The term "illegal drugs" also refers to mind-altering and/or addictive substances which are not sold as drugs or medicines but are used for mind or behavior-altering effect.
- b. The manufacture, distribution, dispensation, possession, or use of illegal drugs on county premises is strictly prohibited and places the violator in jeopardy of immediate discharge.
- c. Being under the influence of illegal drugs while on duty will subject an employee to disciplinary action up to and including discharge for the first offense. An employee will be considered to be under the influence of illegal drugs if the employee tests positive for any illegal drug (or its metabolites) at or above the cutoff level established by the county.
- d. Employees who distribute, dispense, possess, or use illegal drugs at any time, either on or off county premises, and either on or off duty, will be subject to disciplinary action up to and including discharge.
- e. Law enforcement authorities will be notified whenever illegal drugs are found in the workplace.

(3) *Legal drugs.*

- a. "Legal drugs" are those prescribed or over-the-counter drugs which are legally obtained by the employee and used for the purpose for which they were prescribed and sold.
- b. Legal drugs shall be used only in the manner, combination, and quantity prescribed during the term of the work shift. Legal drugs shall be used only by the person to whom the drug is prescribed.
- c. If an employee has any indication that prescribed or over-the-counter drugs may affect their behavior and/or performance, the employee must notify their supervisor, or other appropriate county official, that they are taking drugs prior to beginning work. Where such use of legal drugs adversely affects job performance, it is in the best interest of the employee, co-workers, and the county for that employee to be temporarily relieved of his/her duties. If an employee is relieved of his/her duties, that employee may be temporarily reassigned to an available position for which he/she is qualified until fit to return to his/her regular position. If no such reassignment is made, the employee may elect to use available sick leave or annual leave until he/she is fit to return to regular duty. Failure to provide proper notification may subject the employee to disciplinary action.

(e) *Types of testing.* The county shall administer three types of alcohol and/or drug testing programs: pre-employment, reasonable suspicion, and random.

(1) *Pre-employment.*

- a. All applicants who are conditionally offered employment into any full-time, part-time, or intern position will be tested for the presence of illegal drugs. The pre-employment testing program shall apply to applicants for positions in all county departments, including those headed by elected officials.
- b. Applicants will be advised of the county's substance abuse policy and testing requirements in writing prior to an offer of hire or referral for a drug test.
- c. If an applicant refuses to provide a urine or other appropriate testing specimen, he/she will not be considered for employment, and the employment application process will be terminated.
- d. If any applicant's test is positive, the applicant will not be considered for employment and will be informed that he/she has failed to meet medical standards. If the applicant asks what substance was detected by the test, he/she, or his/her legal guardian, shall be informed in a confidential manner.
- e. Any applicant who refuses to provide a urine or other appropriate testing specimen or who fails to pass the pre-employment drug test may be ineligible for hire for a period of 12 months.

(2) *Reasonable suspicion.*

- a. The county will require alcohol and/or drug screening tests when there is reasonable suspicion such as, but not limited to, the following:
  - i. Any employee whose work performance or behavior creates a reasonable suspicion that he/she is unfit for duty and possibly abusing alcohol and drugs.
  - ii. Any employee who is responsible for an accident on county property or involving county property where there is no reasonable explanation as to the cause or where negligence or carelessness appears to be the cause.
  - iii. Any employee who is involved in an accident where the county has a reasonable belief that alcohol and/or drug use may have contributed to the employee's involvement in the accident.
  - iv. Any employee who is responsible for an accident resulting in damage to county property in excess of \$100.00 or injury to other persons where there is not reasonable explanation as to the cause or where negligence or carelessness appears to be the cause.
- b. If a supervisor has a reasonable suspicion that an employee is using alcohol and/or illegal drugs, he/she must report their findings and observations to the department head and the personnel manager. Upon approval by the personnel manager and/or other appropriate county officials, the employee will be asked to consent to a drug and/or alcohol test and sign a form acknowledging his/her consent.
- c. Any employee who refuses to provide a urine or other appropriate testing specimen may be subject to disciplinary action up to and including discharge.
- d. The reasonable cause testing program shall apply to all full-time, part-time, and temporary employees of the county including those employed in departments headed by elected



officials. Elected officials are excluded from the policy but may elect to participate on a voluntary basis.

(3) *Random testing.*

- a. The random testing program shall apply to all employees of the county who are required to submit to random testing pursuant to any applicable state or federal law. Any employee subject to random testing will be notified at the time of hire or at the time his/her job becomes subject to such testing.
- b. Selection of employees for random testing shall be conducted through the use of random number generator or another neutral selection process.
- c. When an employee is selected for random testing, both the employee and the employee's supervisor shall be notified on the day the test is scheduled to occur. The supervisor shall explain to the employee that he/she is under no suspicion of taking drugs and that the employee's name was selected randomly pursuant to this policy.
- d. Any employee who refuses to provide a urine or other appropriate testing specimen will be subject to disciplinary action up to and including discharge.

(f) *Testing procedures.*

- (1) A designated collection site will be provided where employees and applicants will present themselves for testing. The site will possess all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and transportation of urine or other required specimens to a drug testing laboratory.
- (2) Employees will be asked by their supervisor or other appropriate county official to report to a collection site. Employees who are believed to be under the influence of drugs will be transported to the collection site by the employee's supervisor or other appropriate county officials. Applicants will be instructed to report to the collection site at a specified time.
- (3) To ensure that the sample or specimen provided by an individual is properly identified and not accidentally confused with any other sample, strict procedures shall be used when collecting and transferring the sample. The total of these procedures is known as the chain-of-custody.
- (4) Individuals required to submit to a test under this policy may be given an opportunity prior to testing to complete a control form listing all drugs they have recently taken, including prescribed drugs, and to explain the circumstances of the use of those drugs.
- (5) Collection of samples or specimens shall allow individual privacy unless there is reason to believe that a particular individual may alter or substitute the specimen to be provided. Precautions shall be taken to ensure that a specimen has not been adulterated or diluted during the collection procedure and that all information on the specimen bottle and the chain-of-custody form can be identified as belonging to a given individual. Collection of urine specimens shall not be made under observation unless the county has reason to believe that a particular individual may alter or substitute the specimen.
- (6) All specimens collected by the county pursuant to this policy shall be tested in a laboratory certified by the United States Department of Health and Human Services Substance Abuse and Mental Health Services Administration.

- (7) All samples will first be subjected to an individual screening process to detect the presence of drugs. Those samples having a negative screen (no illegal or illicitly used substance) will be considered to have tested negative and no further testing will be done on those samples. Those samples that test positive on the first screen will be tested more extensively by means of gas chromatography/mass spectrometry (GC/MS) analysis to eliminate any false positive tests.
- (8) The laboratory will ensure that the chain-of-custody procedures are adhered to from the time of receipt of urine samples until testing is completed and results are reported. Samples that test positive will be stored by the laboratory for a minimum of one year.
- (9) An individual who tests positive may request a second analysis of the original sample. That test will be conducted at the same laboratory used by the county at the individual's expense. The individual can also request a separate retest at another SAMSHA-certified laboratory. In such instances, the laboratory used by the county will send a portion of the original sample to a laboratory designated by the individual. The cost of the retest shall be paid for by the individual.
- (10) All individuals required to submit to a test under this policy will receive written notification of drug test results.

(g) *Rehabilitation.*

(1) *Eligibility.*

- a. All regular employees of the county shall be eligible to participate in a rehabilitation program.
- b. A list of organizations that provide alcohol and drug counseling, rehabilitation, or assistance is available in the personnel department.

(2) *Employee self-referral.*

- a. Any employee who feels that he/she has developed an addiction to, dependence upon, or problem with alcohol or drugs, legal or illegal, is encouraged to seek assistance and rehabilitation. Employees may contact the personnel manager for additional information or assistance regarding self-referrals.
- b. The local Alcohol and Drug Abuse Commission may offer rehabilitation and counseling services on a confidential basis to county employees at no charge. They do not contact the county if the employee makes the initial contact and requests confidentiality.

(3) *Employer referral.*

- a. Employees who are determined through testing procedures or medical evaluation to have developed an addiction to, dependence upon, or problem with alcohol or drugs may, at the sole discretion of the county, be offered an opportunity to participate in a rehabilitation program as an alternative to disciplinary action. If medical rehabilitation is approved and medical evaluation indicates that an employee cannot be relied upon to work his/her job safely, the employee will be required to take a leave of absence. In the alternative, the employee may be allowed to temporarily transfer to an available position which he/she is qualified to perform and can perform safely. The employee may return to his/her regular position when evidence of satisfactory rehabilitation is provided. In the event the

employee's regular position has been filled, the employee will be reinstated to an available position for which he/she is qualified.

- b. Employees who refuse the offer of rehabilitation or who fail to provide the county with evidence of satisfactory rehabilitation will be subject to disciplinary action up to and including discharge.

(4) *General.*

- a. Contact with organizations offering alcohol and drug treatment programs will be made by the personnel manager and/or county physician.
- b. Rehabilitation is the responsibility of the employee. Any employee seeking rehabilitation for alcohol or drug addiction will be entitled to benefits outlined in the group medical insurance plan, if applicable. Compensation during this period of rehabilitation will be the same as it would for any other illness.
- c. Upon successful completion of the rehabilitation program, the employee will be eligible to return to active status in accordance with the policy established for employees returning from a medical leave of absence. The employee will be required to participate in any post-treatment counseling programs as recommended by the treatment center. In addition, the employee must agree to a program of follow-up testing for a one-year period after completion of the rehabilitation program. Follow-up testing will consist of up to 12 unannounced drug screen tests during the one-year period.

- (h) *Confidentiality.* Employee requests for rehabilitation will be treated as confidential and only persons with a "need to know" (e.g., county administrator, personnel manager, department supervisor) will be made aware of such requests.

**3600. Computers, communication facilities and social networking.**

- (a) *Computers and communications facilities.* Bamberg County's computer and communications systems have been installed to facilitate business communications. **For purposes of FOIA, ALL email shall be sent on behalf of the County only through a County provided email account.** Although some employees have an individual password to access these systems, the systems belong to the county and the contents of documents, faxes, e-mails, voice-mails, etc. are accessible at all times by the county. Because the county provides these systems to assist employees in the performance of their jobs, they should be used for county business; any non-business use should be kept to an absolute minimum.
- (b) Employees have no expectation of privacy in the county's computer and communications facilities, in documents or communications created, stored, received, or sent using such facilities, or in websites visited using such facilities. All documents, communications, and information that can be accessed on these systems are subject to review, monitoring, and recording at any time without notice or permission. Information that is deleted may be retained by these systems and monitored, intercepted, and accessed. The contents of documents or communications may be disclosed without the employee's permission.
- (c) Employees should not use the county's computer or communications facilities in any manner inconsistent with the county's policies, procedures, or in any manner that violates the law. Under no circumstances should the Internet be used to access, browse, or download material from

inappropriate sites, such as sites with sexual or racist content. The use of county's Internet access, copiers, or e-mail, voice-mail, or fax systems to transmit or copy material containing profanity, sexually explicit materials, offensive or derogatory material of a sexual nature, or content of a racist or other discriminatory nature is prohibited. Employees must immediately report any offensive material seen on any computer at work to their supervisor, department head or division head. Failure to abide by this policy may result in discipline, up to and including termination without prior notice or discipline.

- (d) The following is the county's social media and social networking policy. This policy is in addition to, and does not replace, the computers and communications facilities policy set forth [in] the preceding subsection. The access of any social networking or social media site, including but not limited to personal blogs, MySpace, Facebook, Twitter, and any other similar sites, pages or activities, on county computers or other electronic devices owned by the county or during county working time is strictly prohibited, unless the promotion of the county through the use of social media and social networking sites is part of the employee's job duties. The absence of, or lack of explicit reference to, a specific site does not limit the extent of the application of this policy.
- (e) With regard to any electronic social networking activities by employees, whether during or outside of county time, and whether on a county computer or on an employee's personal computer, the following policies apply:
- (1) All county policies contained in this policy apply to any electronic social networking activities, including but not limited to anti-harassment, anti-discrimination policies, and ethics policies.
  - (2) Personal blogs, social media or social networking postings should not represent, infer or reflect that any views expressed by the author in the blog or posting reflect the views of the county; employees must make clear that they are speaking for themselves and not on behalf of the county, unless they are authorized to do so.
  - (3) Employees are prohibited from publishing, revealing or otherwise disclosing any confidential, proprietary or trade secret information to which they may be privy.

If no policy or guideline exists regarding a specific on-line activity, employees should use their professional judgment and take the most prudent action possible. Employees should consult with their supervisor, department head or division head if they are uncertain whether an activity is permissible. Failure to abide by this policy may result in discipline, up to and including termination without prior notice or discipline.

### **3700. Tobacco Free Workplaces and Spaces**

The County is aware of the evidence that tobacco use and exposure to secondhand smoke (environmental tobacco smoke) are hazardous to the health of human being. Therefore, the County declares that its building should be 100% tobacco-free environments.

As such, the goal of this policy is to provide a 100% tobacco-free and smoke-free environment for all its staff and visitors within County facilities and vehicles, and for all County facilities and vehicles in general by doing the following.

- Displaying signs designating County indoor facilities as "Tobacco Free/Smoke Free" Zones;

- Displaying signs to designate smoking/tobacco use areas no closer than 25 feet from the entrance or exit of a County facility;

#### *Procedures*

- Prohibit the use of all tobacco products or paraphernalia including, but not limited to, cigarettes (including E-Cigarettes), cigars, pipes, smokeless tobacco and snuff in designated Tobacco-Free areas

#### *Enforcement*

The County will enforce this policy by determining appropriate disciplinary actions for violators, up to and including the permanent removal and ban on an individual from returning to a County Facility. For employees, such actions may include:

- verbal reprimands
- written notification placed in personnel file
- suspension
- termination

#### For visitors/non-employee citizens:

- verbal requests to leave County property
- forfeiture of any fee charged for admission to a County Facility
- criminal prosecution for disorderly conduct and/or trespassing

