

**MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

The Limestone County Commission met in a regular meeting today, at 10:00 a.m. at the Clinton Street Courthouse Annex, 100 South Clinton Street, Athens, Alabama.

Chairman Yarbrough presented Patricia Andrews with a retirement certificate.

Present: Stanley Hill, Steve Turner, Jason Black, and Ben Harrison. Absent: None. Mark Yarbrough, Chairman presided.

The meeting began with the Pledge of Allegiance.

**MOTION** was made by Stanley Hill and seconded by Jason Black to approve the minutes of February 2 & 10, 2016.

The Chairman asked if there was any discussion. There was no discussion. The Commission Clerk called the roll. Stanley Hill, aye; Jason Black, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

Architect Robert Littleton, from Goodwyn, Mills & Cawood, briefed the Commission on the Courthouse renovation, with estimated finish date of May 2016.

**MOTION** was made by Steve Turner and seconded by Jason Black to approve the following claims

2/05/16	Check # 36646 – 36734	\$ 733,394.89
2/05/16	Check # 36735 – 37061	\$ 81,750.00
2/12/16	Check # 37062 – 37127	\$ 678,244.67
	TOTAL	\$1,493,389.56

with detailed claims of the above being on file for review upon request to the County Administrator.

The Chairman asked if there was any discussion. There was no discussion. The Commission Clerk called the roll. Steve Turner, aye; Jason Black, aye; Stanley Hill, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Steve Turner and seconded by Ben Harrison to suspend the Rules of Order to add the following two agreements to the agenda.

The Commission Clerk called the roll. Steve Turner, aye; Ben Harrison, aye; Stanley Hill, aye; and Jason Black, aye. Motion carries unanimously.

**MOTION** was made by Steve Turner and seconded by Jason Black to authorize the Chairman to execute the revised agreement with the Alabama Department of Transportation to resurface East Limestone Road from Highway 72 to Copeland Road; STPAA-STPOA-4214(258) LCP 42-163-14. This agreement supersedes the agreement approved on December 1, 2015.

**MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

FA Funds (2014)	\$ 127,629.87
FA Funds (2015)	520,274.67
County Funds	<u>161,976.14</u>
Total	\$ 809,880.68

The Chairman asked if there was any discussion. There was no discussion. The Commission Clerk called the roll. Steve Turner, aye; Jason Black, aye; Stanley Hill, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Jason Black and seconded by Steve Turner to authorize the Chairman to execute the following agreement for Construction Engineering and Inspection with Morell Engineering for Shaw Rd for 15% of cost of construction.  
(Agreement attached in minute book)

The Chairman asked if there was any discussion. There was no discussion. The Commission Clerk called the roll. Jason Black, aye; Steve Turner, aye; Stanley Hill, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Ben Harrison and seconded by Steve Turner to award the following bid proposal to the lowest responsible bidder meeting specifications as follows:

Proposal No.	Item	Awarded To	Amount
2559	Satellite Antenna System replacement for Mobile Command Center (Emergency Management)	Precision Communications, Inc.	\$ 29,800.00

The Chairman asked if there was any discussion. There was no discussion. The Commission Clerk called the roll. Ben Harrison, aye; Steve Turner, aye; Stanley Hill, aye; and Jason Black, aye. Motion carries unanimously.

**MOTION** was made by Jason Black and seconded by Steve Turner to award the following bid proposal to the lowest responsible bidder meeting specifications as follows:

Proposal No.	Item	Awarded To	Amount
2560	Printing – Pistol Permits (Sheriff's Office)	Printers & Stationers, Inc.	\$ 479.00

The Chairman asked if there was any discussion. There was no discussion. The Commission Clerk called the roll. Jason Black, aye; Steve Turner, aye; Stanley Hill, aye; and Ben Harrison, aye. Motion carries unanimously.

**MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

**MOTION** was made by Ben Harrison and seconded by Jason Black to award the following bid proposal to the lowest responsible bidder meeting specifications as follows:

<b>Proposal No.</b>	<b>Item</b>	<b>Awarded To</b>	<b>Amount</b>
2561	Office Supplies	Staples Advantage: <ul style="list-style-type: none"> <li>• General Office Supplies 70%</li> <li>• Machines &amp; Machine-Related 51%</li> <li>• Ribbons, Toners, Cartridges &amp; developers 33%</li> <li>• Paper Supply 25%</li> <li>• Office Furniture 35%</li> <li>• Computer, Computer Supplies, etc. 18%</li> </ul>	Off catalog

The Chairman asked if there was any discussion. There was no discussion. The Commission Clerk called the roll. Ben Harrison, aye; Jason Black, aye; Stanley Hill, aye; and Steve Turner, aye. Motion carries unanimously.

**MOTION** was made by Jason Black and seconded by Stanley Hill to award the following bid proposal to the lowest responsible bidder meeting specifications as follows:

<b>Proposal No.</b>	<b>Item</b>	<b>Awarded To</b>	<b>Amount</b>
2562	Shaw Road culvert replacement	Miller & Miller, Inc.	\$263,868.00

The Chairman asked if there was any discussion. Commissioner Black said he's very happy this project will start and be completed soon. They opened a detour yesterday through Paradise Shores and Douglas Drive. TVA employees will be happy to have Shaw Road opened again because it is a main artery in and out of the Browns Ferry Nuclear Plant. Chairman Yarbrough thanked County Engineers Bryant Moss and Marc Massey for securing 100% funding for this project. The Commission Clerk called the roll. Jason Black, aye; Stanley Hill, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Steve Turner and seconded by Jason Black to transfer Marcia Pratt to License Clerk in the License Commissioner's Office.

The Chairman asked if there was any discussion. There was no discussion. The Commission Clerk called the roll. Steve Turner, aye; Jason Black, aye; Stanley Hill, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Ben Harrison and seconded by Steve Turner to employ Benjamin Barton Pepper as Equipment Operator II for the Paving Crew in the Engineering Department, pending drug screening.

## MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016

The Chairman asked if there was any discussion. There was no discussion. The Commission Clerk called the roll. Ben Harrison, aye; Steve Turner, aye; Stanley Hill, aye; and Jason Black, aye. Motion carries unanimously.

**MOTION** was made by Steve Turner and seconded by Jason Black to approve the revised Limestone County Personnel Policies & Procedures.

### LIMESTONE COUNTY, ALABAMA PERSONNEL POLICIES AND PROCEDURES

#### I. GENERAL PROVISIONS

A. It is the intent and purpose of these policies and procedures to establish guidelines for administrative actions which will facilitate recruitment, selection and retention of qualified employees, enhance effective and efficient performance in providing needed services to the people of Limestone County, and at the same time enable county employees to derive satisfaction from their work. To this end, the following general policies are established:

1. The Limestone County Commission is the approving authority for all County personnel policies, procedures and actions. Individual department heads, however, may issue for their departments, rules and regulations that are consistent with these policies and procedures. Any department rules and regulations must be in writing and must be forwarded to the Human Resource Coordinator to insure they are consistent with the County personnel policies and procedures.
2. There are hereby established the following classes of employees in Limestone County:
  - a. EXEMPTED: Elected county officials to whom established personnel policies and procedures shall in no way apply, except as they govern their actions with county employees.
  - b. CLASSIFIED: Employees who have successfully completed the six (6) month probationary period in a classified position and who have been designated classified employees by the County Commission.
  - c. PROBATIONARY: Employees who are hired for classified positions and who have not completed the probationary period or have not been designated as classified employees by the County Commission.
  - d. PART-TIME: Employees who are hired for positions that are designated by the County Commission as part-time. Part-time

## MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016

employees are those who work less than the normal work week on a permanent or temporary basis.

- e. TEMPORARY: Employees who are hired for a limited period of time (usually not more than six (6) months) or for the duration of a project or activity. Temporary employees may work either a full or less than a full work week. Temporary employment will not be counted as continuous years of service if an employee is hired as a classified employee.
- B. Every employee within the County shall be designated by the County Commission in accordance with one of the above classes.
- C. Employment with the County is "at will" and no employee has any guarantee of employment for a specific period of time unless there is a written employment agreement between the employee and the County, and signed by the employee and an authorized representative of the Limestone County Commission, which specifically establishes the period of employment, the terms of employment, and a meeting of the minds with regard to other essential terms of the agreement. As such, in the absence of a written employment agreement as described above, either the employee or the County may terminate the employment relationship at any time, for any reason that is not unlawful, with or without advance notice, subject to employee's rights of due process and hearing, as described in Sections XIV and XV below.

## II. POLICY

- A. Limestone County affords equal employment opportunity to all applicants for employment and employs people on the basis of their demonstrated ability, job-related experience, training and performance potential without regard to age, sex, national origin, religion, race, color, political affiliation, genetic information, or disability, except where consideration of age, sex, or disability constitute a bona fide occupational qualification.
- B. No individual shall be employed by Limestone County, if this individual would be subject to administrative or supervisory control by a member of the individual's immediate family. Immediate family shall be interpreted to include spouse, parent, parent-in-law, grandparent, children, brother, sister, brother-in-law, sister-in-law. Individuals employed before adoption of these and procedures are exempted from this provision.
- C. A probationary period is hereby established for all county employees who are hired for classified positions.
- D. Appointment to the classified service shall be based upon:
  - 1) satisfactory performance of work during the probationary period,

## **MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

- 2) personal conduct compatible with trust inherent in public service, and,
- 3) availability of funds.

- E. The County will fill vacant positions by considering applications from all sources, including outside applications, based on qualifications.
- F. These policies and procedures apply to all County employees.

### **III. STATUS OF PRESENT PERSONNEL**

- A. All persons employed by Limestone County at the time of adoption of these policies, who have a minimum of six (6) months successful uninterrupted service in a classified position with the County and meet minimum requirements for their position, are considered to have satisfactorily completed the probationary service and are designated classified employees.
- B. Employees who have less than six (6) months classified employment must complete the additional service needed to have six (6) months of continuous employment before they become eligible for designation as classified employees.

### **IV. ADMINISTRATION**

These policies and procedures shall be administered by all elected officials, department heads, supervisors and other appropriate administrative personnel; and, shall be subject to regular and periodic review by the Limestone County Commission. The Human Resource Coordinator is responsible for monitoring and recommending needed changes to the County Administrator.

### **V. PERSONNEL REQUISITION PROCEDURE**

- A. Request for Personnel: Unless arrangements have been made internally to move a current employee to a position that is being advertised, when a department head determines the need to either establish and fill a new position (not approved in the current year operating budget), or fill an existing position (approved in the current year operating budget), he/she will comply with the following procedures:
  - 1. All personnel requests will be submitted to the Human Resource Office as soon as needs are anticipated.
    - a. To establish and fill a new position (not approved in the current year operating budget):

## MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016

Step 1. A personnel request letter will be completed, signed by the department head, and forwarded to the Human Resource Coordinator, supporting the need for the new position.

Step 2. The Human Resource Coordinator, in cooperation with the requesting department head, will prepare a job description for the new position. Proper job grade for the position will be established from the County's established job evaluation criteria.

Step 3. The personnel request and justification letter, along with the recommended job description and grade, will be submitted to the County Commission for approval and funding.

Step 4. For positions above the entry level of employment, the County will fill vacant positions by considering applications from all sources, including outside applications, based on qualifications.

b. To fill a vacancy in an existing position (approved in the current year operating budget).

Step 1. A letter, signed by the department head, will be sent to the Human Resource Coordinator.

Step 2. For positions above entry level of employment, the County will fill vacant positions by considering applications from all sources, including outside applications, based on qualifications.

2. Neither an employment commitment nor a salary offer shall be made by any person in the County unless the County Commission has included funding for the position in the County's current year operating budget.
3. The requisition procedures set forth above shall apply to request for personnel to fill classified positions and shall exclude the requests for temporary personnel.

### B. Request for Temporary Personnel:

1. When a department head determines the need for temporary employee(s), approved in the current year's operating budget, he/she will comply with the following procedures:

Step 1. The department head shall notify the Human Resource Coordinator, in writing, of the need of a temporary employee.

Step 2. Upon receiving notification of the need for a temporary employee from a department head, the Human Resource Coordinator may contact

## **MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

an employment agency capable of providing such temporary personnel, and specifying the job description and beginning and ending date of employment; or, the Human Resource Coordinator may contact the Limestone County Sheriff's Department for the employment of eligible and qualifying work-release inmates as such temporary personnel.

2. When a department head determines a need for temporary employee(s) that has not been approved for funding in the current year operating budget, the department head shall request, in writing, that additional funds be approved by the County Commission for such temporary personnel; and, such request shall be accompanied, in writing, with the reason(s) for the need of such temporary employee(s). After the County Commission approves such additional funds, Step 1 and Step 2 of Section V. (B)(1) shall be followed.
3. The initial hourly rate of pay for temporary personnel shall not exceed the first step on the pay scale for entry level employees in the classification for which the temporary employee is hired and shall only be increased thereafter upon approval of the County Commission, except for the hourly rate paid work-release inmates, which rate shall be paid as established by state law.

### **VI. RECRUITMENT**

- A. The Human Resource Coordinator is responsible for recruiting individuals to fill vacancies in classified County positions.
- B. The employing of persons who hold membership in any political party or organization whose objective is the violent overthrow of the government of the United States of America is prohibited.
- C. Vacancies will be announced on a community-wide basis. These vacancies will be advertised by the Human Resource Coordinator in appropriate newspaper media. Vacancy notices will be filed with the State Employment Office and posted on bulletin boards in prominent County buildings and other locations. All advertisements will state essential information to the prospective applicant. This information will include the job title, a brief description of the job, minimum qualifications, salary, method of making application, deadline date for application, employment office address and the statement "Limestone County is an equal Opportunity Employer."
- D. All applications for employment from applicants outside the County service should be submitted to either the Alabama Career Center or the Limestone County Commission office, depending on the convenience of the applicant. . A minimum of five but no more than 8 (eight) applicants who meet the necessary qualifications will be referred to the Human Resource Coordinator for scheduling

## **MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

interviews. Applications from County employees will be submitted directly to the Human Resource Coordinator.

- E. The Human Resource Coordinator will review all applications received to ensure that the applicant meets the minimum qualifications needed for the position. After the closing date of the vacancy notice, the Human Resource Coordinator will refer all qualified applicants to the department head for final selection.
- F. In selecting applications for consideration, Limestone County will not discriminate on the basis of race, age, sex, color, disability, religion, national origin, or genetic information. The recruitment of personnel set forth in this section shall apply to the recruitment of individuals to fill classified County positions and shall exclude the requisition and hiring of temporary personnel.

### **VII. INTERVIEWS AND SELECTION**

- A. Interviews of applicants for employment with the County shall be scheduled at times mutually satisfactory to the department head and the applicant, if possible.
- B. The department head or other department representative will conduct interviews to determine the applicant's suitability for the position. If possible, the applicant may be given an opportunity to observe the department's activities and people at work.
- C. The Human Resource Coordinator shall make the necessary inquiries of former employers and selected personal references only for those applicants tentatively designated as acceptable. If agreeable to the applicant, inquiries may be made to his/her present employer. Responses to reference checks will be treated as privileged information available only to those individuals considering the applicant for employment.
- D. Once a conditional offer of employment has been extended by the Commission to employees in safety sensitive positions, certain medical inquiries may be made to determine that the employee is able to perform the essential functions of the job.
- E. All salary offers will be established in accordance with the County's classification and pay plans.

### **VIII. EMPLOYMENT OFFERS**

- A. After interviewing all qualified candidates, the department head will notify the Human Resource Coordinator, in writing, of the applicant chosen, requesting approval of the County Commission. The department head will return all employment applications and information to the Human Resource Office for file.

## MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016

- B. An applicant may not be employed without official action by the County Commission.
- C. In filling safety sensitive and information sensitive positions, the Human Resource Coordinator will schedule, at the County's expense, a drug screening with the appropriate agency to insure that the individual does not test positive for illegal or illegally used drugs... After receipt of a satisfactory drug screening, the Human Resource Coordinator will conduct the employee processing and notify the department head of the applicant's reporting date. Any person in a safety sensitive position who becomes re-employed by Limestone County within one year of their original drug screening will not be subject to a second screening before returning to the employment of Limestone County.
- D. The Human Resource Coordinator will prepare the necessary payroll forms to be completed within three (3) days of the date of employment. When the Human Resource Coordinator receives notice of a positive drug screening for a prospective employee, that person will not be considered for employment with Limestone County Commission until one year from the date of the positive drug screening.
- E. The Human Resource Coordinator shall ensure that the grade and salary comply with the County's staffing and pay plans.
- F. For Law Enforcement Officers, the following criteria must be met before employment:
  - 1. The applicant must be 19 years of age;
  - 2. The applicant shall be a graduate of a high school with or approved by the State Department of Education or have a certificate of high school equivalency issued by general educational development;
  - 3. The applicant must be certified by the Police Academy for the performance of the duties of a law enforcement officer. The applicant must apply for enrollment in the Police Academy within 10 days of receipt of a conditional offer of employment from the County and must complete the Academy training and certification within 6 months of his or her receipt of a conditional offer of employment from the County.
  - 4. The applicant must be a person of good moral character and reputation. The Commission shall give consideration to applicants who have been convicted of misdemeanors. No person who has been convicted of a felony shall be certified, employed, appointed or approved by the Commission as a law enforcement officer.

## MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016

### IX. PROBATIONARY PERIOD

- A. Every new employee hired for a classified position shall serve a probationary period of six (6) months. The Limestone County Sheriff may extend this period up to three (3) months for a total of nine (9) months, if necessary for the employee to complete required state requirements (Title 36-21-46) for law enforcement officers. At the request of a supervisor and approval of the County Commission, the probationary period may be extended for a period of three (3) months, for non law enforcement employees. The probationary period is an integral part of the training and evaluation process for a new employee and shall be utilized for close observance of the individual's work, for obtaining the most effective adjustment of a new employee in his/her position, and for separating any new employee whose performance does not meet required performance standards.
- B. The Human Resource Coordinator will send a form to the supervisor of a probationary employee two (2) weeks prior to the end of the employee's probationary period requesting action to either terminate the employee or to change the employee's status to classified.
- C. During the probationary period and until designation as a classified employee, the department head may terminate the employment of a probationary employee without cause. The department head shall notify the County Commission when a probationary employee is terminated. A written notice will be furnished to the terminated individual and the Human Resource Coordinator for inclusion in the individual's personnel file.
- D. During the probationary period, the employee will accrue sick and annual leave which will be available only if subsequently granted regular employment status, but will not be eligible to take accrued or paid leave until the six months' probationary period is complete. Upon satisfactory completion of the probationary period, the employee will gain regular employment status and be eligible for all the benefits and privileges given to full-time employees.
- E. Lengthy absences during the probationary period are discouraged and shall be granted only in justifiable situations. Excused absences in excess of two weeks will extend the probationary period to an amount equal to the absence.

### X. DISCIPLINARY ACTION

The following are among, but not exclusively, the actions for which an employee may be subject to immediate dismissal, demotion or suspension, or other disciplinary action:

- Absence without approved leave.
- Conduct unbecoming an employee in the public service.
- Conviction of a felony criminal offense or a misdemeanor involving moral turpitude.

## **MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

- Disorderly or immoral conduct.
- Failure to pay or make proper provision for the liquidation of just debts.
- Incompetence or inefficiency.
- Insubordination.
- Intoxication while on duty.
- Neglect of duty.
- Negligence or willful damage to public property or waste of supplies or material.
- Refusal to undergo a drug test or failure to pass a drug test.
- Violation of any County policy.
- Violation of any lawful or reasonable regulation or order.
- For any reason deemed in the best interest of public service.

### **XI. DISCIPLINARY STEPS TAKEN**

An employee subject to disciplinary action, may be counseled, given an oral or written reprimand, suspended, demoted, or dismissed, as shall be deemed appropriate under the circumstances.

### **XII. DISMISSAL AND DEMOTION**

Notice of dismissal or demotion shall be in writing and will state:

- The reason for the action.
- The date dismissal or demotion is to become effective.
- Any other appropriate information.

Notice will be given to the employee no later than the effective date of the action, except that written notice shall not be required where an employee is dismissed promptly after employee's commission of an act that justifies immediate termination of employment, or is terminated promptly following the County's learning that employee committed such act.

### **XIII. SUSPENSION**

An employee may be suspended, with or without pay, for an act subject to disciplinary action. Notice of any suspension exceeding five (5) working days shall be given in writing in the same manner as notice of dismissal and demotion.

### **XIV. DUE PROCESS**

An employee shall have the right to appeal disciplinary actions of dismissal, demotion or suspension. Notice of appeal must be given to the Chairman of the Limestone County Commission, in writing, within ten (10) working days of the disciplinary action

## **MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

complained of. The Chairman of the Limestone County Commission will refer the written appeal to be handled through the departmental chain of command unless the Commission Chairman shall determine that same should be directed to the Limestone County Commission. Each managerial level shall review the action complained of by the employee, and may sustain, revise, modify or overrule the disciplinary action taken. The employee will be notified within ten (10) working days of the action taken. After the last managerial level has responded, an employee may further appeal to the Limestone County Commission, within five (5) days of notification of the decision.

### **XV. HEARINGS**

Hearing of the appeal to the Limestone County Commission shall be ordered within fifteen (15) days after receipt of notice of appeal. Such hearing shall be held by the Limestone County Commission within a reasonable time after hearing is ordered to determine whether or not the disciplinary action taken shall be sustained, modified or overruled. The Limestone County Commission shall render its decision within ten (10) working days after the conclusion of the hearing. A copy of the decision shall be delivered or mailed to the employee involved.

### **XVI. GRIEVANCES**

An employee may register a grievance in any case of misapplication of the provisions of the personnel policies and procedures. In the presentation of grievances, employees are assured of freedom from interference, discrimination or reprisal. Procedures for filing and treating employee grievances are as follows:

- An employee having a grievance must file such in writing to his immediate supervisor within five (5) working days of the occurrence of the incident complained of. The grievance shall state the nature of the complaint, the names of the persons involved in the incident and the relief expected.
- The immediate supervisor shall reply, in writing, within ten (10) working days stating the action taken regarding the complaint. If the employee is not satisfied with the reply of the immediate supervisor, the employee may request, in writing, that his/her grievance be reviewed by the Chairman of the Limestone County Commission.
- The Chairman of the Limestone County Commission may review the grievance, and take action deemed appropriate, or may decline to review the grievance. If no action is taken by the Chairman of the Limestone County Commission within ten (10) working days of the employee's request, it shall be deemed that action is refused, and the employee shall be entitled to request, in writing, review by the Limestone County Commission. In such case, a hearing shall be ordered and held in the same manner as an appeal of a disciplinary action. In the event the

## **MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

Chairman of the Limestone County Commission shall have taken action upon the grievance, and the employee remains dissatisfied, the same right to review and hearing by the Limestone County Commission shall apply.

### **XVII. TRANSFERS**

- A. Any employee in the classified service may transfer, provided the following criteria is met:
  - 1. With the consent of the employee and the department head of employee and the consent of the department head to whom the employee would be transferred;
  - 2. No transfer can result in a pay increase for the transferred employee. If the present salary of an employee exceeds the maximum salary of the position to which they are being demoted, their salary will automatically be reduced to the highest salary level of the “demoted-to” position.
  - 3. An eligible employee desiring to be transferred to a different department should make his/her request known, in writing, to the Human Resource Coordinator and the department heads involved.
- B. As vacancies occur in those departments in which the employee is qualified, his/her application will be submitted by the Human Resource Coordinator to the department head for consideration. Such transfer must be acceptable to both the gaining and losing department head.
- C. The Human Resource Coordinator shall be notified of the effective date of the transfer in order that the appropriate personnel records be maintained.

### **XVIII. CAREER ADVANCEMENT**

- A. Promotions: A promotion is defined as the permanent assignment of an employee to a more responsible position with a higher grade than his/her current grade and an accompanying increase in salary.
- B. Vacancies in classified positions above the entry level will be filled, if possible, by the promotion of qualified classified or temporary employees who meet the qualifications.
- C. To be considered for a higher level position the employee must submit an application to the Human Resource Coordinator in accordance with the published job vacancy notice. Promotions will be based on merit, job performance, ability and experience. The Human Resource Coordinator will ensure in each instance of promotion that the employee meets the criteria for the promotion.

## **MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

- D. All promotions shall involve an increase in salary. The amount of salary increase will be determined in accordance with the County pay plan. The promoted employee will be placed on the next step above his/her present rate of pay in the new pay grade.
- E. Promotion Procedures:
1. Vacancies will be announced on a community-wide basis. These vacancies will be advertised by the Human Resource Coordinator in appropriate newspaper media. Vacancy notices will be filed with the State Employment Office and posted on bulletin boards in prominent County buildings and other locations. Such vacancies shall be open to any qualified applicant.
  2. After the closing date for receipt of applications, the Human Resource Coordinator shall schedule interviews and forward all applications and/or resumes to the department head for interviews and final selection. After the department head makes the selection, he/she will submit a letter to the Human Resource Coordinator who will ensure that all necessary records are updated. The letter will be forwarded to the Commission for approval.
- F. Temporary Assignment:
1. Temporary employment is a special assignment of an employee on a full-time basis for a period not to exceed three (3) months for such purposes as training, completing special projects or filling temporary vacancies.
  2. No grade or pay range adjustments shall be made for temporary assignments. The employee's pay range will be based on his/her regular position.

### **XIX. DEMOTIONS**

- A. An employee may be demoted to a position of lower grade for which he/she is qualified for any of the following reasons:
1. His/her position is being abolished due to lack of work, lack of funds, reorganization or reduction in force and he/she would otherwise be laid off.
  2. The employee's performance has not demonstrated the necessary qualifications to render satisfactory service in the position he/she holds.
  3. The employee voluntarily requests such demotion.

## **MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

- B. A demotion requires the request of the department head and the approval of the County Commission. Written notification stating the reason(s) and the effective date of the demotion will be provided to the employee at least two (2) calendar weeks prior to the effective date of the demotion. The notification will be signed by the department head and the Chairman of the County Commission. A copy of this notification will be provided to the Human Resource Coordinator for inclusion in the employee's personnel file.
- C. In cases involving involuntary demotion the "Due Process" will be followed as outlined in XIV, "DUE PROCESS" on page 12.

### **XX. SEPARATIONS**

#### **A. General Provisions:**

- 1. All separations of employees from positions in the classified service shall be designated as one of the following types: resignation, reduction in force, disability, death, retirement, dismissal for cause, dismissal without cause, or job abandonment.
- 2. At the time of the separation, or prior to payment of any final compensation, all records, assets, and other items of County property in the employee's custody shall be returned to county control. Any payment due to the County because of shortage in the above shall be withheld from the employee's final compensation.

#### **B. Types of Separation:**

- 1. Resignation:
  - a. An employee may resign by submitting his/her department head, in writing, the reason(s) and the effective date of his/her resignation. Notification should be given as far in advance as possible, but at least two (2) calendar weeks prior to the effective date of the resignation. Failure to comply with this requirement may be cause for denying the individual future employment with the County.
  - b. Unauthorized and unjustifiable absence from work for a period of five (5) consecutive working days may be considered a resignation and/or job abandonment.
  - c. Department heads shall forward all notices of resignation to the Human Resource Coordinator immediately upon receipt.
  - d. A resignation is a voluntary separation.

## MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016

- e. If an employee is re-employed at the same classified position within 90 days of his/her resignation, he/she shall be reinstated at the rate of pay they received at the time of the resignation.
2. Reduction in Force (RIF):
- a. When it becomes necessary to lay off employees who are paid from county funds, the County Commission shall, in coordination with the department heads, determine and issue guidance on the scope and nature of the RIF.
  - b. Department heads shall be responsible for implementing the RIF within their departments, pending approval of the Limestone County Commission.
  - c. Criteria to be used by department heads in RIF decisions shall include: length of service, performance of the employee, and critical nature of each position.
  - d. When a classified employee is scheduled to be laid off, the employee shall be offered a demotion to a lower grade, if he/she is qualified and a suitable vacancy exists.
  - e. Classified employees shall be notified, in writing, by the Limestone County Commission of their lay-off at least fifteen calendar days prior to the effective date of the lay-off. A copy of the notification will be furnished to the Human Resource Coordinator.
  - f. Other employees are not entitled to a specific period of notice but will be given as much notice as possible. This notice shall be in writing by the Limestone County Commission.
  - g. Part-time, temporary and probationary employees doing similar work as classified employees will be laid off prior to the lay-off of classified employees. The normal order of lay-off will be in the reverse order of hire date.
  - h. A RIF is an involuntary separation.
  - i. The duties that were performed by a laid-off employee may be reassigned to other employees.
3. Disability:

## MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016

- a. An employee may be separated from his or employment with the County when the employee is unable to perform, with or without reasonable accommodation, the essential functions of his or her position with the County.
  - b. Separation action may be initiated by either the employee or the County. In all cases it must be supported by medical evidence. The County may require an examination by a licensed physician of its choice.
  - c. Separation action will be taken only after the employee's accrued leave with pay have been expended.
  - d. An employee eligible for retirement will be entitled to retire and draw his/her retirement in accordance with the policies and procedures and the County's retirement plan. (Guidelines concerning retirement are set forth by the State of Alabama).
  - e. A disability separation may be either a voluntary or an involuntary separation depending on whether the County or the employee initiates the action. A classified employee will have the right of "DUE PROCESS" when an involuntary disability separation occurs.
4. Death:
- a. Separation is effective as of the date of death.
  - b. All compensation due as of that date shall be paid to the estate of the employee, except for such sums that must be paid by law to the beneficiary. Any indebtedness to the County may also be withheld, after approval by the County Commission.
5. Retirement:
- a. Whenever an employee meets the conditions for retirement as set forth in the regulations and procedures established by the Employee's Retirement System of Alabama and Limestone County, he/she may elect to retire and receive all benefits earned under the state/county retirement plan.
  - b. The notice of retirement must be forwarded to the Human Resource Coordinator no later than 30 days and no more than 90 days prior to the requested retirement date.

## **MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

6. Dismissal for cause:

An employee may be dismissed for cause at any time, including, but in no way limited to, by a disciplinary action under the provisions of Sections X, XI, and XII herein.

7. Job Abandonment:

Unauthorized and unjustifiable absence from work for a period of five (5) consecutive working days may be considered a resignation and/or job abandonment.

8. Dismissal Without Cause:

Because employment with the Limestone County Commission is "at will", employment may be terminated with or without cause, reason, or notice.

- C. Notwithstanding anything set forth in this section, or anything found elsewhere in these policies, or in any other documents issued by the Limestone County Commission, employment with the Commission is "at will," which means that employment with the Commission may be terminated by the Employee or the Commission, at any time, for any reason not otherwise prohibited by law, with or without cause, and with or without advance notice.

### **XXI. OFFICIAL HOLIDAYS**

- A. Limestone County recognizes the same holidays as the State of Alabama. The Commission may also declare additional holidays at its discretion.

- B. Holidays are normally as follows:

1. New Year's Day
2. Lee's Birthday/Martin Luther King Jr.
3. George Washington/Thomas Jefferson's Birthday
4. Mardi Gras (Personal Day-January 1 – December 31)
5. Good Friday
6. Confederate Memorial Day
7. National Memorial Day
8. Jefferson Davis' Birthday
9. Independence Day
10. Labor Day
11. Columbus Day
12. Veterans' Day
13. Thanksgiving Day
14. Christmas Day

## MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016

### C. General Provisions:

1. Holiday pay will be paid at the normal hourly rate of pay.
2. An employee who is required to work an official holiday shall be paid for the hours actually worked and for holiday pay not to exceed 8 hours in a given day. Therefore, no holiday hours will be accumulated. Holiday hours will not be considered for purposes of calculating overtime. It is expected that eligible county personnel will be present at work or on sick, annual, personal or comp time leave with pay, the work days scheduled immediately preceding and following a holiday. If an employee is absent, without pay, for either of these days, the holiday will not be paid.

## XXII. ATTENDANCE AND LEAVE

### A. Attendance Records:

1. The head of each department shall be responsible for ensuring that department employees work the approved scheduled work hours. It is the responsibility of each employee to complete his/her time card before submission to the department head for approval. Time cards for the pay period will be submitted to the Human Resource Coordinator by 1:00 P.M. on Monday before checks are issued on Friday.
2. Time cards shall be filed for each employee in the Commission office and are available to the employee for inspection upon request. The time cards reflect all regular and overtime hours as well as leave time for each employee.
3. Each County employee will be given a fifteen minute break on both the first and second half of each working day.

### B. Limestone County recognizes the following types of leave for eligible employees:

1. Annual
2. Sick
3. Administrative
  - a. Compensatory
  - b. Civil/Legal
  - c. Bereavement
  - d. Inclement Weather
4. Military
5. Leave Without Pay
6. Family Medical Leave

## MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016

### C. Annual Leave Policy:

- a. All classified and probationary employees in the County shall earn annual leave with pay in accordance with the following procedures; however, probationary employees shall not have such leave credited to his/her account as earned leave until they have been designated classified employees and will not be authorized to take annual leave until after completion of the probationary period.
- b. Eligible employees shall earn annual leave according to the following schedule:

<b>Service:</b>	<b>Earned Leave Per Year:</b>
Less than 1 year of continuous service	5 Days Per Year
1 - 10 Yrs. Continuous Service	10 Days Per Year
11 Yrs. Continuous Service	11 Days Per Year
12 Yrs. Continuous Service	12 Days Per Year
13 Yrs. Continuous Service	13 Days Per Year
14 Yrs. Continuous Service	14 Days Per Year
15 Yrs. Continuous Service	15 Days Per Year
16 Yrs. Continuous Service	16 Days Per Year
17 Yrs. Continuous Service	17 Days Per Year
18 Yrs. Continuous Service	18 Days Per Year
19 Yrs. Continuous Service	19 Days Per Year
20 Yrs. Continuous Service	20 Days Per Year

The maximum number of annual leave days that an employee may accrue is 20 days per year. Annual leave balances will begin to accrue at the beginning of each year of service. (Anniversary Date)

Limestone County employees may accumulate unused sick leave up to a maximum 240 days. If an employee is vested with the Employees' Retirement Systems of Alabama, and retires, then he/she will be paid for one-half of their sick leave balance, not to exceed 65 days. Tier 1 employees (those employees who began their employment with Limestone County prior to January 1, 2013) may convert unused sick leave to receive retirement credit from the Employees' Retirement System of Alabama.

- c. Annual leave may be accrued and carried forward. The maximum number of annual leave days that may be carried forward into the next employment year is the number of hours or days earned in the last year of employment. There is no cash payment in lieu of accumulated annual time, except upon termination. If a recognized holiday is observed during

## MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016

an employee's annual leave, that day will be charged as holiday and not against accrued annual leave.

- d. Upon separation from County service, classified employees will be paid for all unused annual leave. A probationary employee who leaves County service is not eligible for payment of annual leave.
- e. Annual leave will be approved by the department head, elected official and/or supervisor, taking into consideration the needs of his/her department. The employee will schedule his/her request for annual leave each year as far in advance as possible of the time desired. Annual leave shall be approved in advance of each absence, except in an emergency. Failure to comply with this requirement may result in the absence being treated as an unauthorized absence. An employee on annual leave who is sick during his/her leave may have the sickness period converted to sick leave if approved by his/her department head.

### D. Sick Leave Policy:

- a. Classified and probationary employees shall earn paid sick leave at the rate of one (1) day for each month of work.
- b. Limestone County employees may accumulate unused sick leave to a maximum 240 days. If an employee is vested with the Employees Retirement Systems of AL, and retires, then he/she will be paid for one-half of their sick leave balance, not to exceed 65 days or convert unused sick leave to receive retirement credit from the Employees' Retirement System of AL.
- c. Sick leave days shall not be accrued while an employee is on a non-pay status.
- d. Utilization of Sick Leave: Sick leave with pay shall be granted eligible employees for the following reasons.
  - 1. When an employee is unable to work due to personal illness or injury incurred off duty, or when the employee's presence may endanger the health of fellow workers;
  - 2. Keeping a medical appointment;
  - 3. Illness or incapacitation of a member of his/her immediate family (spouse, children, parents, grandparents, parents-in-law, brother, sister, son-in-law, daughter-in-law, grandchildren, children of you or your spouse, children over whom you have been made legal guardian).

**MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

4. In order to be granted sick leave, an employee must meet the following conditions:

i. The employee shall notify his/her immediate supervisor within one (1) hour of his/her usual reporting time, or as soon as possible thereafter, of his/her inability to report to work. Failure to do so may be cause for denial of sick leave for the period of absence. Denial of sick leave will result in the employee's being charged with annual leave or placed in some non-pay status, at the recommendation of the department head.

ii. For periods of absence in excess of three (3) consecutive days, or at the request of the department head, the employee may be required to submit a medical certificate signed by a licensed physician certifying that the employee has been unable to work for the period of absence, the nature of the employee's sickness or injury and when he/she will again be able to perform his/her duties.

- e. Any accrued annual leave, personal or compensatory time balances will be applied if the employee does not have sick leave accrued to cover the absence.
- f. An employee will not be granted advance sick leave under any circumstances.
- g. Any unjustified or fraudulent claim for sick leave will be punished by loss of pay, charged as annual leave or by dismissal.
- h. When a paid holiday occurs during the period an employee is on sick leave, the employee shall receive his/her regular holiday pay and that day shall not be charged against his/her sick leave.
- i. Sick leave is not a benefit payable on demand. An employee who leaves the Limestone County's employment and has vested ten (10) years full service credit through Limestone County with the Employees' Retirement System will receive: (1) payment for one-half of his/her accumulated sick leave not to exceed 65 days or (2) convert unused sick leave to retirement credit with the Employees' Retirement System.
- j. Employees who have less than 10 years' service and leave the County's employment will forfeit all accumulated sick leave. If he/she returns to a position and is eligible to accrue sick leave within 90 days, all forfeited sick leave shall be credited to his/her sick leave account.

## MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016

### E. Administrative Leave Policy:

Employees may be authorized leave with pay by their department head for absences which are not charged as annual or sick leave for any of the following reasons:

- a. **Compensatory Time:** Leave granted an employee to compensate for periods of work when it has been necessary for him/her to perform over a forty hour work week for which he/she has not received compensation. Compensatory time will be computed at rates in accordance with the Fair Labor Standards Act.
- b. **Civil/Legal Leave:** Leave will be granted to the employee for jury duty or for court attendance as a witness in cases involving the County Commission and not involving personal litigation. One hour leave will be granted for voting during the work day. Attendance in court by law enforcement officers, or other employees, in an official capacity shall not be considered civil/legal leave, but as regular work time. Employees who attend court for reasons other than jury duty or in an official capacity must use annual leave or compensatory leave. Any fees paid the employee may be retained by the employee in addition to his/her civil/legal leave pay.
- c. **Bereavement Leave:** Leave granted to an employee who has a death in his/her family (spouse, child, parent, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, parent-in-law, son-in-law, daughter-in-law, aunt, and uncle). Such leave may not exceed three (3) days per year.
- d. **Inclement Weather:** The Limestone County Commission Chairman may close the County offices in the best interest of the public or allow the employees working in the County offices to arrive later or leave early due to inclement weather, natural disaster and/or other emergency situations.
  1. Employees that do not work during their regularly scheduled hours due to the closing of various county offices will be compensated at their normal rate for their workday, be that 5 hours, 7.5 hours, 8 hours, 11.5 hours, etc.
  2. Employees required to work, such as emergency management employees, sheriff's office employees, and district employees, etc., will receive their normal pay, plus overtime, according to Fair Labor Standards Act, for those hours over their normal work week. Compensatory time will be awarded for their scheduled workdays.

## **MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

### **F. Military Leave Policy (not covered by the FMLA):**

A classified employee, who is an active member of the Alabama National Guard, Naval Militia or the Alabama State Guard, organized in lieu of the National Guard, or of any other reserve component of the armed forces of the United States, shall be entitled to military leave of absence from their respective duties on all days that they should be engaged in field or coast defense, or other training, or other service ordered under the provisions of the National Defense Act, or of the federal laws governing the United States Reserves, without loss of pay, time, efficiency rating, annual or sick leave, or any other county provided benefits.

\* No person granted such leave of absence with pay shall be paid for more than twenty-one (21) working days per calendar year. The Code of AL specifically states 168 hours.

\* Such persons shall be entitled, in addition to the above, to be paid for no more than twenty-one (21) working days at any time while called by the governor to duty in the active service of the state.

\* See also, Code of Alabama 1975, Title 31-2-13.

\* A classified employee, who is involuntarily called to active duty with the Armed Forces of the United States, shall be granted leave without pay. Upon his/her release from military service, he/she shall be reemployed by the County in a comparable position that is no lower in grade or pay than that in which he/she was employed at the time of his/her call up, provided he/she is capable of performing the required duties; and, he/she makes application for reemployment to the County within ninety (90) days following honorable separation from the Armed Forces of the United States ten (10) days if rejected for service; and his/her absence for military service did not exceed the original service period.

\* In the event a comparable position does not exist, reemployment will be accomplished by the lay-off of another employee provided the laid-off employee was not employed at an earlier date than the returning employee. \* Failure to apply for reinstatement within the allotted time periods shall constitute waive of these rights.

### **G. Leave Without Pay Policy (Not Otherwise Subject to the FMLA):**

Sickness or Disability: Classified employees may be granted leave without pay for a period not to exceed three (3) months for sickness, disability, or for other reason(s) of a like or critical nature.

## **MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

\* Such leave shall require approval of the County Commission at their first regular meeting of the month following the month all paid leave is taken. A statement from the employee's physician must support the request.

\* Leave without pay for sickness or disability will not be granted until all accrued leave is expended.

\* Subject to approval of the department head and the County Commission, a classified employee may be granted a leave of absence without pay for a period not to exceed three (3) months.

a. Approval of such leave shall not cause an undue hardship on the County.

b. When the leave of absence expires, the employee shall be reinstated to the position he/she held at the time the leave was granted.

c. Any individual hired to perform the duties of an employee granted leave without pay shall be hired as a temporary employee.

d. Failure of an employee granted leave without pay to report for duty promptly at the end of the leave may be cause for separation.

e. If necessary for the effective operation of the County, an employee granted leave without pay may be required to return to work before his leave expires. An employee who does not return at the required time is considered to have resigned and may be separated.

f. Leave without pay, except military leave, is at the discretion of the County Commission.

g. Annual and sick leave shall not accrue to any employee who is on leave without pay or suspension status for a period that exceeds five (5) working days during a bi-weekly pay period.

### **H. FAMILY MEDICAL LEAVE:**

To be eligible for family and medical leave (FMLA), an employee must have been employed by the County for at least twelve (12) months (not necessarily consecutive) and have worked for the County for at least 1250 hours in the immediately preceding twelve months, prior to the start of the requested leave. A "rolling" twelve-month period will be used for purposes of calculating the leave entitlement. Under this method, the twelve-month period is measured backward from the date an employee uses any FMLA leave.

## MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016

1. An eligible employee may be granted up to twelve (12) weeks of unpaid leave in a twelve (12) month period for any of the following occurrences:
  - a. Birth, adoption or placement for foster care of a child;
  - b. When needed to care for a spouse, child, or parent with a serious health condition;
  - c. When an employee is unable to perform his or her job because of employee's own serious health condition.
  - d. Military caregiver leave.
  - e. Qualifying exigency leave.

If spouses are both employed by the County, a total of (12) weeks leave between them will be allowed for the birth or adoption of a child, or to care for a parent (but not a parent-in-law) with a serious health condition.

### 2. Medical Related Leaves:

Eligible employees may take leave to care for a family member with a serious health condition or because of the employee's own serious health condition. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves: (1) a period of incapacity or treatment in connection with inpatient care; (2) incapacitation exceeding three days and requiring continuing care by a health care provider; or (3) continuing treatment for prenatal care or for a chronic or long-term health condition. Treatment for allergies, stress, or substance abuse may constitute a serious health condition. However, voluntary or cosmetic treatments, which do not involve inpatient care and are not medically necessary, will not qualify as serious health conditions. Employees who request FMLA leave for planned medical treatments are obligated to make a reasonable attempt, subject to the health care provider's approval, to schedule treatment so as not to disrupt the County's operations. Medical FMLA leave may be taken intermittently or on a reduced leave schedule only if it is medically necessary.

### 3. Military Caregiver Leave:

Military caregiver leave is for eligible employees who are closely related to a service member. Eligible employees may take service member leave for either (or both) of the following reasons:

## MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016

- a. A “qualifying exigency” arising out of a covered family member’s active duty or call to active duty in the Armed Forces in support of a contingency operation.

Leave Duration: Up to 12 workweeks of leave during any 12 month period.

- b. To care for a covered family member (“next of kin”) who has incurred any injury or illness in the line of duty while on active duty in the Armed Forces provided that such injury or illness may render the family member medically unfit to perform duties of the member’s office, grade, rank or rating.

Leave Duration: Up to 26 workweeks of leave during a single 12 month period. Leave may not exceed 26 weeks in a single 12 month period when it is combined with other FMLA qualifying leave.

#### 4. Military Leave and Entitlements:

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12 week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12 month period. A covered service member is a current member of the Armed Forces, including National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy, or is in outpatient status, or is on the temporary disability retired list.

#### 5. Birth, adoption or placement for foster care of a child:

When FMLA leave is taken for the birth or adoption or placement in foster care of a child, the leave must be taken within twelve months of the event. In addition, it may not be taken intermittently or on a reduced leave schedule unless the County and the requesting employee reach an agreement permitting intermittent or reduced schedule leave under such circumstances.

## MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016

6. Notice:

If the need to take FMLA leave is foreseeable, the employee must fill out an FMLA Request Form at least 30 days in advance of the date upon which leave is to begin. The FMLA Request Form can be obtained from the Human Resource Coordinator, and should be submitted to the Human Resource Coordinator when completed. If the leave is not foreseeable, the request should be provided as soon as practicable.

7. Employer response to request:

At the time FMLA leave is requested, or when the County has sufficient information to believe that the employee is eligible for FMLA leave, the County will provide each employee with a completed Employer Response to Employee Request for Family or Medical Leave form, which notifies employees of their rights and obligations under the FMLA.

8. Medical certification:

Request for leave due to an employee's own serious health condition or a family member's serious health condition, as well as requests for intermittent or reduced schedule leave in such situations, must be supported by medical certification issued by a health care provider. A copy of the medical certification form can be obtained from Human Resource Coordinator or the County Administrator. An employee must provide sufficient medical certification within fifteen (15) days after making a request for FMLA leave. If the employee is incapacitated, the employee must request FMLA leave and provide medical certification within 15 days from the date of incapacitation. Sufficient medical certification should include answers to all inquiries found on WHO Form-380 obtained from the Human Resource Coordinator or the County Administrator. Application questions will be determined by the type of FMLA leave requested.

9. Second and Third Medical Certifications:

Under certain circumstances, the County may require the employee to obtain a second medical certification at the County's own expense. The subsequent medical certification will be conducted by a health care provider that has been designated or approved by the County; however, such health care provider will not be one who is employed on a regular basis by the County. If the first and second opinions differ, the employee and the County must, acting in good faith, agree upon a third health care provider to render a final and binding medical certification. This third examination will be conducted at the County's expense.

## MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016

### 10. Periodic Medical Re-certifications:

Employees who are on FMLA leave because of their own serious health condition, or to take care of a spouse, child, or parent with a serious health condition, must submit to the County on a monthly basis, written re-certification of the need to remain on leave. Under certain circumstances, the County may request re-certification more frequently.

Note: Recertification Timing:

The general rule is that the County may require recertification of a serious health condition no more frequently than the duration of the prior certification, or every 30 days, whichever period is longer. For example, if an employee begins leave for a serious health condition with a certification that states that leave is necessary for 40 days, the employer may not seek recertification until the 40 days have elapsed. However, regardless of the duration of the original certification, the employer may require recertification every six months in connection with an absence.

### 11. Fitness for Duty Test:

An employee returning from leave due to his own serious health condition, must provide a health care provider's statement confirming fitness to return to work.

### 12. Substitution of Paid Leave:

The County requires that accrued vacation run concurrently with FMLA leave. If a FMLA-qualifying serious health condition occurs due to an on-the-job injury, the County requires that an employee's twelve-week FMLA entitlement run concurrently with a worker's compensation absence. An employee will not be entitled to substitute personal or vacation leave while on FMLA leave and receiving worker's compensation benefits. If leave is taken pursuant to a short or long term disability plan, FMLA leave will run concurrently with this leave and the employee will not be entitled to substitute personal or vacation leave.

### 13. Obligation to Continue Group Health Coverage:

The FMLA Act requires that employers continue to maintain health care coverage during an employee's leave of absence. Normal health insurance for the employee (and dependents, if applicable) and respective premium responsibilities of the County and employee will continue without change during FMLA leave.

## **MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

14. Rights upon return from FMLA leave:

Upon return from FMLA leave, employees will be restored to their original job, or an equivalent position with equivalent pay, benefits, and other terms of employment.

15. Appeal Rights Regarding FMLA Leave Request:

An employee who believes that he or she has been wrongly denied requested FMLA leave may appeal that decision to the County Administrator who shall issue a determination based on that employees request and appeal.

16. Non-Interference and Non-Retaliation:

No employee will be retaliated against for requesting and/or taking leave under the Family Medical Leave Act. The County will not interfere with an employee's rights under the FMLA.

17. The Americans With Disabilities Act:

The County will administer this FMLA policy consistently with the Americans with Disabilities Act ("ADA"). Nothing in the administration of this policy and its requirements should be understood to infringe upon, or intended to violate, an employee's rights under the ADA.

### **XXIII. COMPENSATION**

A. Hours of work are established by the Limestone County Commission. The work week for part-time and temporary employees shall be established in accordance with the needs of the County. In departments where twenty-four (24) hour service is provided seven (7) days per week, the number of regular hours worked may vary. In all instances, equal treatment of all employees doing the same kind of work is required.

B. Overtime:

1. Pursuant to the provisions of the Fair Labor Standards Act, employees who work more than forty (40) hours in a work week shall be paid not less than one and one-half of their regular hourly rate for overtime hour(s) worked during the work week.

2. Law Enforcement Officers and Corrections Officers:

## MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016

Subject to the provisions of the Fair Labor Standards Act, the Sheriff may establish a work period for law enforcement officers and corrections officers, as approved by the County Commission, pursuant to which overtime for those employees engaging in law enforcement activities will be compensated only after an employee has worked beyond the maximum number of hours for the establish work period as set forth by law.

### 3. Law Enforcement and Engineering Exception:

Law Enforcement Officers paid through overtime funds for special details; which are 100% reimbursable to the County, shall be paid overtime for the hours worked.

Engineering Personnel working on state funded projects; which are reimbursable to the County, shall be paid overtime for the hours worked.  
(approved 7-21-08)

### C. Compensatory Time:

Subject to the approval of the department head, compensatory time off maybe granted to an employee on the basis of one and one-half hour of leave for each hour of overtime worked during the established work week or work period in lieu of overtime pay. The maximum number of hours an employee may accrue for compensatory time is eighty (80) hours. For all hours worked after the eighty (80) hour maximum of compensatory hours is reached, overtime shall be paid at the rate established by law. Overtime sheets must be sent to the Human Resource Office for compensatory time.

### D. Pay Days:

Limestone County employees are paid bi-weekly and elected officials are paid semi-monthly or as set forth by the Limestone County Commission.

### E. Staffing Plan:

1. All positions in the County will have an approved job description that describes the duties, knowledge, skills and abilities required to perform the job. When a new job is created, or a substantial change is made to an existing job, the department head shall furnish a Job Analysis Worksheet to the Human Resource Coordinator. The Human Resource Coordinator will, in coordination with the department head, prepare the new job description and obtain Commission approval for the new job and/or grade.
2. A Staffing Plan is maintained by the County. The plan lists each classified job within the County service. No deviations will be made from the

## **MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

approved Staffing Plan. When circumstance warrants, the plan or the classification of a particular job in the plan may be amended by the County Commission.

3. A copy of the Staffing Plan is available in the Human Resource Coordinator Office.

### **F. Pay Plan:**

1. The pay of all employees, other than those whose pay is established by state law, shall be fixed by the County Commission. The approved pay rates for every job listed in the Staffing Plan will be established and maintained in the County pay plan. The pay plan will be used in conjunction with the Staffing Plan to determine the pay of those employees who are paid from County funds.
2. Upon modification of any job description reducing pay grade, current employee will remain at the higher grade until transfer, demotion, or separation of employment.
3. A copy of the approved pay plan will be maintained in the Limestone County Personnel System Manual.

## **XXIV. BENEFITS**

### **A. Workmen's Compensation:**

1. Limestone County provides insurance coverage in accordance with the state law for any injury an employee sustains on the job.
2. Benefits and eligibility shall be determined in accordance with criteria specified in the Code of Alabama, 1975 Title 25-5.
3. All job-related injuries must be reported within five (5) days by the employee to his/her supervisor, the Safety Director and the Human Resource Coordinator. Failure to do so may result in loss of benefits.

### **B. Unemployment Insurance:**

Employees who are separated from County service for reasons other than voluntary resignation or termination for gross misconduct may be eligible to receive unemployment compensation/benefits in accordance with guidelines established by the Director of the Alabama Department of Industrial Relations.

### **C. Group Insurance:**

## **MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

1. Limestone County provides an employee insurance program for eligible employees, as approved by the County Commission. The insurance program includes life, hospitalization and major medical insurance coverage. The employee's coverage is a part of the employee's benefits and the premium cost is paid by the County. The employee may extend coverage to members of his family (spouse and/or children) by paying the additional premium costs as established by the County Commission.
2. The employee may select one of the following options for the employee insurance program.
  - a. No coverage
  - b. Coverage for the employee only
  - c. Coverage for both the employee and his/her dependents.
  - d. The employee must complete an application for the coverage he/she selects.
3. A participating employee, whose work hours are reduced to less than 30 hours per week shall be required to continue coverage as set forth by COBRA after all leave is exhausted. All full-time employees are eligible for health insurance on the date of employment. A participating employee, elected official, or retiree in the Health Insurance Program may apply for family coverage during open enrollment or upon the occurrence of a qualifying event. In order to be eligible for health insurance coverage, an employee must work a minimum of 30 hours per week.
4. All classified employees are eligible for benefits contained in this section.

### **XXV. CONFLICTS OF INTEREST**

- A. The following actions shall be considered as NOT in the best interest of the County:
  1. Investments which might appear to be speculative in Real Property or business in the immediate vicinity of a County project site.
  2. Ownership exceeding one (1) percent in a public company holding a contract with the County, without competitive bidding.
  3. The use of one's position and influence in the County to promote business with any company in which an employee has financial interest.

## **MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

4. Involvement in an outside business activity (moonlighting) which conflicts with or limits the County's demands on the individual with respect to his/her availability for overtime work and/or his/her performance on the job or which would reflect adversely on the County.
  5. The use of one's position to contract or influence contracting with businesses for personal gain or to benefit friends, relatives or associates.
- B. If further guidance is needed, the employee and/or the department head should consult with the Human Resource Coordinator and/or the County Administrator.

### **XXVI. POLITICAL ACTIVITY**

Employees of Limestone County shall not be appointed or retained on the basis of their political activity. Limestone County employees shall not be coerced to take part in political campaigns, to solicit vote, to levy, contribute or solicit funds of support for the purpose of supporting or opposing the appointment or election of candidates for any Limestone County office.

### **XXVII. DRUG-FREE WORKPLACE POLICY**

Drug abuse and use at the workplace are subjects of immediate concern in our society. These problems are extremely complex and ones for which there are no easy solutions. From a safety perspective, the users of drugs may impair the well-being of all employees, the public at large, and result in damage to County property. Employees working in safety sensitive positions will be subject to random drug testing. Therefore, it is the policy of Limestone County that the unlawful manufacture, distribution, dispensation, possession or use of alcohol or a controlled substance in the County's workplace is prohibited. Any employee violating this policy will be subject to discipline up to and including termination. Sanctions may include, but not be limited to, a requirement that the employee participate in a drug abuse assistance or rehabilitation program.

The specifics of this policy are as follows:

1. Limestone County does not differentiate between drug users and drug pushers or sellers. Any employee who gives or in any way transfers a controlled substance to another person or sells or manufactures alcohol or a controlled substance while on the job or on County premises will be subject to discipline up to and including termination.
2. The term "controlled substance" means any drug listed in 21 U.S.C. Subsection 812 and other federal regulations. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to, Heroin, Marijuana,

## **MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

Cocaine, PCP, and "Crack". They also include "legal drugs" which are not prescribed by a licensed physician.

3. Legally prescribed medications are excluded from this prohibition and permitted only to the extent that the use of such medications does not adversely effect the employee's work ability, job performance or the safety of the employee or others.
4. Each employee is required by law to inform the County within five (5) days after he or she is convicted for violation of any federal or state criminal drug statute where such violation occurred on the County's premises. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal or state court.
5. The Chairman must notify the appropriate U. S. Government Agency(ies) with which any contract was made within ten (10) days after receiving notice from the employee or otherwise receives actual notice of such a conviction.
6. If an employee is convicted of violating any criminal drug statute while on the workplace, he or she will be subject to discipline up to and including termination. Alternatively, the County may require the employee to successfully finish a drug abuse program sponsored by an approved private or governmental institution.
7. As a condition of further employment, the law requires that all employees abide by this policy.

### **XXVIII. SOCIAL MEDIA POLICY FOR COUNTY EMPLOYEES**

- A. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal website, social networking or affinity website, web bulletin board or a chat room, whether or not associated or affiliated with the County, as well as any other form of electronic communication. Employees have the right to speak and act on social media on their own time as private citizens on matters of public concern. However, the following actions are forbidden regardless of whether an employee is on their own time:
  - a) Disseminating or discussing any information accessed because of an employee's position that is not generally available to the public, including, but not limited to, confidential information regarding citizens or co-employees; information regarding safety and security plans or procedures; information regarding expected or pending legal matters; or information regarding contract negotiations.
  - b) Stating, suggesting, or implying in any manner that an employee is acting or speaking on behalf of the County without prior express authorization;

## **MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

- c) Violating the County's policies against harassment or discrimination;
  - d) Taking any other action that may reasonably be expected to interfere with the employee's job duties or the County's operations.
- B. Violating this policy is grounds for immediate disciplinary action.

The Chairman asked if there was any discussion.

Commissioner Hill commented that he is going to vote no on the personnel policy because of the "at-will" part. He stated he knows the county attorney Mark Maclin recommended the commission to make the change and he respects that. He said "I made a commitment that I would try to take care of the employees, and to me, this is something that is a loss for them". "This 'at-will' means for no reason they can be terminated." He stated the surrounding counties told him the "at-will" language isn't part of their employee handbook. He said he hasn't seen the handbooks from those counties, but "presume they're telling the truth."

Commissioner Harrison agreed with Commissioner Hill. Harrison said he would be in favor of approving the policy if there is a provision prohibiting employee terminations based on political payback. He said "we're temporary managers here to political whims". "There needs to be something that prevents elected officials from wholesale firing and putting in their people." If the policy is modified he will approve it.

The Commission Clerk called the roll. Steve Turner, aye; Jason Black, aye; Stanley Hill, nay, and Ben Harrison, nay; and Chairman Mark Yarbrough, aye. Motion carries.

**MOTION** was made by Ben Harrison and seconded by Jason Black to approve the revised Drug Policy for Limestone County employees.

### **DRUG POLICY OF LIMESTONE COUNTY**

Limestone County recognizes that our greatest asset is our employees. Our goal is to provide the public with the highest level of service and employees are the key to the achievement of that goal. Increased awareness of the cost of alcohol and drug use and abuse in the work place has compelled the county to define its stand on employee alcohol and drug use.

The policy objectives are as follows:

1. To create and maintain a safe, drug free working environment for all our employees.
2. Reduce the likelihood of incidents of accidental personal injury and/or damage to County property.

## **MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

3. Reduce problems of absenteeism, tardiness, carelessness and/or other satisfactory matters related to job performance.

### **I. DEFINITIONS:**

1. "County" means Limestone County.
2. "County Premises" includes all property owned, leased, used or under the control of Limestone County, including, but not limited to, the job site of any employee, structures, building offices, facilities, vehicles and equipment, or transportation to and from those locations while in the course and scope of County employment.
3. "Employee" means any and all employees of the County.
4. "Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.
5. "Controlled Substance" means any substance defined or classified as a controlled substance according to law. Title II of the Comprehensive Drug Abuse Prevention Act of 1970 (Controlled Substance Act), as it is amended from time to time, provides the basic standard. Controlled substances include, but are not limited to, any and all forms of marijuana, stimulants, opiates or hallucinogens the sale, purchase, transfer, use or possession of which are prohibited or restricted by law.
6. "Illegal/Unauthorized Drug" means any drug (A) which is legally obtainable but has not been legally obtained or (B) illegal/unauthorized drugs, prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes.
7. "Legal Drug" means prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they have been prescribed by an employee's treating physician.
8. "Possession" means actual or constructive care, custody, control or immediate access.
9. "Accident" means any on the job accident. "Accident" includes vehicular accidents, acts or omissions causing an accident or injury to any person, or damage to equipment or property belonging to the county.
10. "Collection Site" means a place designated by County where employees present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of specified controlled substance and alcohol.

## **MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

11. "Under the Influence" means being unable to perform work in a safe and productive manner; being in a physical or mental condition which creates a risk to the safety and well-being of the individual, other employees, the public and/or having any laboratory evidence of the presence of drugs, alcohol, prohibited or controlled substance in the employee's body.
12. "Random Selection Process" means that drug tests are unannounced.
13. "Reasonable Cause" means that the County believes the actions or appearance or conduct of an employee on duty are indicative of the use of a controlled substance or alcohol.

### **II. POLICY**

1. It is the policy of County, to foster a work environment free from the effects of both the illegal use of controlled substances and the use of alcoholic beverages. The use of drugs and alcohol can impair an employees' judgment which may result in increased safety risks, hazards to the public, employee injuries, faulty decision making, and reduced productivity.
2. County requires all employees to report to work without any illegal, or mind altering substances in their systems, or otherwise without being under the influence of alcohol or illegal drugs, or legal drugs illegally used. All employees are required to be in a state of mind and physical condition free from the influence of drugs and alcohol, and fit to complete their assigned duties safely and competently during work hours.
3. This prohibition also covers all legal or prescription drugs which impair an employee's ability to perform his/her job safely. As a result, employees must inform their supervisor when they are legitimately taking medication which may affect their ability to work in order to avoid any safety hazards or violations, to prevent committing errors, and to avoid violating the alcohol and drug policies established herein.
4. It is also the policy of County to prohibit the use, possession, transportation, dispensing, or manufacture of illegal drugs, or legal drugs illegally used, possessed, transported, dispensed, or manufactured, on its premises or while at work.
5. Job applicants who are subject to pre-employment testing under this policy, shall not be hired if they test positive for illegal drugs or legal drugs used without a proper prescription.

## MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016

6. An employee arrested for off-the-job illegal sale, distribution, dispensation, manufacture, use or possession of controlled substances shall be suspended, either with or without pay, pending an investigation by the County. The County's investigation may result in disciplinary action in the discretion of the County up to and including discharge.
7. Any employee\applicant who refuses to be tested, refuses to sign a consent form, or refuses to cooperate in the completion of documentation in accordance with the provisions of this procedure, shall be subject to discharge by County.
8. Any applicant or employee specimen that is found to have been adulterated will be considered equivalent to a positive test. All current employees who test positive for adulterants will be subject to discipline up to and including discharge.

Violation of these rules will subject you to discipline, up to and including discharge. Violation of these rules, by testing positive, will subject you to discharge. Refusal to cooperate with the County in any test or investigation will also result in discipline, up to and including discharge.

### III. DRUG TESTING

In order to alleviate concerns regarding the safety of our employees and the public, County hereby reserves the right to require all employees holding eligible positions with the County to submit, at any time, to random drug tests to determine the presence of prohibited substances.

### IV. TYPES OF TESTING<sup>1</sup>

1. **PRE-EMPLOYMENT TESTING** Applicants seeking to be hired in certain safety-sensitive positions, or employees seeking transfers or promotions to such positions, are subject to post-conditional offer, pre-employment drug testing. Such testing will be scheduled prior to the applicant or employee beginning work in the safety-sensitive. These safety-sensitive positions are listed in Appendix A of this policy. Upon satisfactory completion of a drug test, the employee may commence work in the safety-sensitive position. In either event, the submission to a drug test will be used as a post-conditional-offer condition of employment with the County for applicants and current employees for such eligible positions with the County.

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<sup>1</sup> When a test is performed, the employee will be notified of each individual test result as soon as possible. If a test is positive, the individual will be notified not only of the results of the test, but also advised of what drug or alcohol was indicated by the test.

## MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016

2. **RANDOM TESTING** All employees holding safety sensitive positions, as specified in Appendix A of this policy, will be subject to testing on a random basis without advance notice.
3. **REASONABLE CAUSE TESTING** County may schedule a drug/alcohol test when behavioral observations indicate to the employee's supervisor that any employee may be involved in illegal use of a controlled substance, or under the influence of alcohol.

The employee shall be promptly escorted to the collection site for testing by the employee's supervisor or designee.

All testing results will be maintained in a separate file which shall be deemed confidential. All testing results shall include the name of the individual, the date of the test, the location of the test, the identity of the collector, and the results.

A. Employees arrested or convicted for the off-the-job use or possession of illegal or controlled substances shall undergo testing to assist the County in determining fitness for duty. If the employee tests positive County shall discharge the employee.

4. **POST ACCIDENT TESTING** Employees are required to immediately notify the Drug Program Coordinator of any accident resulting in injury or damage to Company property. The Department of Transportation (DOT) requires post-accident drug and alcohol testing following any accident which results in the: (1) loss of human life, or (2) receipt of a citation under State or local law for a moving traffic violation arising from the accident, where:
  - A. there is a bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; and/or
  - B. one or more vehicles incurring damage as a result of the accident, requires towing away from the scene.

The Company may require an employee involved in any accident resulting in injury requiring more than simple first aid or resulting in damage to property, to undergo alcohol screening within 2 hours and drug screening within 32 hours of the occurrence of the accident. The Company will discipline any employee who fails to report an accident or submit to substance screening where required by law or this policy. The Drug Program Coordinator shall complete an Accident Report in compliance with Company policy and applicable laws and regulations.

The purpose of any drug testing which is conducted by County is not being used to identify the existence of a disability.

## MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016

### V. TESTING PROCEDURES

1. Testing may be performed either on or off site.
2. All CDL drivers will be tested in accordance with Federal Highway Administration (FHWA) requirements.
3. Random testing of employees will be conducted monthly on unannounced days.
4. All testing procedures, including collections, will be performed by certified technicians and/or by Department of Health and Human Services guidelines.
5. Upon arrival at the collection site, the employee must provide proof of identification. The employee will be required to read and sign the controlled substance testing consent form provided by County. The signature shall be witnessed by the collector. Acceptable proof of identification shall be a current driver's license, with photo, other form of picture identification, or identification by a County representative.
6. The Employee shall complete a drug testing custody and control form.
7. The County (employee's supervisor) shall confer with the employee directly the results of any positive drug test in order to give the employee an opportunity to challenge the findings.
8. Controlled substance testing must follow split sample procedures. Under this provision, the Medical Review Officer shall notify each employee who has a confirmed positive test that the employee has seventy-two (72) hours in which to request a test of the split specimen, if the test is verified as positive. If the employee requests an analysis of the split specimen within seventy-two (72) hours of having been informed of a verified positive test, the Medical Review Officer shall direct, in writing the laboratory to provide the split specimen to another Department of Health and Human Services-certified laboratory for analysis.
9. If a split sample test produces a negative result or if the second portion is not available, the test is considered negative and no sanctions will be imposed.
10. A donor is not allowed to have his or her specimen reconfirmed for an adulterant if the original sample has tested positive for one.
11. Relative to protocols for determining dilute, substituted or adulterated specimens Limestone County Commission will rely on the guidance issued by

## **MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

the Substance Abuse and Mental Health Services Administration in its program documents related to this issue.

12. All persons who receive information by County regarding drug tests shall maintain this information on a confidential basis.
13. Employees are advised that the use of hemp seed food products may cause a positive test for marijuana and are therefore forbidden under this policy to consume any hemp seed food products.

### **VI. POST ACCIDENT TESTING REQUIREMENTS**

1. All employees shall notify County immediately after any accident.
2. The Department of Transportation requires post-accident drug and alcohol testing following any accident which results in the:
  1. Loss of human life;
  2. Receipt of a citation under State or local law for a moving traffic violation arising from the accident, where:
    - (a) there is bodily injury to a person who, as a result of the injury immediately receives medical treatment away from the scene of the accident and/or
    - (b) one or more vehicles incurring damage as a result of the accident requires towing away from the scene.
3. Each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to an accident shall provide a urine specimen to be tested for the use of controlled substances and/or alcohol as soon as possible after the accident, but in no case later than thirty-two (32) hours after the accident.
4. After notification of any accident, County will arrange for the employee to be taken as soon as practicable to a collection site designated by County.
5. The supervisor or designee will schedule the employee and assure that he/she is tested the same day as the reportable accident, if possible.
6. If an employee is injured, unconscious, or otherwise unable to evidence consent to the drug test, no steps will be taken to collect breath or urine from the employee.

## **MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

7. Nothing in this document should be construed to require the delay of necessary medical attention for injured people following an accident, or prohibiting a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
8. Any employee subject to post-accident testing must refrain from consuming alcohol for eight hours following an accident, or until he/she submits to an alcohol test, whichever comes first.
9. An employee who is subject to post-accident testing must remain available, or the County may consider the employee to have refused to submit to testing.

### **VII. REPORTING PROCEDURES**

1. County shall notify an employee of any positive results of any random, post-accident, reasonable cause or post rehabilitation controlled substance test conducted. The employee shall also be advised what drug or alcohol was indicated by the test.
2. County shall notify any applicant that is rejected on the basis of a positive result of a drug or alcohol test.
3. County shall maintain all records relating to the administration and results of drug testing for its employees.<sup>2</sup>
4. A form, signed by the employee acknowledging receipt of drug policy and procedure and a statement that they will cooperate with the program will be maintained in the personnel file of the employee.
5. County shall maintain in file that an employee submitted to a drug test, the date of such test, the location of such test and the identity of the collector, and whether the test was positive or negative. All other information related to the test shall be maintained in a separate file and kept confidential.
6. All records and documentation relating to the taking or results of a drug and/or alcohol test (s) shall be stored in a physically secure location and reasonable measures shall be taken to strictly control access to these records.

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<sup>2</sup> DOT requirements for maintaining records of both positive and negative testing results, testing procedures, and other paperwork will be observed.

## **MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

7. No person may obtain the individual test results of any employee retained by County nor will the County release any individual test results without first obtaining written authorization from the tested employee.
8. County shall disclose all testing procedures and test results of employees who maintain commercial drivers' licenses to the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the County or any of its drivers.
9. County may disclose testing procedures and test results of employees who register a grievance, complaint, or other proceeding initiated by or on behalf of the employee against the County. Such actions include, but are not limited to, unemployment compensation hearings, workmen's compensation claims and actions, and other litigation brought by the individual.
10. All records and documentation of drug and/or alcohol testing results will be maintained by the County's Personnel Officer or some other person designated by the County Commission.
11. Any employee may request the opportunity to discuss a positive drug test with the County at the time the test results are revealed.

### **VIII. REHABILITATION**

1. Any employee who voluntarily identifies himself or herself to his/her supervisor, department head, or the County Personnel Officer as being in need of drug and/or alcohol rehabilitation, prior to being identified through other means or before an incident of suspected violation of this policy, will not be disciplined if he/she meets all of the following criteria:
  - A. Obtains counseling and successfully completes a drug and/or alcohol rehabilitation program.
  - B. Agrees to follow up drug and alcohol testing for a minimum of six months after the successful completion of a drug and alcohol rehabilitation program and return to work.
  - C. Thereafter, refrains from using illegal drugs or otherwise being in violation of this Drug and Alcohol Policy.
2. Until the rehabilitation program is completed, the employee shall be placed on sick leave, annual leave, or leave without pay until they have been certified by the County fit to return to duty.

**MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

3. In no event may a supervisor allow an employee who has undergone voluntary rehabilitation to return to work without a "Return to Work Authorization" from either their treating physician and/or the County.

**IX. GENERAL INFORMATION**

1. The County hereby reserves the authority to amend, modify and/or change this Drug and Alcohol Policy at any time it is deemed necessary.
2. To the extent that any portion or provision of this Policy and Procedure conflicts with any applicable federal or state laws or regulation, such federal or state laws or regulations will be controlling.
3. This Drug and Alcohol Policy shall not be construed to confer to any employee and/or applicant any property interest in such employee's continued employment or in the case of an applicant, employment with the County.

**ADOPTED AND APPROVED this 19<sup>th</sup> day of February, 2016.**

\_\_\_\_\_  
Limestone County Commission Chairman

ATTEST:

\_\_\_\_\_  
County Clerk/Administrator

**SAFETY SENSITIVE POSITIONS**

Positions under this policy are considered to be "safety sensitive" when the job duties associated with such positions require that the employees holding them, or applicants seeking to hold them, perform functions which have the potential to cause physical injury to themselves or others, or to cause extensive damage to property. Limestone County has designated such safety sensitive functions within the context of County employment to include, without limitation, positions involving: the maintenance, repair and/or operation of motor vehicles or heavy equipment; the maintenance, repair, and/or operation of tools which have the potential to cause serious harm or injury; the regular operation of heavy equipment, dangerous tools, and/or motorized vehicles; activities involving the performance and operation of any component of a mass transit system, including the dispatch of vehicles; the lawful possession any weapon or any object that could reasonably be expected to be used as a weapon; emergency response functions; the provision of emergency medical services. Limestone County has designated specific positions as safety sensitive. This list is subject to change as circumstances require. Based on the considerations set forth above, and elsewhere in

## MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016

the County's Policies and Procedures, those positions currently designated by Limestone County as "safety sensitive," and therefore subject to pre-employment, pre-transfer, pre-promotion, and random drug testing are:

Foreman  
Equipment Operator I, II, III  
Engineering Assistant  
Engineering Assistant CAD/GIS/Elections  
Herbicide Operator  
Engineering Assistant Signs  
Engineering Assistant Sign Tech  
Mechanic  
Community Corrections Director  
Community Corrections CRO Case Manager  
Community Correction Case Manager  
Community Correction Monitoring Specialist/Drug Court Worker  
Council on Aging Van Driver  
Deputy  
Animal Control Officer  
Corrections Officer  
Communications Officer

The Chairman asked if there was any discussion. There was no discussion. The Commission Clerk called the roll. Ben Harrison, aye; Jason Black, aye; Stanley Hill, aye; and Steve Turner, aye. Motion carries unanimously.

**MOTION** was made by Steve Turner and seconded by Stanley Hill to approve the revised County Harassment Policy of the Limestone County Commission.

### **EQUAL EMPLOYMENT/HARRASSMENT POLICY OF THE LIMESTONE COUNTY COMMISSION**

Limestone County does hereby adopt the following to be incorporated in and made a part of its personnel policies and procedures.

#### I. LIMESTONE COUNTY IS AN EQUAL OPPORTUNITY EMPLOYER

1. It is the policy of Limestone County to provide equal opportunity in employment to all employees and applicants for employment.
2. No person shall be discriminated against in employment because of such individual's race, religion, color, sex, age, national origin, marital status, disability, genetic information, or citizenship status.

## **MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

3. This policy applies to all terms, conditions, and privileges of employment, including, but not limited to, hiring, probation, training and development, promotion, transfer, compensation, benefits, educational assistance, layoffs and recalls, social and recreational programs, termination, and retirement.
4. An Equal Employment Opportunity Officer (EEO Officer) will be appointed by the Commission to receive, monitor, and investigate all complaints of discrimination and harassment of any employee or applicant of the County.

### **II. COUNTY POLICY ON SEXUAL HARASSMENT**

#### **A. POLICY STATEMENT**

1. Sexual harassment is an infringement of an applicant or employee's right to work in an environment free from unlawful sexual pressure. It is the policy of the County to prohibit unlawful sexual harassment of applicants and employees.
2. Sexual harassment of any kind will not be tolerated within the County service and will be subject to appropriate disciplinary actions, depending on the circumstances, up to and including termination.
3. Any employee who believes that the actions or words of a person or group constitute unwelcome harassment, whether that person or group includes supervisory personnel, fellow employees, or a third party with whom the employee comes in contact as a result of his or her job, has a responsibility to report the unwelcome harassment, either orally or in writing, so that the Commission may undertake a prompt and thorough investigation of such complaint, and take appropriate remedial action, consistent with the results of the investigation and the disciplinary policies of the County.. All employees have a duty to make reports of inappropriate sexual conduct in the workplace, regardless of whether the conduct is directed toward them, or some other employee or third party.
4. All complaints and reports of sexual harassment should be made to the appropriate supervisor, or to the EEO Officer if the applicant or employee feels uncomfortable presenting the complaint to his/her direct supervisor.
5. The County will investigate all complaints of sexual harassment regardless of when received. However, if a complaint is not timely presented, it will hamper the investigation due to the passage of time. Therefore, all complaints of harassment should be reported as soon as possible.
6. All complaints and reports will be investigated promptly, impartially, and as confidentially as is possible under the circumstances, by the supervisor and/or EEO Officer. If an employee is not satisfied with the handling of a

## MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016

complaint of sexual harassment, or the actions taken by the supervisor, then the employee should bring the complaint to the attention of the EEO Officer.

7. The EEO Officer shall be notified of all incidents of sexual harassment and direct a report with findings and recommendations to the County Commission and/or appointing authority following the investigation of the reported incident so that prompt remedial action may be taken consistent with the requirements of the law.
8. No employee will be retaliated against for reporting or participating in an investigation of alleged sexual harassment, whether that employee is a victim or a witness of the harassment.

### B. DEFINITIONS

1. Sexual harassment consists of overt activity of a sexual nature when that activity has a substantial adverse effect on a person in the workplace. Sexual harassment is defined as a continuing pattern of unwelcome sexual advances when:
  - i. submission to the conduct involves a condition of the individual's employment, either stated or implied;
  - ii. the individual's submission or refusal is used, or might be used, as the basis of an employment decision which affects the individual; and/or
  - iii. the conduct unreasonably interferes with the individual's job performance or creates a work environment that is intimidating, hostile, or offensive.
2. Acts which could be conceived as hostile include, but are not limited to, the following:
  - i. verbal, written, or graphic communication of a sexual nature;
  - ii. patting, pinching, or unnecessary contact with another employee's body;
  - iii. requests or demands for sexual favors.

### III. COUNTY POLICY ON OTHER UNLAWFUL HARASSMENT

#### A. POLICY STATEMENT

1. Harassment against any individual or group based on his or her protected characteristics or status is an infringement of an applicant or employee's right to work in an environment free from unlawful

## MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016

harassment. It is the policy of the County to prohibit unlawful harassment of applicants and employees.

2. Unlawful harassment of any kind against an individual or a group based on protected characteristics or status includes, but is not limited to, harassment based on age, sex, race, national origin, religion, color, genetic information, or disability. As such, harassment based on such characteristics or status will not be tolerated within the County service and will be subject to appropriate disciplinary actions, depending on the circumstances, up to and including termination.
3. Any employee who believes that the actions or words of a person or group, constitute unwelcome harassment, whether that person or group includes supervisory personnel, fellow employees, or a third party with whom the employee comes in contact as a result of his or her job, has a responsibility to report the unwelcome harassment, either orally or in writing, so that the Commission may undertake a prompt and thorough investigation and take appropriate remedial action, consistent with the results of the investigation and the disciplinary policies of the County. All employees have a duty to make reports of inappropriate harassment in the workplace, regardless of whether the conduct is directed toward them or some other employee or third party.
4. All complaints and reports of sexual harassment should be made to the appropriate supervisor, or to the EEO Officer if the applicant or employee feels uncomfortable presenting the complaint to his/her direct supervisor.
5. The County will investigate all complaints of unlawful harassment, regardless of when received. However, if a complaint is not timely presented, it could hamper the investigation as a result of the passage of time. Therefore, all complaints of harassment should be reported as soon as possible.
6. All complaints and reports will be investigated promptly, impartially, and as confidentially as is possible under the circumstances, by the supervisor and/or EEO Officer. If an employee is not satisfied with the handling of a complaint of unlawful harassment, or the actions taken by the supervisor, then the employee should bring the complaint to the attention of the EEO Officer.
7. The EEO Officer shall be notified of all incidents of unlawful harassment and direct a report with findings and recommendations to the County Commission and/or appointing authority following the investigation of the reported incident so that prompt remedial action may be taken consistent with the requirements of the law.

**MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

8. No employee will be retaliated against for reporting or participating in an investigation of alleged unlawful harassment, whether that employee is a victim or a witness of the harassment.

**B. EQUAL EMPLOYMENT OPPORTUNITY OFFICER**

The Limestone County EEO Officer is currently Alicia Sanders; however, notwithstanding the name of the individual in this position at the time an employee wishes to make a complaint, the EEO Officer is an acceptable person to make such a complaint to.

The Limestone County Commission does recommend that the Sheriff, all elected county officials and other county appointing authorities not under the authority of the Commission adopt the following within their department, call them to the attention of all employees, and post the same in a prominent place.

ADOPTED AND APPROVED this 19<sup>th</sup> day of February, 2016.

\_\_\_\_\_  
Limestone County Commission Chairman

ATTEST:

\_\_\_\_\_  
County Clerk/Administrator

The Chairman asked if there was any discussion. There was no discussion. The Commission Clerk called the roll. Steve Turner, aye; Stanley Hill, aye; Jason Black, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Steve Turner and seconded by Jason Black to approve the revised Limestone County Commission Policy for Preservation of Rights and Benefits During Military Service.

**LIMESTONE COUNTY COMMISSION POLICY FOR  
PRESERVATION OF RIGHTS AND BENEFITS DURING MILITARY SERVICE  
CODE OF ALABAMA 1975, TITLE 31 CHAPTER 12**

**Applicability of chapter (31-12-4)**

This chapter shall not apply to normal National Guard and Reserve weekend drill, annual training, and required schools as described in 32 U.S.C. 502(a) through (e), inclusive, and other related statutes.

## **MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

### **Compensation (31-12-6)**

As a result of being called to active service in any of the armed forces of the United States during the war on terrorism which commenced September 2001, any employee shall receive compensation in an amount equal to the difference between the lower active duty military pay (basic pay) and the higher public salary which would have been received if not called to active service. Compensation shall be paid for the duration of the active military service.

### **Health Insurance and participation in retirement system (31-12-7)**

As a result of being called to active service in any of the armed forces of the United States during the war on terrorism which commenced September 2001, any employee receiving compensation may elect to continue his or her individual or dependent health insurance coverage for the duration of the time he or she receives compensation. Premiums for dependent coverage shall be deducted from the compensation.

As a result of being called to active service in any of the armed forces of the United States during the war on terrorism which commenced September 2001, an employee shall be deemed an active and contributing member of the Employees Retirement System, with costs being paid as for other active and contributing members.

### **Annual or sick leave (31-12-8)**

Any public employee covered under Section 31-12-7 who was required to use annual or sick leave as a result of being called to active service in any of the armed forces of the United States during the war on terrorism which commenced in September 2001, as determined by the Adjutant General of the Alabama National Guard, shall have their leave restored.

### **Use of accrued leave while on active duty**

Employees may elect to use accrued annual, comp, and personal leave while an employee is on active duty.

## **MILITARY LEAVE UNDER THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACTS OF 1994**

The Uniformed Services Employment and Reemployment Rights Act of 1994 is a federal law intended to ensure that persons who serve or have served in the Armed Forces, Reserves, National Guard or other "uniformed services:" (1) are not disadvantaged in their civilian careers because of their service; (2) are promptly reemployed in their civilian jobs upon their return from duty; and (3) are not discriminated against in employment based on past, present or future military service.

### **I. Requesting Military leave**

When an employee is called to military service, USERRA requires the employee in the uniformed services to give advance written or verbal notice of the service to their employer, unless such notice is precluded by military necessity. The employee should submit a Leave of Absence Request Form (which can be obtained from the County

## **MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

Human Resources Coordinator) to his or her supervisor when notified of an impending call to service as soon as possible and provide documentation.

### **II. Duration of Leave**

#### **A. Extended Military Leave**

Employees who must be absent from work due to military duty for a time period that exceeds ten working days will be placed on an unpaid military leave of absence for the time period consistent with military orders.

#### **B. Temporary (Two-Week) Military Leave**

In addition to the rights and benefits provided to employees taking extended military leave, employees who must be absent from his/her job for a period of not more than 10 working days each year in order to participate in temporary military duty are entitled to as many as 10 days of unpaid military leave.

### **III. Benefits During Military Leave**

An employee on military leave may elect to continue County health insurance coverage and is required to pay only the employee's portion of the insurance premium when in the service for 30 days or less. Thereafter, the employee may elect to continue healthcare coverage as provided under COBRA. However, if coverage is terminated at the employee's option, the County may not impose a waiting period for benefit reinstatement upon return to employment. For more specific information regarding the status of Health Plan coverage and other benefits during military leave, contact the County's Human Resources Coordinator.

An employee on military leave may opt to, but is not required to use paid leave during the time that he or she is performing military service. Paid Leave is not accrued while the employee is on military leave.

The County will reinstate the returning veteran's benefit accrual based upon the length of service he or she would have had if he or she had remained on the job.

### **IV. Returning to Work After Military Duty**

To be eligible for protection under USERRA, the employee must report back to work or apply for reemployment within the following guidelines:

1) If the employee served fewer than 31 days or was away from County employment for other qualified reasons, the employee must return to work the next regularly scheduled workday.

2) If the employee served more than 30 days but fewer than 181 days, the employee must notify his or her supervisor of his or her intention to return to work within 14 days after completion of service.

**MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

3) If the employee served more than 180 days, the employee must notify his or her supervisor of the employee's intention to return to work within 90 days after completion of service.

4) Upon notification of intent to return to work, the employee must provide military discharge documentation to his or her supervisor that demonstrates the timeliness of employee's application for reemployment and length and character of the employee's military service.

An employee returning from military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, along with such additional seniority and benefits the employee would have enjoyed had he or she been employed continuously. Furthermore, time spent on active duty will be counted towards FMLA eligibility after the employee has returned to work.

**ADOPTED AND APPROVED this 9<sup>th</sup> day of October, 2015.**

**REVISED AND APPROVED this 19<sup>th</sup> day of February, 2016**

\_\_\_\_\_  
Limestone County Commission Chairman

ATTEST:

\_\_\_\_\_  
County Clerk/Administrator

The Chairman asked if there was any discussion. There was no discussion. The Commission Clerk called the roll. Steve Turner, aye; Jason Black, aye; Stanley Hill, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Steve Turner and seconded by Jason Black to suspend the Rules of Order to employ a Corrections Officer.

The Commission Clerk called the roll. Steve Turner, aye; Jason Black, aye; Stanley Hill, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Jason Black and seconded by Stanley Hill to employ Jonathan Kyle Swart as a Corrections Officer, pending drug screening.

The Chairman asked if there was any discussion. There was no discussion. The Commission Clerk called the roll. Jason Black, aye; Stanley Hill, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

**MINUTES, LIMESTONE COUNTY COMMISSION, FEBRUARY 19, 2016**

**MOTION** was made by Stanley Hill and seconded by Jason Black to approve the following merit increases, which are included in the base pay and cost of living pay as listed below.

<b>Name</b>	<b>Position</b>	<b>Effective Date</b>	<b>Current Rate Per Hour</b>	<b>New Rate Per Hour</b>
Sandra Gaines	Title Clerk	2/08/16	15.83	16.33
Y. Denise Williams	Title Clerk	2/25/16	16.33	16.84

The Chairman asked if there was any discussion. There was no discussion. The Commission Clerk called the roll. Stanley Hill, aye; Jason Black, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Steve Turner and seconded by Stanley Hill to remove the following from inventory:

<b>Department</b>	<b>Item</b>	<b>Serial # or VIN #</b>
Archives	Brother Printer HL5140	U60964F4J447400
Archives	Gateway Computer Monitor	ME35B90L00827
Archives	Gateway Computer	0036720952
Archives	Gateway Computer	0036574403
Archives	Dell OptiPlex Computer	CXTR881
Engineering	2003 Ford F150 Truck (totaled in wreck) Inventory # 9905000	1FTRX17W03NA93273

The Chairman asked if there was any discussion. There was no discussion. The Commission Clerk called the roll. Steve Turner, aye; Stanley Hill, aye; Jason Black, aye; Ben Harrison, aye. Motion carries unanimously.

Commissioner Hill complimented Giles County and the residents on State Line Road and Cave Branch Road who have been very cooperative while his crew has been working and asked that they continue to be patient until this project is finished.

Commissioner Harrison stated he spoke with Joe Keenum from Keenum Excavation & Construction and he has no problem modifying the plant mix laid in place contract so we can go to the second or third bidder if they cannot fulfill the contract in time.

Recessed at 10:28 a.m. until 10:00 a.m. on Wednesday, March 2, 2016, at the Washington Street Courthouse Annex, 310 West Washington Street, Athens, AL.