# MADISON COUNTY EMPLOYEE HANDBOOK

**ADOPTED BY THE MADISON COUNTY**

**PERSONNEL BOARD ON DECEMBER 18, 2018**

**EFFECTIVE JANUARY 16, 2019**

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# SECTION 1

## 1.1 PURPOSE

This Handbook is designed to acquaint you with Madison County and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You are responsible for reading, understanding, and complying with all provisions of the Handbook. It describes many of your responsibilities and outlines the programs developed by Madison County to benefit employees.

While the Madison County Human Resources Department may provide administrative services to the Madison County District Attorney's Office, those employees are employed by either the District Attorney or the State of Alabama and are not employees of the Madison County Commission.

Employees of the Office of Sheriff of Madison County, with the exception of the Chief Deputy, are under the authority of the Personnel Board of Madison County, however, those employees are employed by the Sheriff and not the Madison County Commission.

This Handbook and the rules, policies and procedures contained herein do not in any way constitute, and should not be construed under any circumstances, as a contract of employment between Madison County or the Madison County Commission and the employee, or a promise of employment. All employment with Madison County or the Madison County Commission is governed by the provisions of Act No. 941 of the 1973 Regular Session of the Alabama Legislature. The policies and procedures set forth in this Handbook constitute merely a general statement of policies with regard to employment with Madison County or the Madison County Commission. Due to the great variety of circumstances that may arise in the employment context, Madison County and the

Madison County Commission reserve the sole and exclusive right to make decisions related to employment in a manner other than as provided in this Handbook.

If any of these policies appear to conflict with Federal or State law, the Federal or State law will prevail.

The language in this handbook supersedes all previous Madison County Employee Handbooks. Madison County reserves the right to modify, revoke, suspend, supplement, or rescind any policies or portion of this handbook and/or the benefits described herein. Any changes in this handbook must be approved by the Madison County Personnel Board.

## 1.2 MADISON COUNTY CLASSIFIED SERVICE

The Madison County Classified Service was established by Act No. 941 of the 1973 Regular Session of the Alabama Legislature and may hereinafter be referred to as "the Act".

## 1.3 PERSONNEL BOARD

The Madison County Personnel Board consists of three (3) members: one (1) appointed as a joint appointee by the Sheriff, the Circuit Court Clerk, the Presiding District Judge, and the District Attorney; one (1) appointed by the county governing body; and one (1) appointed as a joint appointee by the Tax Assessor, the Tax Collector, and the Probate Judge. Each member is appointed for a term of six (6) years.

## 1.4 ORGANIZATIONAL STRUCTURE

The Madison County Commission is composed of a Chairman elected at large by all voters in the county and six Commissioners elected from single member districts. The County Commission is the governing body of Madison County.

Other elected officials whose employees fall under the Classified Service include the Probate Judge, Tax Assessor, Tax Collector and License Director. Employees of the Sheriff of Madison County are covered under the Classified Service under the provisions of Amendment Number 694 to the Alabama Constitution of 1901.

## 1.5 APPOINTING AUTHORITY

The term "appointing authority" is defined to mean any department head, elected official of the county, or other person who has the power, by law, to hire, to employ, make transfers, promotions, demotions, reinstatements, lay-offs, suspensions, and dismissals of employees within the Classified Service as defined by the Act.

## 1.6 DEPARTMENTAL POLICIES

Due to the diversified services provided by Madison County, department heads may have their own policies and procedures. Employees are expected to follow the rules of their respective department as well as Madison County Rules, Policies, and Procedures. If a conflict arises between departmental policy and these rules, Madison County Handbook's rules prevail.

# SECTION 2

## 2.1 ACCESS TO PERSONNEL FILES

The Director of Human Resources shall establish and maintain such records as are necessary for the proper administration of the Human Resources System. Information in an employee's file can only be viewed by authorized HR staff who have a "*need to know.*" Confidential information will not be released to unauthorized persons without a written and signed consent of the employee.

The records of the Human Resources Department are the only official personnel records in Madison County. All requests for human resources information shall be directed to the Director. Employees who wish to review their own personnel file should contact the Human Resources Department, to establish an appointment to view their file.

Employees must produce identification prior to viewing their file. Employees may request copies of any information contained in their personnel file.

Former employees of Madison County are not permitted to view or access their personnel file for any reason. Requests for copies of information contained in a former employee's personnel file may be submitted to the Director of Human Resources at least three (3) days in advance. A processing fee of ten dollars ($10.00) will be charged and must be paid at the time of the request using a credit or debit card.

## 2.2 CALL-BACK, ON-CALL AND WORKING REMOTELY

**Call-Back Provisions**:

Non-exempt employees who are unexpectedly called back to their assignment after normal working hours shall be compensated at their current rate of pay for all hours worked. Employees also

receive three (3) hours of deferred leave for each occurrence with a maximum of six (6) hours in a twenty-four (24) hour period. Non-exempt employees shall be paid one and one-half times their hourly base rate for every hour worked over forty (40) hours in a work week.

A call-back is considered to have occurred whenever the employee is unexpectedly called back to work and must leave his or her residence in response to a work call outside scheduled working hours. Extended workdays, scheduled overtime, and the requirement to report to work early shall not constitute call-back.

**On-Call Provisions**:

Non-exempt employees who are severely restricted during their off-duty time and in their personal activities, and who are engaged by Madison County to wait to perform assigned duties, may be considered in a working status and may be governed by the compensation policies for hours worked. Employees who are not severely restricted during their off-duty time or in their personal activities, yet who may be required to be available only should their services be required, shall be considered as waiting to be engaged to perform their assigned duties and shall not be entitled to compensation unless such employee is actually engaged to perform such required services.

**Working Remotely**:

Employees may not work remotely for longer than five (5) consectutitve days or ten (10) days in a calendar month unless ***authorized in writing*** by the County Administrator.

## 2.3 DISABILITY ACCOMMODATIONS

Madison County, in accordance with the Rehabilitation Act of 1973, Section 504, and the Americans with Disabilities Act of 1990 (“ADA”), seeks to ensure that no individual will be discriminated against in a

county workplace due to a disability. Under the ADA, the term disability means:

a. A physical or mental impairment that substantially limits one or more major life activities of an individual
b. A record of such an impairment
c. Being regarded as having such an impairment

Having a disability does not ensure an accommodation is available. An "ADA Reasonable Accommodation" may be provided to qualified employees. What constitutes a reasonable accommodation will vary depending on the needs of the position and the qualified employee. There is no guarantee and should be no expectation that a reasonable accommodation can be made for every situation.

All employment practices and activities are conducted on a non-discriminatory basis. Pre-employment inquiries are made only regarding an applicant's ability to perform the essential duties of the position with or without a reasonable accomodation. Madison County will make reasonable accommodations for employees deemed qualified with known disabilities unless doing so would result in an undue hardship on the county. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. The reasonable accommodation request process seeks to verify the existence of a disability and the the ability to offer an accommodation.

- Requests for reasonable accommodations are the responsibility of the employee and should be made by contacting the Human Resources Department at (256) 532-3614.
- Upon receipt of the required documentation for the accommodation, the Human Resources Department will engage the employee in an interactive process to ascertain

the employee's precise job-related limitations and determine if those limitations can be overcome with a reasonable accommodation, if the employee can identify a potential accommodation that fits their limitations, and/or if the accommodation identified by the employee can reasonably be granted.

**Temporary Transitional Accommodations**

The purpose of the policy is to establish a process for accommodating employees seeking a temporary transitional light or restricted duty position while continuing to recover from a temporary occupational or non-occupational illness or injury. This policy does not apply to employees with restrictions which permanently preclude them from returning to their usual and customary job.

Transitional is defined as temporarily excusing an eligible employee from performing certain duties or tasks that would normally be required in their position, allowing an employee to perform alternate work that is compatible with the employee's job skills, and experience or allowing an eligible employee to work less than is normally required to satisfy the employee's medical restrictions as outlined from their treating physician.

Madison County does not maintain a reserve of available transitional light duty positions for employees who are occupationally or non-occupationally injured. Assignment of temporary transitional positions will be based on the availability of a productive and beneficial position in the department that meets the employee's physical restrictions. The existence of this policy does not in any way guarantee that transitional positions will be made available at any given time or for any particular employee who requests such a position. Department heads are under no obligation to match an employee's normal duties or shift.

Employees accepting temporary transitional positions may be required to work various shifts and perform job duties that are different from their normal position and must meet the same quantitative and qualitative standards of work and attendance as is expected from other employees in the department. Employees who fail to consistently meet these standards of work and attendance can be removed from the transitional position and/or be disciplined.

Approved transitional positions under this policy are temporary accommodation assignments and should not be construed or interpreted as being or becoming permanent positions under any circumstances. Temporary transitional positions are available to eligible employees for a maximum of forty-five (45) days. Work restrictions lasting longer than forty-five (45) days will be re-evaluated through the interactive process to determine what action will need to be taken.

Madison County will follow the guidelines established in the Americans with Disability Act (ADA) in an effort to provide a reasonable accommodation if an employee is unable to return to a full duty capacity after completing the transitional assignment.

Eligible employees are those who have satisfied the qualifying requirements of the policy:

- An employee with temporary medical restrictions who is recovering from an injury or illness (occupational or non-occupational) who has been released by their physician to return to work with specific work restrictions.
- Completed the program's associated request form and submitted the required documentation from their treating physician outlining the employee's temporary physical restrictions.

The Human Resources Department will process all requests to participate in the program. Completed request forms will be submitted to the HR Department who will present and review with the Director of Human Resources and the employee's department head.

If a position is identified for an employee who is recovering from an occupational injury, the employee reserves the right to refuse the temporary assignment and still retain leave rights but may forfeit workers' compensation benefit payments.

**Procedures**:

1. Employee completes the Employee Request for a Temporary Transitional ADA Accomodation Form, attaches the required documentation from their treating physician outlining the employee's physical restrictions, and submits both to the appropriate department head or supervisor.
2. The department head will determine if a temporary transitional position is available in the department that meets the employee's physical requirements.
3. The determination will be communicated to the employee by the department head.

## 2.4 DRUG AND ALCOHOL POLICY

**Policy Statement**:

Madison County Commission is committed to providing a safe working environment for all employees while serving the citizens of Madison County. Madison County Commission recognizes that any employee who improperly uses intoxicating substances, including drugs and alcohol, poses a serious threat to his or herself, co-workers, and the public. Even small quantities of narcotics, abused prescription medications, or over-the-counter drugs or alcohol can impair judgment and reflexes. This impairment can have dire

results, particularly for employees operating vehicles or potentially dangerous equipment.

**See Appendix 1 for the complete Policy and Procedures**

## 2.5 EMERGENCY CLOSINGS AND EVACUATION POLICY

Emergencies, such as severe weather or power failures, may require temporary closings or delayed openings. In this event, local radio and/or television stations will be notified to broadcast closings and department heads will be notified.

Should there be a threat of severe weather or other safety matters during working hours, employees may be required to vacate the building or move to a safe area. Evacuation plans are posted on each floor of the Madison County Courthouse. Employees should become familiar with the routes.

When operations are closed due to emergency or weather conditions for the entire day or for a partial day, the time off from scheduled work will be paid and not charged to employees' leave time. In addition, employees who have scheduled to use accrued time off will be paid and not charged leave time.

> Example 1: An employee has scheduled to take annual leave on a day when operations are closed due to emergency conditions; the employee will be paid regular time and not charged annual leave.
>
> Example 2: An employee has scheduled to take annual leave on a day when operations close at noon; the employee will be charged four (4) hours of annual leave and will be paid four (4) hours of regular time.

Employees who are required to work when county operations are closed for an entire day due to emergency or weather conditions will receive deferred leave equivalent to the number of hours

worked while operations are closed. Deferred leave will not be issued for partial day closings.

## 2.6 EMPLOYEE DATA CHANGES

It is the responsibility of each employee to promptly notify the Human Resources Department of any changes. Personal mailing addresses, telephone numbers, emails, dependent information, marital status, emergency contacts, educational accomplishment, and other such status reports should be accurate and current at all times.

Employees are required to notify the HR Department regarding the ***adding or deleting of dependents*** to Group Health Insurance, and ***any changes in beneficiary*** for Group Life Insurance and Retirement Benefits. Failure to remove dependents following a qualifying event may result in loss of coverage for the employee and medical charges being reversed and billed to the employee.

To add or delete dependents to or from health insurance and supplement insurances ***for a non-qualifying event***, changes must be made during open enrollment each year. For a ***qualifying event change***, i.e. marriage, divorce, birth, death, or child over age limitation, changes can be made within thirty (30) days following the event in the Human Resources Department.

## 2.7 EQUAL EMPLOYMENT OPPORTUNITY

The county seeks to enhance its equal employment opportunity goal and achieve equitable and sufficient representation of protected class members who have traditionally been underrepresented at all levels of employment and specifically where underutilization exists.

The county shall make good faith efforts and have as a priority to recruit, train, hire, and promote members of these groups. This includes preventing discrimination in hiring and promoting,

providing access to varieties of jobs at all levels of pay and enhancing opportunities for these groups.

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at Madison County will be based on merit, qualifications, and abilities. Madison County does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national and ethnic origin, age, disability, political affiliation, or any other characteristic protected by law.

No employee or applicant for employment with Madison County shall in any way be favored or discriminated against for any of these reasons; and no questions in any test or contained in any form used in promulgating or administering this human resources system and these rules shall relate to religious or political opinions of any applicant or employee.

Any employee with questions or concerns about any type of discrimination in the workplace is encouraged to bring these issues to the attention of their immediate department head or the Director of Human Resources. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

***The Director of Human Resources is the EEO Officer for Madison County employees.*** Any questions or concerns relating to Equal Opportunity should be addressed to the EEO Officer. Employees may also report discrimination using Madison County's electronic SPEAK UP! reporting system.

## 2.8 DIVERSITY STATEMENT

The county recognizes the value of diversity and all the benefits of fostering an inclusive work environment. All county employees are expected to create and support a work environment that is

representative of the citizens we serve and reflective of the demographics of Madison County. Diversity represents those human qualities that are different from our own and outside the groups to which we personally belong. Diversity incorporates the primary characteristics of age, ethnicity, gender, physical abilities and challenges, and race. Elements of diversity also include educational background, geographic location, parental status, military experience, religious beliefs, and social, economic and political affiliation.

## 2.9 ETHICS AND CONFLICTS OF INTEREST

The Code of Ethics for Public Officials and Employees set forth in Code of Alabama, § 36-25-1 through § 36-25-30, as applicable, shall apply to all employees of Madison County. Any violation of the Code of Ethics, as determined by the Department Head, may result in disciplinary action, up to and including termination of employment. Such disciplinary action is not dependent upon action by the State Ethics Commission or conviction of a violation of State law.

## 2.10 HARASSMENT POLICY

Madison County is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individual's sex, race, color, national origin, age, religion, disability, or any other legally protected characteristic will not be tolerated. Employees may report harassment using the county's SPEAK UP! reporting system found on our website.

**See Appendix 3 for the complete Harassment Policy**

NEW

## 2.11 ANTI-RETALIATION POLICY

The county strictly prohibits retaliatory action against an employee who in good faith reports true and accurate discrimination,

harassment, unethical or illegal behavior, workplace violence, theft or fraud.

Any action that is perceived to be retaliatory against an individual should be immediately reported to the Director of Human Resources. Employees may also report incidents of retaliation using Madison County's electronic SPEAK UP! reporting system.

## 2.12 IMMIGRATION LAW COMPLIANCE

Madison County is committed to employing only United States citizens and aliens who are authorized to work in the United States. Madison County does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with Madison County within the past three (3) years, or if their previous I-9 is no longer retained or valid.

Madison County follows the Department of Homeland's guidance for retaining Form I-9 which states: *Employers must retain a completed Form I-9 for as long as the individual works for the employer. Once the individual's employment has terminated, the employer must determine how long after termination the Form I-9 must be retained, which is either three (3) years after the date of hire, or one (1) year after the date employment is terminated, whichever is later.*

Madison County is required to participate in the federal government's E-Verify program. With **E-Verify**, we are able to confirm the employment authorization of all newly hired employees and most existing employees through an electronic

database maintained by the Social Security Administration and Department of Homeland Security.

With respect to new hires, the E-Verify process is completed in conjunction with a new hire's completion of the Form I-9, Employment Eligibility Verification upon commencement of employment. Madison County does not use E-Verify as a tool to pre-screen candidates. For up-to-date information on E-Verify, go to www.e-verify.gov

## 2.13 JOB DESCRIPTION AND PAY PLAN

Madison County maintains a written job description for each full-time position. Job descriptions are descriptive and explanatory and are not restrictive. All positions are subject to being assigned additional duties by a department head.

Madison County has adopted a Payscale for all Classified employees. This plan includes for each class of positions, a minimum and maximum rate, with intermediate steps or rates as deemed necessary and equitable. The Payscale is available for inspection on the Human Resources Department's website and is subject to revision at any time. Non full-time employees are not covered by the Payscale.

**Separation Pay**: Any employee separated for any reason shall be paid all earnings authorized or due and any authorized and accrued compensable leave time to which the employee shall be entitled less any applicable deductions. Normally, total compensation due will be processed at the end of the final pay period in which the employee works. If time does not allow paperwork to be processed, final compensation will be paid the following pay period. Deductions in final salary may occur if equipment, uniforms or any other items issued by the county are not returned to the department.

## 2.14 NEPOTISM

The purpose of this policy is to minimize problems in supervision, safety, security, and morale and to enhance equal employment opportunity in the county workplace.

For purposes of this policy, a "close relative" is a spouse, child, stepchild, parent, grandchild, grandparent, brother, sister, niece, nephew, uncle, aunt, first cousin, half-brother, half-sister, or the spouse of any of the foregoing. All relationships shall include those arising from adoption. A dating relationship is defined as a relationship that may be reasonably expected to lead to the formation of a consensual “romantic” or sexual relationship.

Supervisors are forbidden to date or pursue romantic or sexual relationships with employees whom they supervise directly or indirectly.

It is the established policy of the county that:

1. No close relative of the Chairman or any member of the Madison County Commission may be employed by the county in any capacity.
2. No person may be employed in the same department/ office in which a close relative of such person is employed.
3. No person may be employed or assigned to a position where he or she directly or indirectly supervises or is supervised by a close relative or someone with whom a dating, romantic or sexual relationship is established.
4. An employee shall not work nor be placed in any position with access to sensitive, confidential, personal or departmental information regarding a relative or employee with whom a dating relationship is established.

Employment of non full-time employees shall also be governed by the principles stated in this policy.

If a close relative or dating relationship is established between employees after employment begins that fits a scenario described above, it is the responsibility and obligation of the employees involved in the relationship to disclose the existence of the relationship to the appropriate department head or elected official. The individuals concerned will be given the opportunity to decide who is to be transferred to another available position.

If that decision is not made within thirty (30) calendar days, the department head will decide who is to be transferred or, if necessary, terminated from employment.

In other cases, where a conflict or the potential for conflict of interest arises because of the relationship between employees, even if there is no line of authority or reporting involved, employees may be separated by reassignment or terminated from employment. Employees in a dating relationship should refrain from public workplace displays of affection or excessive personal conversation.

Close relatives working within the same department at the time this policy is adopted, will be grandfathered.

## 2.15 OUTSIDE EMPLOYMENT

An employee may hold a job with another organization as long as he or she satisfactorily performs his or her job responsibilities with Madison County. ***Prior*** to accepting an outside job, employees must submit a ***written request*** to their department head and must receive ***written approval***. A copy of the request and approval will be forwarded to the Human Resources Department for filing in the employee's personnel file.

It shall be considered a conflict of interest for an employee of Madison County to hold an outside job where they will further their financial gain through the knowledge they have of Madison County's operations. Outside employment will present a conflict of

interest if it has an adverse impact on the employee's ability to perform their job duties or interferes with their work schedule.

All employees will be judged by the same performance standards and will be subject to Madison County's scheduling demands, regardless of any existing outside work requirements. If the department head determines that an employee's outside work interferes with performance or their ability to meet the job requirements , the department head may require the employee to either resign from their outside employment, resign from Madison County's employment or will be subject to termination.

## 2.16 SAFETY

Madison County employees are expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition or equipment to their supervisor or department head. Employees who violate safety rules, cause hazardous or dangerous situations, or fail to report or remedy such situations may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury or property damage, regardless of how insignificant the injury may appear or how small the damage, employees ***must immediately*** notify the appropriate supervisor. Any employee involved in an accident where there is any injury or property damage will be required to submit to a drug and/or alcohol screening. Failure to follow these procedures will result in disciplinary action, up to and including termination of employment **for both employees and supervisors**.

## 2.17 SECURITY INSPECTIONS AND ID BADGES

Madison County wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper

materials. To this end, the possession, transfer, sale, or use of such materials on county premises is prohibited.

Desks, lockers, and other storage devices may be provided for the convenience of employees but remain the sole property of Madison County. Accordingly, they as well as any articles found within them, can be inspected by any agent or representative of Madison County at any time, either with or without prior notice.

All Madison County employees will be issued an identification badge. Any employee entering the Courthouse must display their ID badge for the security officers. Anyone not wearing an appropriate ID badge will be required to enter through the metal detectors and have any bags or cases inspected by the security officers. ID badges are the property of Madison County.

Security personnel have the authority to randomly select employees to enter the metal detectors and have their possessions searched. On randomly selected days, all employees may be required to enter through the security detection process. All employees are expected to cooperate fully with the security personnel; failure to do so could result in disciplinary action, up to and including termination of employment, as well as a legal action by the appropriate law enforcement agency.

Each employee is responsible for his or her own ID badge. Any lost badge must be reported to Human Resources immediately. If the employee leaves Madison County employment, the employee must turn in the ID badge to the department head or to the HR Department.

## 2.18 TOBACCO

In recognition of the fact that the U.S. Surgeon General has declared the use of tobacco to be a health hazard the county adopts this policy in order to serve the public health, safety and welfare of its employees and county citizens. This policy applies to

**any** type of tobacco product or device to include electronic cigarettes (e-cigarettes).

The use of **any** tobacco product or device is prohibited in all vehicles, motorized equipment, and within thirty (30) feet of buildings owned, operated or controlled by Madison County unless in an exterior designated smoking area. An employee who fails, or refuses, to follow this policy shall be subject to disciplinary action, up to and including termination.

## 2.19 SOCIAL NETWORKING POLICY

Madison County values every employee as a person and a professional. Our goal is to help you be successful within your position; thereby ensuring your contribution to the success of the County's mission.

This policy sets forth basic standards of conduct surrounding various social media platforms and programs, including but not limited to Blogs, Twitter, LinkedIn, Facebook, MySpace, Instagram, and product/service review sites like CitySearch, Yelp, etc. (collectively referenced as "social media" in this policy).

Standards of conduct for employees of Madison County are created to inform all employees of what is expected of them and to implement a procedure to discipline employees who fail to comply the standards of conduct.

**See Appendix 4 for the complete Social Networking Policy**

## 2.20 SOLICITATION

Employees and persons not employed by Madison County may not solicit, distribute literature, or sell products or services in the workplace at any time for any purpose.

The term solicitation includes:

- The collection of money, goods, or gifts.

- The circulation of petitions.
- The solicitation of memberships, fees, or dues.

## 2.21 USE OF COUNTY VEHICLES AND EQUIPMENT

If driving a county-owned vehicle is a part of employment, the employee is required to have a good driving record and a valid driver's license or a valid commercial driver's license. A copy of the employee's driver's license will be maintained in their personnel file. If an employee's license expires or is suspended, the employee must immediately notify their supervisor. Operating a county vehicle without a valid license may be grounds for disciplinary action, up to and including termination of employment.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic parking violations, can result in disciplinary action, up to and including termination of employment.

Repeated accidents, including on or off the job in county vehicles and on or off-duty in personal vehicles, may affect an employee's eligibility for coverage under the county's insurance. Speeding and other traffic citations are also reasons for our insurance company to exclude an employee from driving.

The county insurance provider may periodically and randomly select employee driving records for review. The following offenses may exclude an employee from coverage:

1. Driving while intoxicated or under the influence (DWI, DUI), license suspension, reckless driving, drug charges, leaving the scene of an accident, vehicular homicide, or other similar offenses.
2. Two (2) or more moving violations and one (1) or more at-fault accidents in the past three (3) years.

3. Three (3) or more moving violations in the past three (3) years.
4. Two (2) or more at-fault accidents in the past three (3) years.

Madison County's insurance carrier makes the determination of eligibility or exclusion and the HR Department is notified when and if an employee is excluded from coverage.

**Employees who are deemed safety sensitive must report to the Human Resources Department any ticket or arrest for a moving violation within seventy-two (72) hours of receiving the citation or the arrest. This applies without regard to operating a personal or county vehicle.**

**Withholding Requirements for Commuters**:

The Internal Revenue Service (IRS) considers commuting to and from work in a county-owned vehicle to be personal use, even if the vehicle is taken home for the convenience of the county. The county uses the Commuting Rule, as set forth by the IRS, to determine the value of the vehicle. Each one-way commute (one (1) trip from home to work or vice-versa) is multiplied by the current IRS rate under the Commuting Rule to calculate the value of the vehicle to the employee which is considered taxable income. If more than one (1) employee is required to commute in such a vehicle, this value applies to each employee.

However, the IRS considers all of an employee's use of a qualified non-personal use vehicle a working condition benefit, which is excluded from taxable income. By way of illustration, examples of Qualified Non Personal Use Vehicles are marked and unmarked Sheriff's Office vehicles; marked Fire Marshal's vehicles; any vehicle designed to carry cargo with a loaded gross vehicle weight over fourteen thousand (14,000) pounds including dump trucks and garbage trucks.

Madison County reserves the right to periodically run a Motor Vehicle Report to determine an employee's driving record. An employee's driving record may subject the employee to restrictions from driving or termination. If Madison County is notified by the insurance company that an employee is ineligible for county insurance coverage, the employee will either be removed from driving a county vehicle, or if driving is an essential function of their job, their employment may be terminated.

The Madison County Commission has the authority to assign and designate the use of a county vehicle to an employee for the purpose of conducting official county business. At the discretion of the County Commission, vehicles may be driven to and from the employee's residence. The following rules and regulations will apply to employees who are allowed to drive assigned vehicles home:

1. County vehicles may be operated only by employees on county business.
2. County vehicles shall not be used to transport persons other than county employees, except in connection with the effective execution of official duties for Madison County.
3. County vehicles may not be used to transport family members.
4. County employees who may be required to perform duties before or after normal working hours may be authorized to carry a vehicle home on those nights when he or she is performing such duties.
5. County vehicles are not to be taken out of Madison County except on official Madison County business. Employees who live outside Madison County will not be allowed to drive a vehicle to their residence unless authorized in writing by the County Administrator.

6. Employees are expected to see that the vehicle is properly maintained and serviced.
7. Employees must notify their department head if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair.
8. County vehicles are to have no decals, bumper stickers, or markings of any kind other than the Madison County emblem.
9. County vehicles are not to be used for personal errands. This does not include use to go to lunch.
10. Any accident must be reported immediately to the employee's supervisor, or in the case of a department head, to the County Administrator.
11. Any accident where there is ***any*** injury, the employee must notify their supervisor immediately after the accident occurs. The supervisor must call the Triage Hotline (1-855-660-5200) to report the injury and receive direction on how to proceed with treatment for the employee.
12. In the event of an accident, where there is ***any*** property damage, without personal injury, the employee must report immediately for a drug and/or alcohol screening. Accidents occurring after hours resulting in property damage, without personal injury, may wait and be screened the next business day. The employee's direct supervisor bears the burden of ensuring the screening is completed. Failure to complete the drug and/or alcohol screening/process will result in disciplinary action up to and including termination for both the employee and supervisor.

## 2.22 TECHNOLOGY POLICY

Employee use of phone systems and radios may be monitored and use is governed by the following rules.

## TELEPHONES

Personal use of a landline telephone for long-distance calls is not permitted. Any personal calls made or received by the employee should not be disruptive to their work of their fellow employees. If a personal call is received and it will interfere with the employee's work, serving the public, or be disruptive to others, the employee should terminate the call immediately.

## COUNTY PROVIDED CELL PHONES

Madison County will issue cell phones to employees depending on the nature of the position, and the need for a supervisor to be able to contact the employee during or outside of business hours. County issued cell phones are not intended for personal or unauthorized use; however, limited personal use may be permitted. Personal use should not incur charges of any kind and should not be used for personal communications to solicit business, advertise, or engage in marketing for any non-related work activity. Abuse of cell phone use could result in loss of the phone and/or disciplinary action, up to and including termination of employment. Department heads reserve the right to collect and search phones at any time. County provided cell phones and any information saved or placed on the device is property of Madison County.

## PERSONAL CELL PHONES

The use of personal cell phones on the job should be brief and infrequent, unless prior approval is granted by the department head. The ringing of personal phones can be disruptive. Cell phones should be turned off or placed in the silent mode.

**Under no circumstance may an employee type, text, access social media or view information on a cell phone or another electronic device while operating a Madison County vehicle.**

## TWO-WAY RADIOS

Radios are to be used solely for county business.

## MAIL SYSTEM

Madison County has a specific department to handle the receipt and mailing of department mail. Employees are not allowed to use county mail services and/or postage for personal use.

## COMPUTER AND EMAIL USAGE

Computers, computer files, email system, and software furnished to employees are Madison County property intended for business use. Employees should not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer and email usage may be monitored.

Madison County prohibits the use of computers and the email system in ways that are disruptive, offensive to others, or harmful to morale. For example, the display or transmission of sexually explicit images, messages, and cartoons are not allowed. Other such misuses include, but are not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others.

Limited personal use of computer or email may be permitted but should be infrequent and brief. Employees may not use email or computers to solicit business, advertise or engage in marketing for any non-related work activity, commercial ventures, religious or political causes, or any outside organization. Abuse of this policy in any way may result in disciplinary action, up to and including termination of employment.

Madison County purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless

authorized by the software developer, Madison County does not have the right to reproduce such software for use on more than one (1) computer. Employees may only use software on local area networks or on multiple machines according to the software license agreement. Madison County prohibits the illegal duplication of software and its related documentation.

Employees should notify their immediate department head or the HR Department upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

Unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. If an employee did not create the material, does not own the rights to it, or has not gotten authorization for its use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights.

Internet users should take the necessary anti-virus precautions before downloading or copying any file from the Internet. All downloaded files are to be checked for viruses. All compressed files are to be checked before and after decompression.

Abuse of the Internet access provided by Madison County in violation of law or Madison County policies will result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy.

## 2.23 WORKPLACE MONITORING

Workplace monitoring may be conducted by Madison County. Computers furnished to employees are the property of Madison County. As such, computer usage and files may be monitored or accessed.

## 2.24 WORKPLACE VIOLENCE PREVENTION

All employees, including supervisors, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay", or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances, and any explosive materials are prohibited from the premises of Madison County by anyone other than law enforcement personnel.

Conduct that threatens, intimidates, or coerces another employee, a business contact, or a member of the public at any time, including off duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by Federal or State law.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor, department head, the Director of Human Resources or the County Administrator. This includes threats by employees, as well as threats by vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific as possible.

All suspicious individuals or activities should be reported as soon as possible to your immediate supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your work area, do not try to intercede or see what is happening.

Madison County will investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical.

Madison County may suspend employees, either with or without pay, pending investigation. Any employee determined to be responsible for threats of (or actual) violence or other conduct that

is in violation of these guidelines will be subject to prompt disciplinary action, up to and including termination of employment.

## 2.25 WORKERS' COMPENSATION

Madison County employees who sustain personal injuries due to an accident arising out of and in the course of their employment by Madison County may be eligible for benefits under the Alabama Workers' Compensation laws (Code of Alabama, §§ 25-5-1 through 25-5-50).

Notification requirements:

- Employee must notify their supervisor immediately after an injury occurs. Employees who fail to report injuries or accidents in a timely manner are subject to discipline, up to and including termination.
- The supervisor must call the Triage Hotline (1-855-660-5200) to report the injury and receive direction on how to proceed with treatment for the employee.
- Employees must report for a drug and/or alcohol test within twenty-four (24) hours or on the next business day following an injury. The employee's supervisor is responsible and will be held accountable for ensuring the drug and/or alcohol testing process is complete.

### REPORTING A FALSE INJURY IS A FELONY

State law dictates when and how much an employee is paid when there is lost time due to an on-the-job injury. There is a three (3) day waiting period before workers' compensation begins.

Failure to follow procedures could delay benefits. Coverage for medical services will not be provided when employees seek their own treatment. Any treatment of injuries must have prior approval.

Employees must follow Madison County's prescribed procedures and State laws governing on-the-job injuries. Family Medical Leave benefits may run concurrently with Worker's Compensation benefits. See the Family Medical Leave Act policy for more information. Employees injured on the job are required to submit to a drug screening and/or alcohol breathalyzer test. An employee's refusal to submit to a required screening may result in termination. A positive drug or alcohol test could disqualify the employee for Workers' Compensation benefits.

NEW

## 2.26 SUPERVISOR POLICY

Madison County defines the role of supervisor as having authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, the responsibility to direct them, assign work or recommend such actions be taken. This effectively applies to any employee who performs some or all such duties, regardless of job title.

Madison County holds employees in the role of supervisor to a higher standard of excellence for integrity, honesty, work performance, behavior and attitude. Supervisors are held accountable for the quality and quantity of work performed by their team, employee attendance, providing ongoing coaching, feedback and when necessary, disciplining employees. Supervisors are also responsible for the cleanliness and safety of their work areas and ensuring employees have the tools, safety equipment and training to perform their job duties safely and efficiently.

A supervisor's failure to meet the standards of this policy could result in disciplinary action, up to and including demotion or termination of employment.

# SECTION 3

**EMPLOYMENT PROCESS INFORMATION**

## 3.1 EMPLOYMENT CATEGORIES AND CLASSIFICATIONS

It is the intent of Madison County to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility.

Each employee is designated as either non-exempt or exempt from Federal and State wage and hour laws. Non-exempt employees are entitled to overtime pay under the specific provisions of Federal and State laws. Exempt employees are excluded from specific provisions of Federal and State wage and hour laws. Exempt employees are not authorized to earn overtime under any circumstances. Provisions of the FLSA will be followed for exempt employees. An employee's exempt or non-exempt classification may be changed upon review of the job assignment by the HR Department.

Employees are limited to one (1) position title and one (1) classification at a time while working for Madison County. Employees will not be issued multiple employee identification numbers. The only exception to this rule is Sheriff Department Deputies assigned to work in a part-time position as a Defensive Driving Instructor.

Exempt employees must normally receive their full salary for a week in which they perform any work, without regard to the number of days or hours worked. However, exempt employees need not be paid for any workweek in which they perform no work at all for the county, under which circumstances the exempt employee would need to use accrued paid time off to receive compensation for the unworked time.

In addition to the above classifications, each employee will belong to one (1) of the following employment categories:

1. **Regular Full-Time**: Employees who have completed their probationary period, and who are regularly scheduled to work Madison County's full-time schedule are categorized as "Regular Full-Time" and are eligible for Madison County's benefit package, subject to the terms, conditions, and limitations of each benefit program.
2. **Probation**: Employees whose performance is being evaluated to determine whether further employment in a specific position, or with Madison County, is appropriate. A six (6) month probationary period is required for new full time employees except for, Sheriff Department Deputies, Sheriff Department Dispatchers, Detention Officers, and Madison County Fire Communication Officers who shall serve a twelve (12) month probationary period.

**Employees who transfer to a different department or are reclassified to a different job classification are subject to a six (6) or twelve (12) month probationary period. Employee's benefits and leave accruals are not subject to change.**

3. **Regular Part-Time**: Employees hired to work for an indefinite period and who will work less than twenty-nine (29) hours per week. Employees are covered by all legally mandated benefits, such as Workers' Compensation Insurance and Social Security. **Part-time employees are not eligible for the Madison County's benefit package, sick leave, vacation leave or holiday pay. Employees who consistently work twenty (20) hours or more per week are required to participate in RSA.**
4. **Seasonal**: Employees can work a maximum of one hundred and eighty (180) days from date of hire. Employees are covered by all legally mandated benefits, such as Workers'

Compensation Insurance and Social Security. Employees will have a pre-determined start and end date. Human Resources will track these positions and send "position ending" notices to department heads in advance of the employee's last day. Seasonal employees may be rehired by Madison County following a thirteen (13) week termination period. **Seasonal employees are not eligible for Madison County's benefit package, sick leave, vacation leave or holiday pay.**

5. **Grant Paid Temporary**: Employees who are hired for specific grant funded programs. They are covered by all legally mandated benefits and, depending on the provisions of the particular grant, may receive additional benefits such as health insurance, life insurance, and leave benefits. These jobs will end at the completion of the grant period.

NEW

## 3.2 JOB POSITION POSTING POLICY

### Purpose

The purpose of this policy is to achieve the best possible balance between the operational needs of Madison County and the career opportunities available to our employees while meeting state and federal position posting requirements.

### Policy Statement

It is the policy of the Madison County Commission to provide equal employment opportunity without regard to race, color, religion, age, national origin, sex, disability, veteran status or any other basis protected by law.

## Definitions

Change in Scope of Work: Employee's current position now requires a significant change of responsibility and/or judgement based on the operational needs of the county or the department.

Normal Career Progression: A change in title or grade is based on demonstrated skills, abilities or the obtainment of a certification, license or educational degree and the progressed position is at a higher level on the Madison County pay grade. For example, progressing an employee from a level one position up to a level two position because the employee has demonstrated the required skills and abilities or has obtained the required license, certification, or degree.

Organizational Restructuring: Significant change in the alignment of people and resources within a department to include, but not limited to a reassignment of essential job duties and responsibilities, a modification in the reporting relationships, eliminate redundancy in task completion, or a shift in the direction or realignment or the department with the goal of being more efficient and structurally aligned to meet the current and expected operational requirements.

## Procedure

All positions are to be competitive in nature and posted to accept applications using the HR Department's application tracking system. Positions may be opened in one of the following methods:

- **Internally Only**: Position will be posted for a minimum of three days to all Madison County employees.
- **Internally and Externally**: There is no minimum time requirement that a job must be posted internally and externally.

Business Conditions that could cause an exception to this policy include, but are not limited to:

- Organizational Restructuring
- Normal Career Progression: *Unless there are multiple employees in the same job title with the same or similar qualifications or experience*
- Change in Scope of Work

The decision to fill a position without posting requires the review and approval of the Director of Human Resources.

## 3.3 EMPLOYMENT APPLICATIONS

Madison County relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Applicants are required to sign a release form that allows Madison County to obtain information from references and previous employers. Some positions require driving records, criminal convictions history and credit reports.

Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, their employment may be terminated.

Misrepresentation as to pre-existing physical or mental conditions may void employee's Workers' Compensation benefits and lead to disciplinary action, up to and including termination of employment.

## 3.4 BACKGROUND CHECK POLICY

All offers of employment at Madison County are contingent upon clear results of a thorough background check. Background checks will be conducted on all final candidates. Some positions require

different types of background checks that may be completed by the department.

Background checks may include:

1. **Social Security Verification**: Validates the applicant's Social Security number, date of birth and former addresses.
2. **Prior Employment Verification**: Confirms applicant's employment with previous employers as listed on their application, including dates of employment, position held and additional information available pertaining to performance rating, reason for departure and eligibility for rehire.
3. **Personal and Professional References**: Calls will be placed to individuals listed as references by the applicant.

   Inquiries received from outside sources requesting employment verification of Madison County employees, or previous employees of Madison County, will be referred to the Human Resources Department. Responses to phone inquiries will confirm only dates of employment and position(s) held.

   No employment data other than employment dates and position held will be released without a written authorization and release signed by the individual who is the subject of the inquiry.
4. **Educational Verification**: Confirms the applicant's claimed educational institution, including the years attended and the degree/diploma received.
5. **Criminal History**: Includes review of criminal convictions and probation. The following factors will be considered for applicants with a criminal history:
   - The nature of the crime and its relationship to the position.
   - The time since the conviction.

- The number (if more than one) of convictions.
- Whether hiring, transferring or promoting the applicant would pose an unreasonable risk to the business, its employees or its customers and vendors.

The following additional background searches will be required if applicable to the position:

- **Motor Vehicle Records**: Provides a report on an individual's driving history in the state requested. This search will be run when driving is an essential requirement of the position.
- **Credit History**: Confirms candidate's credit history. This search may be run for positions that involve management of Madison County funds and/or handling of cash or credit cards.

**Procedure**

Final candidates must complete a background check authorization form and return it to HR.

Upon receipt of the signed release form, Human Resources will order the background check from a third party background employment screening service. A designated HR representative will review all results.

The HR representative will notify the hiring manager regarding the results of the check. In instances where negative or incomplete information is obtained, the appropriate management and the Director of Human Resources will assess the potential risks and liabilities related to the job's requirements and determine whether the individual should be hired. If a decision not to hire or promote a candidate is made based on the results of a background check, there may be certain additional Fair Credit Reporting Act (FCRA) requirements that will be handled by HR in conjunction with the employment screening service (if applicable).

Background check information will be maintained in a file separate from employees' personnel files for a minimum of five (5) years.

Madison County reserves the right to modify this policy at any time without notice.

## 3.5 EMPLOYEE MEDICAL EXAMINATIONS

After an offer has been made to any applicant entering a designated job category, a medical examination will be performed at Madison County's expense by a health professional of Madison County's choice. The offer of employment and assignment to duties are contingent upon satisfactory completion of the exam. At the applicant's expense, additional medical information, exams or tests may be required by a health care professional.

Employees may be required to submit to medical examinations to determine fitness for duty. Such examinations will be scheduled at reasonable times and intervals and performed at Madison County's expense by a health care professional of Madison County's choice.

NEW

## 3.6 PROBATIONARY PERIOD

The probationary period begins on the first day of employment and is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. Madison County uses this period to evaluate employee capabilities, work habits, and overall performance. A newly hired employee who does not meet the required performance standard during the probationary period may be dismissed at any time during the probationary period by the department head for any reason and without right of appeal.

Newly and rehired employees work on a probationary basis for the first six (6) months after their date of hire except for, Sheriff Department Deputies, Sheriff Department Dispatchers, Detention

Officers, and Madison County Fire Communication Officers who shall serve a twelve-month probationary period. Employees who are promoted or transferred within Madison County must complete a secondary probationary period of six (6) or twelve (12) months with each reassignment to a new position.

In cases of promotions or transfers within Madison County, an employee who, in the sole judgment of management, is not successful in the new position can be removed from that position at any time during the secondary probationary period. If this occurs, the employee may either be returned to their former position, a comparable position for which the employee is qualified, depending on the availability of such a position, or the employee will be dismissed without the right of appeal.

Upon satisfactory completion of the initial probationary period, employees enter the "regular full-time" employment classification.

During the initial probationary period, new employees are eligible for those benefits that are required by law, such as Workers' Compensation Insurance and Social Security. They may also be eligible for other Madison County provided benefits, subject to the terms and conditions of each benefit program. Employees should read the information for each specific benefits program for the details on eligibility requirements.

NEW

## 3.7 ADVANCEMENT OF LEAVE

Newly hired full-time employees who are serving their probationary period can request up to twenty-four (24) hours of leave time for either sick or annual leave. The maximum time that can be advanced to an employee during their probationary period is twenty-four (24) hours. Advancement of leave must be requested and approved by the department head and the Director of Human Resources.

Approved advances of leave will be deducted from the employee's accrued balance once the employee moves out of the probationary status. Employees who receive time advancement and terminate employment from the county, (either voluntarily or involuntarily), prior to the end of their probationary period, will be charged for time advanced and the amount will be deducted from their final pay check.

During the secondary probationary period that is a result of promotion or transfer within Madison County, the employee will not lose or have to start over with any benefits.

Employees hired after January 1, 2019 are not eligible for advanced leave. These employees will be credited with three (3) annual leave days and three (3) sick leave days after successfully completing ninety (90) days of their probationary period.

# SECTION 4

## EMPLOYEE BENEFITS

Eligible employees of Madison County are provided a wide range of benefits. A number of the programs (such as Social Security, Workers' Compensation, and Unemployment Insurance) cover all employees in the manner prescribed by law. Details of many of these programs can be found elsewhere in this employee handbook and on the Madison County website.

Benefit plans and costs are subject to change at any time. Employees and retirees are not guaranteed a fixed benefit plan or premium.

The following benefit programs are available to eligible employees:

- Annual Leave
- Bereavement Leave
- Credit Union
- Deferred Compensation Plan
- Dental Insurance
- Employee Assistance Program
- Family Medical Leave (FMLA)
- Health Insurance
- Holidays
- Jury Duty Leave
- Military Leave
- Parking
- Pre-tax Benefit Premiums
- Retirement Plan
- Sick Leave
- Sick Leave Bank
- Supplemental Life Insurance
- Uniforms
- Vision Care Insurance
- Wellness Program

Some benefit programs require contributions from employees, but most are fully paid by Madison County. The benefit package for regular full-time employees represents an additional cost to Madison County of approximately thirty (30) to thirty-five (35) percent of wages.

Visit the Madison County website for a complete listing of benefit options and programs.

## 4.1 ANNUAL LEAVE

Annual leave is available for vacation and personal matters. Annual leave **may not be used** to cover temporary absences due to personal illnesses or injuries, to attend to the medical needs of immediate family members, or for doctor appointments. These types of absences are to be covered by Sick Leave. (See Section 4.2). Employees under the protection of Family Medical Leave (FML) may use Annual Leave to substitute for unpaid FML leave.

Employees in the following employment classifications are eligible to earn and use annual leave as described in this policy.

- Regular full-time employees
- Grant-paid employees who work full-time hours for the length of time the grant is in effect.

Employees hired prior to January 1, 2019 are credited with six (6) annual leave days upon completion of six (6) months of their probationary period (including employees who serve a twelve (12) month probationary period).

**Effective January 1**, **2019**, probationary employees are credited with three (3) annual leave days after successfully completing ninety (90) days of their probationary period. Employees will continue to earn one day each month for every full month of service thereafter.

After five (5) years of continuous full-time service, employees start to accrue an extra day based on the following levels of service:

| | | | |
|---|---|---|---|
| 5 Years of Service: | 13 Days | 12 Years of Service: | 20 Days |
| 6 Years of Service: | 14 Days | 15 Years of Service: | 21 Days |
| 7 Years of Service: | 15 Days | 18 Years of Service: | 22 Days |
| 8 Years of Service: | 16 Days | 20 Years of Service: | 23 Days |
| 9 Years of Service: | 17 Days | 22 Years of Service: | 24 Days |
| 10 Years of Service: | 18 Days | 25 Years of Service: | 25 Days |
| 11 Years of Service: | 19 Days | | |

As each level is reached from five (5) to twelve (12) years of service, the extra day (eight (8) hours) will be credited on the employee's anniversary date. The accumulation of "extra" hours based on years of service (apart from the eight hours on the anniversary date as each level is reached), will be credited in a lump sum on the first full pay period in October of each year. After completing twelve (12) years of service, all extra hours are credited in a lump sum on the first full pay period in October of each year.

Annual leave must be used in minimum increments of fifteen (15) minutes. To take annual leave time, employees ***must request advance approval*** from their department head. Whether the request is approved will be based on a number of factors, including work needs and staffing requirements.

In the event that available annual leave is not used by the end of the fiscal year, employees may carry unused time forward to the next fiscal year up to a maximum of 480 hours. Any time over 480 hours at fiscal year-end (September 30) will be lost. Accrual of new leave will begin with the month of October. During the fiscal year, employees' leave balances may exceed 480 hours.

Upon termination of employment, employees will be paid for unused annual leave that has been earned. Employees who leave

for any reason prior to the completion of their probationary period, will not receive payment for any leave.

## 4.2 SICK LEAVE

Madison County provides paid sick leave benefits to all eligible employees for periods of temporary absence due to personal illnesses or injuries, to attend to the needs of immediate family members, and for doctor appointments. Immediate family is defined as the spouse, parents, grandparents, brothers, sisters, children, and grandchildren of both the employee and spouse. Regular full-time, non-probationary employees, and if provided for in the specific grant, full-time grant-paid employees are eligible for this benefit.

Employees hired prior to January 1, 2019 are credited with six (6) sick leave days upon completion of six (6) months of their probationary period (including employees who serve a twelve (12) month probationary period).

**Effective January 1**, **2019**, Probationary employees are credited with three (3) days of sick leave after successfully completing ninety (90) days of their probationary period.

Eligible employees will accrue sick leave benefits at the rate of twelve (12) days per year (1 day for every full month of service). Paid sick leave must be used in minimum increments of fifteen (15) minutes.

Employees who are unable to report to work due to illness or injury must notify their department head before the scheduled start of their workday if possible. The department head must also be contacted on each additional day of absence. If an employee is absent for three (3) or more consecutive days due to illness or injury, a physician's statement may be requested verifying the disability and its beginning and expected ending dates. Such verification

may be requested for other sick leave absences as well and may be required as a condition to receiving sick leave benefits.

A department head may require a doctor’s statement of ability to return to duty and any applicable restrictions. Failure to provide a physician’s statement of ability to return to work, and/or any restrictions required, may result in disciplinary action.

Sick leave benefits may be used to supplement any payments that an employee is eligible to receive from Workers' Compensation. The combination of any such Workers' Compensation payments and sick leave benefits cannot exceed the employee’s normal weekly earnings.

There is no limitation on the amount of sick leave hours that may be accumulated. Any accrued, unused sick leave may be converted to retirement time when and if the employee retires from Madison County under the Tier One guidelines of the Employees’ Retirement System of Alabama. Employees who are eligible for retirement and have a projected retirement date may stay on payroll using accrued sick leave by providing a doctor’s statement indicating the necessity of the employee to be on sick leave or the necessity for that employee to attend to the needs of an immediate family member who is sick or incapacitated.

Sick leave benefits are intended solely to provide income protection in the event of illness or injury and may not be used for any other absence. Employees may not use more than sixteen (16) hours of accrued sick leave after submitting a notice for voluntary termination or completion of retirement paperwork, with the exception for medical or disability retirement. Abuse or misuse of sick leave benefits may be grounds for disciplinary action, up to and including termination. Unused sick leave benefits have no monetary value but can be donated to the sick leave bank or an eligible employee upon termination of employment.

## 4.3 DEFERRED LEAVE

Deferred leave is leave awarded to employees in special circumstances as defined below. Deferred leave **may not be used** to cover temporary absences due to personal illnesses or injuries, to attend to the medical needs of immediate family members, or for doctor appointments. These types of absences are to be covered by Sick Leave. Employees under the protection of Family Medical Leave (FML) may use Annual Leave to substitute for unpaid FML leave.

Deferred leave must be used in increments of fifteen (15) minutes and employees must request and receive advanced leave approval from their department head before using the benefit. Whether or not the request will be approved will be based on a number of factors, including work needs and staffing requirements of the department. Employees may not use more than the equivalent of two shifts eight (8), ten (10), or twelve (12) hours 8 of accrued deferred leave after submitting a notice of voluntary termination or completion of retirement paperwork.

In the event available deferred leave is not utilized before the end of the fiscal year, employees may carry forward an unused balance to the next fiscal year. Deferred leave carries no monetary value for the employee and an unused deferred leave balance will **not** be paid to the employee upon termination or retirement from Madison County. Deferred leave is a use or lose benefit and may not be transferred or donated to other employees. Deferred leave may not be used in lieu of paying employees for hours worked.

Deferred leave is provided to employees under the following situations:

1. Non-exempt employees who are unexpectedly called back to their assignment after normal working hours (See Section 2.2)

2. Employees who are required to work when county operations are closed for an entire day due to emergency or weather conditions (See Section 2.5)

## 4.4 EMPLOYEE ASSISTANCE PROGRAM (EAP)

Madison County is interested in the health and well-being of our employees and feels that it is in the interest of everyone to deal with personal problems which affect our employees' job performance through the use of an Employee Assistance Program (EAP). The purpose of the county's EAP is to provide confidential, professional assistance to any full-time employee and eligible dependents who desire such assistance.

The types of personal problems that the EAP is designed to help address include, but are not limited to, marital, family or relationship distresses, financial and emotional problems, workplace issues, as well as alcohol and drug abuse. The EAP will attempt to treat such personal problems by directing the employee or eligible dependent to the appropriate facility for assistance or treatment. Each full-time employee or eligible dependent receives a maximum of three (3) sessions per fiscal year (October-September) at no charge to the employee. If additional sessions are recommended or required, the employee will be responsible for paying the co-pay for each session.

An employee who has a problem which he or she feels may affect his or her job performance is encouraged to voluntarily seek assistance through the EAP. Strict confidentiality of records and information will be maintained.

Those receiving help will not have promotion opportunities or reputation jeopardized by participating in the program. **However, participation in an EAP will not alter or supersede existing procedures for correcting unsatisfactory performance, nor**

**preclude disciplinary action up to and including termination of employment when appropriate.**

**EAP Referral Procedures**

Full time employees and eligible dependents may obtain professional assistance through the EAP by one (1) of the following:

1. Self-Referral: A full time employee or eligible dependent who desires confidential assistance with personal problems or workplace issues can contact the employee assistance program directly to schedule an appointment.
2. Supervisor Recommended Referral: Supervisors may utilize the EAP to seek assistance for an employee whose work performance has deteriorated, whose mood or attitude has suddenly changed when it appears to be the result of a personal problem. Supervisors should meet with employees to discuss the sudden changes in order to place the employee on notice and to inform the employee that they are aware and concerned with the employee's performance, and that disciplinary action may be taken if immediate improvement is not made to correct the issues. If the supervisor determines the root cause of the issues to be personal problems, the employee will be reminded of the assistance available through the EAP. If the employee chooses to participate in the EAP in order to seek help with correcting the problems, the supervisor will contact the Human Resources Department to establish the referral. Employees who refuse help from the EAP will be reminded of the performance expectations, work requirements for their position and the consequences for failing to meet those expectations.
3. Medical Referral: Full time employees who need assistance with a substance abuse or alcohol problem should contact

the EAP provider directly or contact the HR Department for assistance in seeking help.

4. Disciplinary Proceedings Referral: Employees who are referred to the EAP as part of a disciplinary proceeding will be required to participate in a maximum of three (3) visits per fiscal year. Failure to complete the EAP process could result in disciplinary action, up to and including termination of employment.

   Supervisors who wish to require an employee to submit to an EAP process will notify the HR Department to establish the referral.

## COMPENSATION WHILE PARTICIPATING IN THE EAP

Full time employees who voluntarily take part in the EAP should make every effort to schedule appointments outside of their normal work hours. Should an appointment occur during an employee's normal work hours, the employee must use accrued sick leave to substitute for regular work hours.

Employees who are required to take part in the EAP will receive their regular hourly rate if an appointment falls during their normal work hours for a maximum of three (3) visits per fiscal year.

Employees who wish to continue treatment or seek assistance beyond the three (3) visits per fiscal year included in this benefit, must use accrued sick leave to substitute for regular work hours if appointments fall during their normal work hours.

## DISCIPLINARY ACTIONS

The EAP is not a substitute for Madison County's published disciplinary procedures. Neither special privileges nor exemptions from performance standards will be granted to an employee participating in the EAP. While an employee may be referred to the EAP as a result of a disciplinary action, responsibility for completing the treatment program under the EAP rests with the employee.

## 4.5 SICK LEAVE BANK

**See Appendix 5 for the complete Sick Leave Bank policy**

## 4.6 PAID TIME OFF

## HOLIDAY PAY

Madison County observes the following holidays:

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Christmas Day

In addition to the holidays listed above, the Madison County Commission may grant additional days such as Christmas Eve or the Friday following Thanksgiving. Generally, the Commission follows the State schedule for additional paid holidays.

*Definitions:*

- **Holiday Pay**: Pay an eligible employee receives for being off on a Madison County recognized holiday. Each holiday shall have a declared value equal to the number of hours the employee is regularly scheduled to work on each shift.
- **Premium Pay**: Pay any employee receives for working on a Madison County recognized holiday. Pay rate is not to exceed time and a half.

Employees who are eligible to be off and receive holiday pay include the following employee categories:

- Regular Full-Time Employees
- Probationary Employees
- Grant-Paid Employees

As many employees as possible will be allowed off on a recognized holiday. However, certain responsibilities and duties cannot be dispensed to ensure and maintain efficient operation of county government. All employees required to work on a recognized holiday shall be paid the premium pay rate for all hours worked on the holiday. If an employee works less than a full shift on a holiday they are scheduled to work, the employee will be paid premium pay for every hour worked and then will receive holiday pay for the remaining scheduled hours. All compensation due will be paid in the pay period in which the holiday falls.

In the event the holiday falls on Saturday or Sunday, the county shall recognize the holiday on the Friday before or the Monday after, as the legal holiday. Premium pay will only be issued for the recognized holiday.

To be eligible to receive Holiday Pay, an employee must be in an active employment status and not on leave without pay, unexcused, disciplinary suspension, or unpaid leave of absence (pursuant to the Family Medical Leave Act) on the previous scheduled workday or the next scheduled workday after the holiday.

Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.

If a recognized holiday falls during an eligible employee's approved paid absence (such as vacation or sick leave), holiday pay will be provided instead of the paid time off benefit that would have been applied.

An employee scheduled to work a recognized holiday and who "calls-out" as unable to work, is required to take accrued time

equivalent to the number of hours the employee was scheduled to work and is not eligible for holiday pay.

## BEREAVEMENT LEAVE

Regular full-time and probationary employees who wish to take off due to the death of an immediate family member must notify their department head as soon as possible. Up to three (3) days of paid bereavement leave will be provided to regular full-time employees. The time period for using these three (3) days begins the day after the immediate family member's death through the day after the funeral. The three (3) days bereavement leave benefit only applies to days that fall within the employee's regular work schedule.

Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements. Employees may, with their department head's approval, use any available annual or deferred leave for additional time off as necessary.

Madison County defines "immediate family" as the spouse, parents, grandparents, brothers, sisters, children, and grandchildren of both the employee and the spouse. Special consideration will also be given to any other person whose association with the employee was similar to any of the above relationships.

## JURY DUTY

The following Madison County employees called for jury duty will qualify for paid jury duty leave:

- Regular full-time employees
- Probationary employees
- Grant Paid employees (if covered in the applicable grant)
- Part-Time employees

Employees ***must show the jury duty summons*** to their department head immediately after receipt so that the supervisor

can arrange to accommodate their absence. Employees are expected to report for work whenever the court schedule permits. Health insurance benefits will continue to be provided; and annual leave, sick leave and holiday benefits will continue to accrue during paid or unpaid jury duty leave.

## WITNESS DUTY

If employees have been subpoenaed or otherwise requested to testify as witnesses by Madison County or by the State of Alabama, they will receive paid time off for the entire period of witness duty. This will also apply where employees are subpoenaed as a direct result of their employment with Madison County as determined by the Human Resources Department.

Employees ***must show the subpoena*** to their department head immediately after it is received so the supervisor can make arrangements to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

## VISITING THE EMPLOYEE CLINIC

Regular full-time and probationary employees are encouraged to visit the Local Government Employee Health Clinic when necessary. Employees may substitute a maximum of two (2) hours regular paid time for sick leave after visiting the Clinic on a day they are regularly scheduled to work. Employee must provide a doctor's excuse from the Clinic to their supervisor within the same pay period in order to receive the substituted time. *This policy does not apply to an employee taking time away from work for a dependent to visit the Clinic or for employees who called in sick and missed an entire scheduled work day*.

# SECTION 5

ATTENDANCE, PAYROLL AND TIMEKEEPING

## 5.1 ATTENDANCE AND PUNCTUALITY

Madison County expects employees to be at work and to be punctual in reporting for work. Absenteeism and tardiness place a burden on other employees and on Madison County. Because of the critical nature of some positions, such as Security, Detention, E-911 Dispatch, etc., tardiness can cause serious problems.

When employees cannot avoid being late for work or are unable to work as scheduled, they must notify their department head ***in advance*** as soon as possible. Departments have specific policies regarding notification. Employees are to follow departmental policies, as well as rules contained in this handbook.

Improper use of sick leave, excessive and unreasonable absenteeism, tardiness, unauthorized absences, or failure to notify your department when you are unable to report to work may result in disciplinary action, up to and including termination.

## 5.2 PREGNANCY-RELATED ABSENCES

Madison County will not discriminate against any employee who requests an excused leave of absence for medical disabilities associated with pregnancy. Such leave requests will be evaluated according to the medical leave policy provisions outlined in this Handbook and all applicable Federal and State laws.

Requests for time off associated with pregnancy and/or childbirth, such as bonding and child care, not related to medical disabilities for those conditions will be considered in the same manner as other requests for Family Medical Leave or personal leave.

## 5.3 COMPENSATION POLICY

**See Appendix 6 for Compensation Policy and Procedures**

## 5.4 PAYDAYS

Madison County employees are paid on a bi-weekly basis (26 pay periods per year) and paychecks are issued on alternate Fridays. The workweek begins at 12:01 a.m. on Sunday morning and ends at 12:00 midnight Saturday evening. If a county-paid holiday falls upon a bi-weekly payday, the payday shall occur upon the work day immediately preceding the holiday.

Participation in direct deposit is mandatory for payroll distribution. Employees will have access to an itemized statement of wages when Madison County makes direct deposits. Forms for enrollment and to change financial institutions for direct deposit are available in the HR Department.

Final pay to terminating employees will be paid by the second pay period after the employee's termination date. Employees are required to turn in any county property prior to receiving final pay. This will include keys, I.D. badges, and other equipment. If an employee fails to return all county property, direct deposit may be stopped for the final paycheck. The employee will be required to return county property at the time they pick up their final paycheck.

## 5.5 PAY DEDUCTIONS AND SETOFFS

The law requires that Madison County make certain deductions from every employee's compensation. Among these are applicable Federal and State income taxes. Madison County must also deduct Social Security and Medicare taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base". Madison County matches the amount of Social Security taxes paid by each employee.

Madison County offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their pay checks to cover the costs of participation in these programs.

Pay set-offs or garnishments are pay deductions taken by Madison County as legally required, usually to help pay off a debt or obligation.

**Establishment of Worked Time**:

1. Non-exempt and exempt employees will clock in using the county's electronic time keeping system to establish their "time sheet" for reporting hours worked during each pay period.
2. Exempt employees will clock in once per day to establish their workday.
3. Non-exempt employees shall clock in or out when:
    a. Arriving to work.
    b. Starting a meal break of at least thirty (30) minutes.
    c. When returning to work from a meal break of at least thirty (30) minutes.
    d. Leaving work for the day.

Full-time Madison County employees are required to work a regular scheduled shift of at least eight (8) hours per day *(some employees may regularly work ten (10) or twelve (12) hour shifts*) and take a minimum thirty (30) minute meal break per day. The time keeping system will make automatic deductions for meal breaks to non-exempt employees. Employees may take longer meal breaks, at the discretion of management, but must adjust their work schedule to come in earlier or work later or use accrued leave time to equal their shift to eight (8) hours per day.

**Time Approval Process**:

1. Electronic time sheets should reflect hours used for personal leave (annual and sick) and holidays. Personal leave reflected in the timekeeping system should be supported by an approved leave request. Employees are required to approve their timecards at the end of each pay period using the Kronos timekeeping system.
2. Supervisors will review their employees' hours for accuracy. This review serves several purposes:
    a. Review for accuracy
    b. Approval of overtime
    c. Tracking and documenting trends in absenteeism and tardiness

## 5.6 MEAL PERIODS

Although not mandated by the regulations of the Fair Labor Standards Act (FLSA), it is the policy of Madison County to offer when possible, an unpaid meal period for employees (as part of their established work day) during which the employee shall not perform any duties/tasks associated with their assigned responsibilities.

Meal periods are not considered as "hours worked" provided a non-exempt employee does not perform any work. Depending on the department, a meal period must be a minimum of thirty (30) minutes in length but may be longer at the discretion of management. Without specific approval, an employee may not shorten a work day by skipping a meal period. Extending lunch and/or break periods without department head approval may be grounds for disciplinary action.

Meal breaks should be scheduled in a manner that does not negatively impact work unit operations. To limit the likelihood of a

non-exempt employee performing work during his or her meal period, employees should not be permitted to occupy his or her work station during meal periods.

## 5.7 BUSINESS TRAVEL EXPENSES

Madison County will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the department head. Additional approval must be given by the Commission for all training and travel over $1000.

Employees whose travel plans have been approved are responsible for making their own travel arrangements. When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by Madison County. Employees are expected to limit expenses to reasonable amounts.

Expenses that generally will be reimbursed must be reasonable and include the following:

- Mileage cost for use of personal cars, only when a county vehicle or less expensive transportation is not available.
- Car rental fees, only for cars med-size or below. Any car rentals must be justified and approved by the department head or elected official.
- Airline tickets must be purchased at the lowest published fare.
- Fares for shuttle or airport bus service, where available; cost of public transportation for ground travel.
- Taxi fares, only when there is no less expensive alternative.

- Cost of standard accommodation in mid-priced hotels, motels, or similar lodgings, unless the meeting or conference is held at a higher rated facility.
- Cost of meal when a signed itemized receipt of purchase is provided. (A credit card receipt which does not list all items purchased is not acceptable). The county will not reimburse for meals where the same meal was provided by the conference, convention, training program, etc.
- Tips not exceeding 20% of the total cost of the meal or 20% of a taxi fare.
- Charges for telephone calls, fax, and similar services required for business purposes.

Cost of alcoholic beverages ***will not*** be reimbursed.

Employees who are involved in an accident while traveling on business must promptly report the incident to their department head. They must submit to a drug screening immediately upon their return to duty in Madison County.

When travel is completed, employees must submit completed travel expense reports within fifteen (15) days. Reports must be accompanied by detailed receipts for all individual expenses, must have a copy of the meeting or conference agenda, and must be signed by the department head.

Abuse of this business travel expense policy, including falsifying expense reports to reflect costs other than the employee, may be grounds for disciplinary action, up to and including termination of employment.

## NEW 5.8 COMPENSATION DURING BUSINESS TRAVEL

1. Normal commuting time to and from work is generally not compensable and is not considered as hours worked.

2. Travel between a normal workplace, such as an office, and another place of assignment is usually considered as hours worked.
3. Travel between one (1) assignment and another during a work day is compensable and is considered hours worked.
4. Out-of-town travel as a passenger (in a county vehicle, bus, airplane, or train) that occurs outside normal working hours will not be counted as hours worked.
5. If a non-exempt employee is required to drive a county or personal vehicle on an overnight, out-of-town trip, time spent driving during working hours will be considered hours worked and are compensable.
6. If an employee is required to travel away from home and stay overnight, travel time during the employee's normal workday must be counted as hours worked, not only for normal workdays but also on weekends or non-workdays. For example, if an employee's normal work hours are 8 a.m. to 5 p.m. Monday through Friday, and the employee is required to travel on Saturday out of town and stay overnight, the employee must be paid for all travel time between 8 a.m. to 5 p.m. on Saturday or Sunday (with normal deductions for meal time).
7. An exempt employee is not entitled to overtime compensation for travel time either outside of, or in addition to, his or her normal work hours.
8. If a non-exempt employee is required to attend a meeting or an associated activity at an event outside of his or her normal work hours, all such time will be considered hours worked and must be recorded on his or her time card for the work week/work period in which these activities occur.

9. For those occasions which require a non-exempt employee to stay overnight for one (1) or more business days, all time spent outside of regular work hours is not compensable unless the employee is performing actual work for Madison County.

# SECTION 6

LEAVES OF ABSENCE

## 6.1 FAMILY AND MEDICAL LEAVE ACT

In general, employees are eligible for up to twelve (12) weeks of unpaid family or medical leave of absence within any twelve (12) month period and will be restored to the same or an equivalent position upon return from leave. To be eligible, the employee must have been employed by the county for at least twelve (12) months and worked at least one thousand two hundred fifty (1250) hours in the twelve (12) months before leave is requested. To determine the twelve (12) month period in which leave entitlement occurs, the county will use a rolling twelve (12) month period measured backward from the date an employee takes any leave under this policy.

**See Appendix 7 for the complete Policy and Procedure**

## 6.2 PERSONAL LEAVE OF ABSENCE

This benefit is intended to provide full-time Madison County employees with a maximum of thirty (30) days of unpaid personal leave during a calendar year for absences not related to those covered under the Family Medical Leave Act (For more information on the county's Family Medical Leave Policy, see Appendix 7 of this handbook). This is a privileged benefit, and thus will only be approved in extreme and rare situations.

Employees must meet the following qualifications in order to have their request considered:

1. Is not a newly hired or rehired employee, serving their six (6) or twelve (12) month probation.

2. Is not serving a secondary probationary period due to a recent promotion or transfer.
3. Has not had a documented disciplinary infraction within the last year.
4. Must have been in current position for at least one (1) year.
5. Must not have taken a personal leave of absence in the last two (2) calendar years.

Employees requesting a personal leave of absence must do so in writing to their direct supervisor a minimum of thirty (30) days in advance of the requested start date of the leave. The written request must include specific reasons for the requested leave and the beginning and end date of the leave. The request requires the approval of the employee's direct supervisor, department head and the County Administrator.

Personal leave cannot be taken on an intermittent basis, and must be requested, and used in consecutive days up to a maximum of thirty (30) days per calendar year.

Employees whose request for personal leave is approved, will be placed in an unpaid status. Subject to the terms, conditions, and limitations of the applicable benefit plans, employees will be responsible for paying their portion of their selected benefit premiums. The county reserves the right to cancel coverages if required insurance premiums are not paid as required. Employees may elect to suspend certain benefit plans while on personal leave but must do so in writing to the Madison County HR Department.

Benefit accruals, such as annual leave, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment. Retirement service time will not accrue during any unpaid leave.

When an employee returns from leave, every reasonable effort will be made to return the employee to the same position and the same

pay rate, if it is available, or to a similar available position for which the employee is qualified. Madison County cannot guarantee reinstatement in all cases.

Employees who fail to report to work promptly at the expiration of the approved leave of absence, will be assumed to have resigned and their employment will be terminated. Employees are liable for any unpaid benefit premiums.

## 6.3 MILITARY LEAVE

A military leave of absence will be granted to employees who are absent from work because of active service in the military service of the United States in accordance with the Uniformed Services Employment and Re-employment Rights Act (USERRA). ***Advance notice*** of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

Pursuant to Code of Alabama, § 31-2-13, employees who are active members of the Alabama National Guard, or of any other reserve component of the armed forces of the United States, shall be entitled to military leave of absence on all days that they are engaged in training or on other service ordered under the National Defense Act, or of the Federal laws governing the United States reserves, without loss of pay, time, efficiency rating, annual vacation, or sick leave.

Employees shall be paid their regular salary for a maximum of one hundred and sixty-eight (168) hours per calendar year. Employees who are required to participate in active service for periods longer than one hundred and sixty-eight (168) hours, may at their choosing, use accrued leave or may elect to designate the extended leave as unpaid time. The employee's election must be made in writing and submitted to their department prior to taking leave. If an election is not made prior to taking leave, time served beyond one hundred and sixty-eight (168) hours shall be recorded as unpaid

time. Time spent on military leave counts as time worked for reasons of FML qualification. Time spent on unpaid Military Leave will not count against the employee's maximum of forty (40) hours of unpaid time off per calendar year.

The Madison County Commission voted in 2001 to supplement the pay of those military employees who are called to active duty due to ***Presidential Recall***. Madison County will pay the difference between the called-out employee's military pay and their pay as a county employee when their military pay is less than their county salary. This policy will pick up where the benefits under Code of Alabama, § 31-2-13 stop.

## 6.4 POLITICAL ACTIVITIES AND LEAVE

The rights of employees of Madison County to participate in political activities are governed by the provisions of Code of Alabama, § 17-1-7, et seq.

To ensure the integrity and independence of the operation of the Classified Service of Madison County, the following rules and regulations apply to any and all political activities:

1. No person shall be appointed, promoted, demoted or dismissed or in any way favored or discriminated against with respect to employment in the Classified Service for political reasons.
2. Any employee of Madison County, whether in the Classified Service or Unclassified Service, who qualifies to seek a political office with the government entity with which he or she is employed, shall be required to take an unpaid leave of absence from his or her employment, or use accrued compensatory leave or accrued annual leave, from the date he or she qualifies to run for office until the date on which the election results are certified or the employee is no longer a candidate or there are no other candidates on the ballot. If an

employee is using accrued leave benefits and the benefits are exhausted prior to the election results being certified or the employee is no longer a candidate, the employee will go on an unpaid absence until the above requirements have been satisfied. During the period of unpaid leave, employees may pay to remain on the health insurance program, but annual leave, holiday benefits, and retirement time will not accrue. Benefits will be reinstated when the employee returns to active work.

3. No employee of Madison County shall use any county funds or property, including vehicles or work time for any political activities. Employees shall be on approved leave to engage in political action or shall be on personal time before or after work and on holidays.
4. No employee shall solicit any type of political campaign contributions from other employees who work for the employee in a subordinate capacity. No employee shall coerce or attempt to coerce any subordinate employee to work in any capacity in any political campaign or cause.
5. No employee shall conduct politically oriented speeches or other such verbal activities of a political nature, wear political badges, buttons or clothing, seek signatures to any petition, solicit votes, make or solicit contributions, or distribute badges, buttons, pamphlets, stickers, or handbills of any kind favoring or opposing any issue for vote or referendum or candidate for election or nomination to public office upon the property of, or during the normal work hours of the county. This prohibition includes the lunch and break periods.

Violation of the rules governing political activities may result in disciplinary action, up to and including termination of employment.

## 6.5 EMPLOYEE CONDUCT AND DISCIPLINARY PROCEDURES

Violation of Madison County Rules and Regulations, failure to perform up to required work standards, and other inappropriate behaviors or actions will result in disciplinary action taken by the department's appointing authority.

Madison County has a progressive disciplinary process that consists of the following actions: **verbal counseling, written warning, suspension without pay, or termination of employment**. Depending on the severity of the offense, appointing authorities may move ahead in the disciplinary progression to suspension without pay or even termination. Appointing authorities should consult with the Human Resources Department before skipping steps in the progression.

Madison County is not required to give a reason for termination of a probationary employee.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are ***examples of conduct or work performance*** that will result in disciplinary action, up to and including termination of employment:

**Primary Offenses**: Offenses that may result in suspension without pay or termination for a first offense. An additional primary offense or combination of secondary offenses will result in immediate termination.

100 Unauthorized use or removal of county property from county premises

101 Theft of Madison County property, personal property of county employees, public property, or personal property of others located on county property

102 Falsification of employment applications, medical history or physical exam questionnaires, records, time cards, reports, materials or documentation of any type

103 Insubordinate conduct or refusal to carry out orders of a superior

104 Disrespectful conduct toward an official, supervisor, department head, co-workers, or the public, whether verbally or in action

105 Any violation of Alabama Code of Ethics for Public Officials and Employees for covered and non-covered employees

106 Immoral or indecent behavior during work hours to include taking or electronically sending pictures of a sexual nature or obscene manner while on county property whether on or off shift

107 Disorderly or disgraceful conduct while on or off duty when such behavior threatens order, safety, health, or public respect for the county service

108 Sleeping while on shift

109 Three (3) days no call no show

110 Political activities contrary to legal regulations governing county employees

111 Abuse, damage or neglect of county property and/or public property

112 Violation of safety rules, including any behavior or conduct subject to create a safety hazard, or any actions that cause injury to any individual or damage of property

113 Arrest or conviction of a crime

114 Fighting or threatening violence physically or verbally during work hours or any time while on county property

115 Acts or threats of violence to any county employee or any county official

116 Possession of dangerous or unauthorized weapons or materials, such as explosives, in the workplace or in a Madison County owned vehicle except as authorized for the performance of duty

117 Gambling while on duty or while on county property

118 Reporting to work in an unfit condition, such as under the influence of drugs or alcohol

119 Reporting to work, or remaining at work, when physically or mentally impaired due to prescription drugs or over-the-counter medications

120 Violation of Supervisor Policy

121 Violation of the Sexual Harassment Policy

122 Violation of the Drug and Alcohol Policy

123 Violation of the Nepotism Policy

124 Violation of the Social Media Policy

125 Unauthorized, improper or illegal use of vehicles, telephones, mail system, computer email or internet, or other county-owned equipment

126 Unauthorized disclosure of confidential information

127 Failure to report an on-the-job accident where there is damage to any equipment or property, county or public

128 Failure to report for and submit to a drug/alcohol screening following any accident where there is any property damage or any injury

129 Bringing or possessing alcoholic beverages into any Madison County Facility

130 Using in excess of forty (40) hours of unpaid leave in a calendar year. *This excludes leave time approved under the Personal Leave, Family Medical Leave and Military Leave Policies*

131 Failure of an employee in a safety sensitive position to notify their direct supervisor in writing that they are taking any medication that has the potential to affect his or her job performance such as causing drowsiness

**Secondary Offenses**: Offenses that will result in a verbal counseling or written warning for a first offense. Continued offenses will result in progressive discipline, up to and including suspension without pay or termination.

132 Use of abusive language, bullying, making derogatory comments and/or using profanity while on duty

133 Failure or refusal to perform job duties and responsibilities

134 Absence from work without proper notification or reason

135 Failure to report to work on time, extending lunch time or break time, failure to observe working hours, i.e., leaving work early without authorization

136 Language or actions that offend other employees or the public, including gender, race, nationality, color, religion, disability, age, or personal beliefs

137 Unauthorized solicitations or selling on county property during work hours and/or when such actions are disruptive to employee's job, co-workers or county service

138 Violation of the tobacco policy

139 Accepting a secondary job, either part-time or full-time, without prior approval of the department head

140 Working another job, either part-time or full-time, when such work interferes or conflicts with employee's county job

141 Using knowledge of county job or county information for personal gain in other employment

142 Unauthorized or excessive absences from workstation during the workday

143 Unsatisfactory work performance or conduct

144 Failure to report an on-the-job injury

145 Violation of any Madison County Rules, Regulations, and Policies, or violation of any Departmental Policies

## 6.6 WILLFUL MISCONDUCT/POLICY VIOLATION

Willful misconduct, violation of safety rules, and violation of drug and alcohol policies will result in denial of benefits where injury or death may be the result of such violation. Notwithstanding the foregoing, no compensation shall be allowed for an injury or death caused by the willful misconduct of the employee, by the employee's intention to bring about the injury or death of himself or herself or of another, his or her willful failure or willful refusal to use safety appliances provided by the employer, or by an accident due to the injured employee being intoxicated from the use of alcohol or being impaired by illegal drugs.

## 6.7 TERMINATION OF EMPLOYMENT

1. **RESIGNATION**

   Voluntary termination by an employee. Employees who resign their employment with the county are expected to give the

department head at least a two (2) week notice before leaving the job.

2. **RETIREMENT**

   Voluntary employment termination initiated by the employee who meets age and other criteria for retirement under the Employees' Retirement System. Employees who retire from the county service should contact the HR Department and initiate the necessary paperwork ninety (90) days prior to the anticipated retirement date to allow adequate time for processing.

3. **DISMISSAL**

   An appointing authority may dismiss an employee, as set forth in Section 6 of the Employee Handbook.

4. **LAYOFF/REDUCTION IN FORCE**

   **Purpose and Scope**:

   Layoffs and position reductions may be initiated by the county for non-disciplinary reasons. A reduction in force (RIF) is defined as a permanent separation from employment due to fiscal restraint, budgetary needs, reorganization, redundancy in task completion, shortage of work, outsourcing or because the necessity for a position (or positions) no longer exists.

   A RIF may occur without filing written charges against the employee or employees affected and no such employee or employees shall have a right to an appeal hearing in a dismissal resulting from a RIF. In no case, shall a RIF be construed as a disciplinary dismissal.

   **Procedures**:

   To identify position(s) that will be affected by the RIF, an analysis will be completed of the business needs of the department, job functions and desired outputs to be

performed. Based on the results of the analysis, a list of positions to be retained and eliminated will be compiled and submitted to the Director of Human Resources.

The Director of Human Resources will be provided with a written statement outlining:

1. The circumstances requiring the RIF.
2. The benefits to the department and/or the county performing the RIF.
3. The intended last day of employment for the affected employee(s).
4. Plan to re-distribute job duties to retained employees.

**Notification Timeline**:

No layoff or position reduction shall occur without the Director of Human Resources being provided the information listed above at least sixty (60) calendar days prior to the employee(s) intended last day of employment, and the employee(s) to be affected notified in writing at least thirty (30) calendar days in advance of the intended last day of employment. The employee will be informed if the thirty (30) days will be a working or non-working period. For a non-working period, the employee will be placed on paid administrative leave through the last day of employment.

**Priority Applicant Status**:

Priority applicant status provides employees whose positions have been reduced the opportunity to communicate with the county's Recruiting Coordinator in regard to applying for and being considered for vacant positions in Madison County. The priority applicant status will be in effect for three (3) months from the date of the employee's last day of employment.

The affected employee bears the burden of communicating with the Recruiting Coordinator and completing applications. Priority applicant status does not guarantee an interview, selection for a position, or that if selected, the employee's starting salary will be the same as or the equivalent to their salary in another position.

**Benefits**:

The Human Resources Department will schedule a private out-processing session to discuss the employee's benefit plans and options.

5. **EXIT INTERVIEWS**

Exit interviews can be scheduled through the HR Department. This will provide an opportunity to discuss employee benefits, conversion privileges, retirement withdrawal and/or options, repayment of any monies due to Madison County, or return of Madison County-owned property. Suggestions, complaints, and questions can be listed on the exit survey form.

6. **PAY AT TERMINATION**

Any employee who leaves the employment of Madison County, either by voluntary resignation, retirement, or by dismissal, will be paid any pay due along with any accrued annual leave by the second pay period following the effective date of termination.

<u>However, employees who are terminated for theft of county property, or whose negligence or willfulness to disobey safety standards and guidelines leads to a serious injury or accident, shall not be paid any accrued annual leave at the time of their termination</u>.

7. **EMPLOYEE BENEFITS AT TERMINATION**

Employee benefits will be affected by employment termination in the following manner: All accrued, vested benefits that are due and payable at termination will be paid by the second pay period following termination date. Some benefits may be continued at the employee's expense if the employee so chooses.

8. **INSURANCE CONTINUATION (COBRA)**

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified dependents the opportunity to continue health insurance coverage for up to eighteen (18) months under Madison County's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at Madison County's group rates plus an administration fee. Madison County, through the group health insurance administrator, provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under Madison County's health insurance plan. The notice contains important information about the employee's rights and obligations. All COBRA notices will be sent to the participant's address on file with the insurance administrator.

If an employee fails to remove a non-qualifying dependent in a timely manner, all costs associated with inappropriate mis-use of the insurance will be at the expense of the employee.

Written notice of the qualifying event must be given to Human Resources within sixty days of the date of the event.

9. **APPEALS PROCESS**

   Madison County full-time non-probationary employees have the right to appeal the following actions to the Madison County Personnel Board:

   1. A suspension without pay that exceeds thirty (30) days in any fiscal year
   2. A demotion or reduction in pay
   3. Termination of employment

   A written request for an appeal must be received by the Director of Human Resources within ten (10) days of the action.

**See Appendix 8 for Alabama Act No. 941 for more information regarding the appeals process.**

APPENDIX

# MADISON COUNTY

# POLICIES AND PROCEDURE

# APPENDIX 1

## DRUG AND ALCOHOL POLICY

### Policy Statement

Madison County is committed to providing a safe working environment for all employees while serving the citizens of Madison County. Madison County recognizes that any employee, who improperly uses intoxicating substances, including drugs and alcohol, poses a serious threat to his or herself, co-workers, and to the public in general. Even small quantities of narcotics, abused prescription or over-the-counter drugs or alcohol can impair judgment and reflexes. This impairment can have dire results, particularly for employees operating vehicles or potentially dangerous equipment.

It is therefore the policy of Madison County that all employees or any person performing any kind of work for Madison County must report to work completely free from alcohol, illegal or unauthorized drugs or any other substances that may have a mind-altering or intoxicating effect or otherwise impair the employee's judgment, reaction times or functioning.

The county also prohibits all employees from using, possessing, manufacturing, distributing or making arrangements to distribute alcohol, illegal or unauthorized drugs or any other intoxicating substances while at work, on or about any county property.

In order to avoid creating safety problems and violating this policy, employees must inform his or her supervisor when he or she is taking any medication, including prescription drugs or over-the-counter medications, which affects his or her ability to work. Employees whose job performance might be affected by such medications may be required to provide a fitness-for-duty certification before being allowed to resume their job duties.

Any employee who violates this policy in any way shall be immediately removed from his or her job duties and shall be subject to discipline, up to and including termination.

The county maintains the right to change this policy at any time without notice. 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.

Employees of the Transportation for Rural Areas of Madison County (TRAM) are subject to DOT Substance Abuse Regulations, unless the county's policies are more stringent, in which case the county's policy would apply.

**Drug and Alcohol Policy Board**

The Drug and Alcohol Policy Board (DAPB) is hereby established consisting of three (3) members. The members shall be the County Administrator who shall serve as Chairman, a member appointed by the Personnel Board, and a third member appointed by and who shall serve at the pleasure of the County Commission. The Director of Human Resources shall serve in an advisory role of policy and procedures to the DAPB.

The DAPB is empowered to adopt necessary rules, regulations, policies and procedures to carry out the purposes of this Policy. The DAPB is charged with determining the facts of the case and any disciplinary action called for or required under this Policy.

Upon receipt by the DAPB of any positive test results or information required to be delivered to the DAPB, the following procedure shall be followed:

1. The test results or information received by the DAPB shall be delivered in writing to the employee involved with a notice of the time and place of a due process disciplinary hearing, if any, to be held by the DAPB to determine what,

if any, action shall be taken in connection with the test results, information, or incident. The hearing shall be held not less than five (5) business days from the employee's receipt of the notice. If the employee fails or refuses to take receipt of the written hearing notice, the Chairman will proceed with the hearing as scheduled.

2. At any such hearing, the employee shall be given the opportunity to provide any information he or she desires in connection with the incident or the action being considered by the DAPB. The employee may be represented by an attorney if he or she so desires.
3. The DAPB shall determine within seven (7) business days of the conclusion of the hearing what disciplinary action, if any, will be taken, and shall notify the employee in writing of its decision. The action taken by the DAPB may include any action deemed appropriate in the sole discretion of the DAPB, up to and including termination.
4. Following any decision of the DAPB, the employee shall have all rights prescribed by Act No. 941 of the Legislature of the State of Alabama (Regular Session, 1973) and by the Rules, Policies, and Procedures for the Classified Service of Madison County, Alabama.
5. At any time <u>before</u> the hearing procedures begin, the employee involved may elect, at his or her own expense, to request a retest of the same sample at the laboratory which performed the screening test and/or the confirmation test, or at a laboratory at his or her choice so long as that laboratory meets the qualifications required by this Policy.
6. An employee electing a retest must notify the Director of Human Resources in writing before the hearing commences that they are electing to have their sample retested and requesting the hearing be postponed until the

results of the retest are made available. A negative result from this additional test shall be deemed a negative result and all proceedings under this section shall terminate.

7. All test results obtained under this Policy shall be treated as confidential by the DAPB, the County Personnel Board, and all persons who have access to said information for all purposes. Any test results utilized under this Policy shall not be used for any law enforcement purpose but shall only be used for the purposes set forth in this Policy.
8. Hearings held by the DAPB hereunder are closed to the public and held in private location.

**Safety Sensitive Employees**

All employees in safety sensitive positions may be subjected to drug and/or alcohol testing to determine violations of this Policy. The county has determined that safety sensitive positions involve employees who are authorized to carry firearms as part of their duties; who regularly operate or maintain county vehicles or on or off road equipment or machinery of any kind, the misuse of which may pose a threat to the employees' safety or the safety or others; positions that involve duties, functions or situations that have the potential of causing serious injury or death to an employee or general public; who have regular and direct contact with persons confined in the County Jail or the Juvenile Detention Facility; or who dispatch or direct law enforcement vehicles. The HR Department will maintain a list of safety sensitive positions and may add or remove positions as required.

**Types of Testing**

Pursuant to Madison County's policy and procedures, employees are subject to drug and/or alcohol testing as directed below. *Any employee who refuses to consent to or is unable to complete an*

*alcohol and/or drug test will be in violation of the drug and alcohol policy and will be subject to termination of employoment*.

a) **Pre-Employment**: Applicants for positions designated for Pool 1 and Pool 2 will be required to take and pass a pre-employment drug test before an offer of employment is extended. Testing will also be required when an employee transfers into a position listed in Pool 1 or Pool 2. Refusal to take a required test or test results reporting a presence of illegal drugs or results showing an altered or diluted specimen shall be the basis for rejecting an applicant.

b) **Random Testing**: Employees holding positions designated for Pool 1 and Pool 2 will be subject to testing on a random basis without advance notice to them. **Employees will be required to report to the designated collection site for testing as soon as possible, but in no case later than two (2) hours following notification.** Failure to report for drug and/or alcohol screening within two (2) hours of notification will be treated as a positive test result.

c) **Reasonable Cause Drug and Alcohol Testing**: Any employee who is reasonably suspected of using alcohol, illegal drugs or abusing controlled substances in the workplace or performing official duties while under the influence of alcohol, illegal drugs, or controlled substances will be required to undergo an alcohol and/or drug test. Reasonable cause exists when an employee exhibits patterns of behavior that suggest impairment from drugs or alcohol use or when job performance or safety is affected. An employee may be requested to take a drug and/or alcohol test if a supervisor has reasonable cause to believe that the employee's faculties are impaired while at work due to drug or alcohol use.

d) **Employees Arrested or Convicted**: Employees arrested or convicted for off-the-job use or possession of illegal or controlled substances will be required to comply with drug and/or alcohol testing in order to assist Madison County in determining fitness for duty.

e) **Work Related Accident or Injury Testing**: All employees are required to immediately report work related injuries or accidents to their immediate supervisor and submit to a post-accident drug test as set out in this policy regardless how minor the injury or accident. Each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident shall be subject to testing. The employee's supervisor or his designee shall schedule the drug screening test immediately following an injury or accidents and arrange transportation for the employee to the testing facility.

Refusal to take or complete a required drug or alcohol test will be treated as a positive test result. Employees will be removed from duty, placed on unpaid leave and referred to the DAPB for a disciplinary hearing and possible disciplinary action.

Drug testing conducted by Madison County will not be used to identify the existence of any disability.

In the event there is reasonable suspicion of a violation of this policy, Madison County reserves the right to search all property, cabinets, toolboxes and vehicles.

**Failure to report such arrests, charges or convictions may be grounds for discipline, up to and including immediate dismissal**.

**Off Duty Conduct**

Off-the-job use of drugs, alcohol or any other prohibited substance which results in impaired work performance, including, but not limited to, absenteeism, tardiness, poor work product or harm to

the county's image, tasks or government is prohibited. Employees should realize that these regulations prohibit all illicit drug use, on and off duty.

**Prescription Drugs**

The proper use of medication prescribed by a physician is not prohibited; however, Madison County prohibits the misuse of prescribed and/or over-the-counter medications or other intoxicating substances. Employees may not perform safety-sensitive functions and are required to notify their supervisor in writing when using either prescribed or over-the-counter (OTC) drugs that carries a warning label or that indicates that mental functioning, motor skills, or judgement may be adversely affected. Failure to report such medications to an employee's direct supervisor in writing is a terminable offense.

The employee bears the burden of securing a written release from their physician or pharmacist indicating they can safely perform safety-sensitive functions while being prescribed the medication(s). It is the employee's responsibility to inform the physician of the nature of their job duties.

For purposes of this policy, it doesn't matter that an employee is prescribed such medications and claims to not be actively taking the medication. The matter of purpose is that the employee is prescribed a medication(s) that carries warning labels as described above and is required to report such to their direct supervisor in writing.

**General Testing Procedures**

Madison County will submit all samples to a SAMSHA certified testing laboratory that will ensure that all proper testing procedures are followed in accordance with this Policy and all applicable laws.

When drug testing is required by this Policy or is requested by an employee, the following guidelines and procedures shall be followed.

a) The collection site for collecting the urine specimen for testing shall be designated by the DAPB. The site shall be maintained with the necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and transportation of urine specimens to a drug testing laboratory.

b) Security of the collection site shall be maintained at all times. Chain of custody forms for each specimen or test shall be utilized and properly maintained during the collection and transportation procedure. The collection procedure shall allow for individual privacy unless there is reason to believe that an employee may adulterate or substitute a specimen.

c) Precautions shall be taken to ensure that the specimen not be adulterated, diluted or substituted during the collection procedure. After collection, the specimen shall be sealed, labeled, and signed by the collection site personnel.

d) Any employee, who alters, tampers with, substitutes, dilutes or adulterates a urine sample or who attempts such action or who aids another in so doing shall be subject to disciplinary action by the DAPB, up to and including termination.

e) An employee whose reasonable suspicion, post-accident, or random urinalysis drug screen result is positive for alcohol will be removed from duty and is required to use accrued leave to cover all scheduled work hours for the remainder of their shift. Employees who do not have sufficient accrued leave to cover the remaining hours in their shift will move into an unpaid status. The DAPB will be notified and a disciplinary hearing will be scheduled.

## Alcohol Testing Procedures

All employees are prohibited from possessing, drinking or being impaired or intoxicated by alcohol while at work or on duty. In addition, safety-sensitive employees are prohibited from consuming any alcohol four (4) hours prior to going on duty. Individual departments reserve the right to require employees to refrain from consuming alcohol for longer periods of time before going on shift. Employees are responsible for knowing and abiding by the policies for their department.

a. Any employee may be subject to alcohol testing for reasonable suspicion or post-accident. Safety sensitive employees are also subject to random alcohol testing. Random testing will be conducted just before, during or after the employee has performed a safety-sensitive function.

b. Alcohol tests based on reasonable suspicion, post-accident or random testing will be conducted using evidentiary breath testing devices approved by the National Highway Traffic Safety Administration by a properly trained person.

A Blood Alcohol Content (BAC) of 0.04 will be accepted as presumptive evidence of intoxication.

## Alcohol Testing Results and Disciplinary Procedures

a. Employees with a Blood Alcohol Content (BAC) of 0.02 to .039:

    1. Employee is removed from duty and is required to use accrued leave to cover all scheduled work hours for the remainder of their shift. Employees who do not have sufficient accrued leave to cover the remaining hours in their shift will move into an unpaid status.

    2. Employee must return to the testing facility on their next scheduled workday and submit to a follow-up alcohol test prior to the start of their shift.

i. If the employee's BAC is lower than 0.02, the employee may return to work and the employee will be referred to the DAPB for a disciplinary hearing and possible disciplinary action.

ii. If the employee's BAC is higher than 0.02 or if the employee fails to take the follow-up test for any reason, the employee will be removed from active duty until further notice and will be referred to the DAPB for a disciplinary hearing and possible disciplinary action.

b. Employees with a BAC of .04 or higher:

1. Employee is removed from duty and must use accrued leave to cover all scheduled work hours. Employees who do not have sufficient accrued leave to cover the remaining hours in their shift will move into an unpaid status.
2. Employee is referred to the DAPB for a disciplinary hearing and possible disciplinary action.

**Laboratories**

The laboratory to be utilized under this Policy shall be selected by Madison County and shall be certified according to the Department of Health and Human Services "Scientific and Technical Guidelines for Drug Testing Programs" (53 Fed. Reg. 11970, April 11, 1988), as they may be amended from time to time.

The laboratory shall at all times, maintain the certification required and shall follow the security, chain of custody, testing and record keeping procedures as set forth in the Health and Human Services Guidelines set forth above.

A Medical Review Officer (MRO), who is an independent physician contracted by the drug testing laboratory reviews and makes final

determinations on all positive test results. The MRO will attempt to contact the employee to discuss the result before reporting a positive result to the county. Employees are expected and it is in the employee's best interest to communicate and cooperate with the MRO.

**Retention of Records**

All records will be maintained to preserve confidentiality and prevent unauthorized persons from accessing, releasing or tampering with records.

# APPENDIX 2

## POLICY FOR THE LIAISON STRUCTURE AND ORGANIZATIONAL MANAGEMENT AUTHORITY FOR MADISON COUNTY

### Scope of Policy

The policy establishes the lines of authority for Madison County Commissioners as it relates to the management of employment actions.

### Definitions

a. Employment Actions: refers to the actions of interviewing and selection, reviewing and establishing compensation and determining and carrying out disciplinary actions up to and including termination of employment.

b. Liaison: The Commissioners of Madison County are assigned departmental liaisonships (See Attachment One for current liasionship assignments) and have chosen to define their role of Liaison as follows: a Liaison shall be a point of contact and an adviser for department heads, elected officials and outside agencies as well as a facilitator of communication to the Commission.

**A Liaison does not act in the capacity of a supervisor for the daily operations of a department; however, the Liaison has the authority to hold department heads accountable for the quality and quantity of the functions and outputs of the department and for following and administering the county's Policies and Procedures.**

**Abbreviations**

a. Chairman of the County Commission: Chairman
b. County Administrator: Administrator
c. Disciplinary Review Committee: DRC
d. Hiring Committee: HC
e. Madison County Commission: Commission

**Level One Administrators**

a. The following positions fall under the direction of the Commission:

- County Administrator
- County Attorney
- County Engineer
- Finance Director
- Director of Human Resources[1]
- Water Department Director

b. The employment actions for these positions shall be as follows:

1. **Hiring Process**: The Chairman or the Liaison shall initiate the hiring process by forming a HC which shall consist of the Chairman, the Liaison for the department and one (1) additional representative from the Commission or the Director of Human Resources.

   The HC shall review applications and resumes, conduct screening interviews and recommend a minimum of three (3) applicants for consideration to the Commission.

   A work session shall be scheduled to interview the candidate and a vote shall be taken at the following Commission meeting on the employment of the candidate. A majority vote of the Commission is required to hire a Level One Administrator.

2. **Disciplinary Process**: A Commissioner may bring before the Commission any violation of the Madison County Rules and Regulations for failure to perform up to the required standards or other inappropriate behaviors that would require disciplinary action be taken against a Level One Administrator.

   A DRC shall be formed made up of the Director of Human Resources the Chairman and another Commissioner who shall serve on a two (2) month rotational basis. (See Attachment Two for DRC rotational schedule.)

   The purpose of the DRC is to consider if minor performance infractions leading to verbal or written disciplinary action should be taken against a Level One Administrator. Such minor infractions may be brought before the DRC by a Commissioner, the Chairman or the Administrator.

   If the DRC votes to approve such disciplinary action, the Chairman or Administrator shall administer the approved level of discipline. However, if the DRC does not approve for disciplinary action to be taken, the party that brought the allegation may bring the issue before the Commission for consideration. The Commission reserves the right by majority vote to administer any level of discipline deemed appropriate.

   Egregious violations of the Madison County Rules and Regulations or acts of inappropriate behavior by a Level One Administrator that may result in suspension without pay or termination of employment, can be brought for consideration to the Commission by a Commissioner or the Administrator. A majority vote of the Commission is required for these types of

disciplinary actions to be taken against a Level One Administrator.

3. **Establishing Compensation**: A Commissioner or the Chairman may initiate the process of requesting an increase in compensation for a Level One Administrator by bringing the request to the Commission for consideration. An increase in compensation requires a majority vote of approval by the Commission. Requests should be brought, if at all possible, forward during the fiscal year budget planning process.

    [1]*The employment actions for the Personnel Director shall be carried out by the Madison County Personnel Board in accordance with Alabama Act 941. However, considering the nature of this position and the required working relationship between the Commission and the Personnel Director, the Personnel Board should seek the advice and consent of the Madison County Commission regarding the selection of this position.*

4. **Employees Working Under Level One Administrators**: All employment actions shall be the responsibility of the Level One Administrator for the department. Level One Administrators shall brief the Liaison for the department prior to administering any disciplinary action against an employee.

**Level Two Administrators**

a. The following positions have been identified as Level Two Administrators:
   - Animal Control Director
   - Building Inspection Supervisor
   - Chief Probation Officer
   - County Fire Manager
   - ITS Director
   - Facilities Director
   - Planning and Economic Development Director
   - Sales Tax Director
   - Waste Control/Fleet Director

b. The employment actions for these positions shall be as follows:

   1. **Hiring Process**: The Chairman or the Liaison shall initiate the hiring process by forming a HC which shall consist of the Chairman, the Liaison for the department and one (1) additional representative from the Commission or the Director of Human Resources. The HC shall review applications and resumes, conduct screening interviews and recommend a minimum of three (3) applicants for consideration to the Commission. A work session shall be scheduled to interview the candidate and a vote shall be taken at the following Commission meeting on the employment of the candidate. A majority vote of the Commission is required to hire a Level Two Administrator.

   2. **Disciplinary Process**: A Commissioner or the Liaison for the department may bring before the Administrator and Chairman any violation of the Madison County Rules and Regulations for failure to perform up to the required standards or other inappropriate behaviors that would

require disciplinary action be taken against a Level Two Administrator.

Disciplinary actions against a Level Two Administrator resulting in a verbal or written warning or a suspension without pay for a period of less than thirty (30) days, shall be administered by the Liaison for the department and the Administrator or the Chairman after consult with the Director of Human Resources. All disciplinary actions of Level Two Administrators shall be communicated to the Commissioners.

Egregious violations of the Madison County Rules and Regulations or acts of inappropriate behavior by a Level Two Administrator that may result in suspension without pay for more than thirty (30) days or termination of employment, may be brought before the Commission by the Administrator or Chairman after acquiring a two-thirds majority approval from the department's Liaison, the Administrator and the Chairman after consultation with the County Attorney and the Director of Human Resources. A majority vote of the Commission is required for these types of disciplinary actions to be taken against a Level Two Administrator.

If a two-thirds majority cannot be secured between the Liaison, the Chairman and the Administrator, the party that brought the allegation may take the issue before the Commission for consideration. The Commission reserves the right by majority vote to administer any level of discipline deemed appropriate. The Commission will not consider any allegations against a Level Two Administrator until or prior to the Chairman, Administrator and Liaison reaching a decision regarding the disciplinary action.

3. **Establishing Compensation**: An increase in compensation for a Level Two Administrator may be initiated by the Liaison for the department, the Administrator or the Chairman. A two-thirds majority approval is required between the Liaison, the Administrator and the Chairman for the request to proceed to the Commission for consideration. A majority vote of the Commission is required for a change in compensation to be effective for a Level Two Administrator. Requests should be brought, if at all possible, forward during the fiscal year budget planning process.

4. **Employees Working Under Level Two Administrators**: All employment actions shall be the responsibility of the Level Two Administrator for the department with consultation from the Director of Human Resources. Level Two Administrators shall brief the Liaison for the department prior to administering any disciplinary action against an employee.

5. **Employees Working Under Elected Officials**: As the appointing authority for the department, all employment actions shall be the responsibility of the elected official with consultation from the Director of Human Resources. Elected officials shall brief the Liaison for the department prior to administering any disciplinary action against an employee.

**Ultimate Accountability Clause**

Nothing herein is intended to usurp or limit the authority of the Commission with respect to its ability to hire, fire and otherwise manage its employees. If any employee or official exercising supervisor authority fails or refuses to take action or what is

deemed to be appropriate disciplinary action against an employee under their supervision, the Liaison, the Administrator and the Chairman may meet to discuss the matter and seek a two-thirds majority approval between them with consultation from the County Attorney and the Director of Human Resources. If a two-thirds majority approval is reached, the matter may be brought before the Commission for consideration. The Commission reserves the right by majority vote to administer any level of discipline deemed appropriate.

# ATTACHMENT 1

## Madison County Liaisonship Assignments

Effective December 13, 2017

### ROGER JONES - DISTRICT 1

- Maintenance Department
- Volunteer Fire Departments
- Madison County Fire Marshal
- Rural Recreation/Parks and Recreation
- TRAM
- Sharon Johnston Park
- Madison County Executive Airport Authority
- Huntsville Utilities

### STEVE HARAWAY - DISTRICT 2

- License Department
- Waste Control Department
- Fleet Control
- District Attorney
- County Fire Dispatch
- Madison City Schools
- City of Madison
- Town of Triana

### CRAIG HILL - DISTRICT 3

- Green Mountain Nature Trail
- Huntsville-Madison County Marina & Port Authority (Ditto)
- Engineering Department
- TARCOG
- Inspection Department
- Madison County Schools
- Huntsville Utilities
- City of Gurley
- City of New Hope
- Town of Owens Cross Roads

## PHIL VANDIVER - DISTRICT 4

- Sheriff's Department
- Extension Services
- Harvest/Monrovia Water and Sewer Authority
- Farmers Market
- Huntsville Utilities

## PHIL RIDDICK - DISTRICT 5

- Water Department
- IT Department
- Huntsville-Madison County Public Library
- Neaves-Davis Center for Children
- Tax Assessor
- Tax Collector
- Probate Judge
- Chamber of Commerce
- Huntsville-Madison County Mental Health Board

## JESHENRY MALONE - DISTRICT 6

- Animal Control
- Chief Probation Officer
- Planning and Economic Development
- Board of Registrars
- Sales Tax Department
- City of Huntsville Schools

## DALE STRONG - CHAIRMAN

- Commission Office
- Purchasing Department
- Legal Department
- Finance Department
- Human Resources Department
- Emergency Management Agency
- Huntsville-Madison County Airport Authority
- Industrial Development Board of the City of Huntsville
- State Examiners

**ATTACHMENT 2**

## Rotational Schedule for Disciplinary Review Committee

| Months | Committee Participant |
|---|---|
| January–February | District 1 |
| March–April | District 2 |
| May–June | District 3 |
| July–August | District 4 |
| September–October | District 5 |
| November–December | District 6 |

# APPENDIX 3

## HARASSMENT POLICY

Madison County is committed to providing a work environment free from all forms of discrimination and conduct that can be considered harassing, bullying, coercive, or disruptive, including sexual harassment. In accordance with applicable law, Madison County prohibits all forms of harassment, which includes any unwelcome conduct, whether verbal, physical, or visual, that is based on an individual's gender, race, sexual orientation, color, national origin, age, religion, disability, opposition to discrimination, participation in complaint or investigation proceedings, or any other legally protected characteristic. Such conduct is unlawful and prohibited.

This policy applies to all employees in the service of Madison County. This policy applies to employees of the Madison County Sherrif's Department. This policy applies to members of the public, contractors and other persons conducting business with the county or on county-owned or operated property.

Harassment is conduct towards another person or identifiable group of persons, including, but not limited to, unwelcome comments or other conduct that unreasonably interferes with an individual's work or creates a hostile, intimidating, or offensive work environment. Such conduct does not have to be directed toward the complaining party. A victim of harassment does not have to be the person harassed but could be anyone affected by the offensive conduct.

Sexual harassment is a specific form of harassment and is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the

same sex as the harasser. The following is a ***partial list of sexual harassment examples***:

- Unwanted sexual advances
- Offering employment benefits, terms, or conditions in exchange for sexual favors (Quid Pro Quo)
- Making or threatening reprisals after a negative response to sexual advances
- Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects, pictures, cartoons or posters
- Visual conduct that includes making or using derogatory comments, epithets, slurs, or jokes
- Verbal sexual advances or propositions
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations
- Physical conduct that includes touching, assaulting, or impeding or blocking movements

Unwanted sexual advances (either verbal or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment
2. Submission or rejection of the conduct is used as a basis for making employment decisions
3. The conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment

4. When the conduct is unwanted, unwelcomed, and inappropriate for the workplace

Every employee has the right to work in an environment free of harassment and discrimination. If you hear or see something that you believe to be illegal or unethical, SPEAK UP! All reports of harassment are important and will be fairly, timely, and discreetly investigated. To the extent possible, your confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, you will be informed of the outcome of the investigation.

Anyone who believes that he or she is being harassed, or who is aware of behavior that may violate this policy, should report this to their supervisor and/or one of the following individuals: Director of Human Resources, Jermie Howell (256) 532-3614, Deputy Director of Human Resources, Pam Flory (256) 532-3614 or County Administrator, Kevin Jones (256) 532-3492. There is no chain of command for reporting harassment activity; employees may step outside their normal chain of command to report harassment of any kind. Employees may also report harassment using Madison County's SPEAK UP! online reporting system.

Employees who believe that he or she is being sexually harassed will be requested to make a signed, written statement of the allegations.

Any supervisor who becomes aware of possible sexual or other unlawful harassment ***must immediately*** advise their department head and the County Administrator or the Director of Human Resources, so it can be investigated in a timely and confidential manner. Any supervisor who fails to make notification when harassment is observed or who is aware of the possibility of harassment and fails to make notification, will be subject to disciplinary action, up to and including termination of employment.

This policy is intended to encourage individuals to report incidents of harassment. Retaliation against an individual for reporting or complaining of harassment or enforcing the policy is strictly prohibited. For purposes of this policy, retaliation means adverse actions against individuals because they have, in good faith, reported instances of harassment or alleged harassment, or participated in or have been witnesses in any procedure or process to redress a complaint of harassment.

Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

Anyone proven to have filed or made false allegations of harassment will be subject to disciplinary action, up to and including termination of employment.

# APPENDIX 4

## SOCIAL NETWORKING POLICY

Madison County values every employee as a person and a professional. Our goal is to help you be successful within your position; thereby ensuring your contribution to the success of the county's mission.

This policy sets forth basic standards of conduct surrounding various social media platforms and programs, including but not limited to Blogs, Twitter, LinkedIn, Facebook, MySpace, Instagram, and product/service review sites like CitySearch, Yelp, etc. (collectively referenced as "social media" in this policy). Standards of conduct for employees of Madison County are created to inform all employees of what is expected of them and to implement a procedure to discipline employees who fail to comply with the agency's standards of conduct.

**PROCEDURES**:

Social media sites have become very popular mediums for communication. The county views social networking sites, personal websites, and weblogs positively and respects its employees' interests in personal expression. It is important to understand that posts, images, tweets, messages, and email can be re-sent around the world. Even if you take precautions to restrict access to your site, posts, or profile, it is possible that someone, perhaps even someone who is permitted to view the site, can copy it and use it in a way you did not intend.

Madison County requires employees to observe the following guidelines regarding social media posts:

Employees must make sure that they do not allow posts or activities on social media sites to distract them from performing their job duties and obligations.

Employees should assume that people, including co-workers, department heads and county citizens are reading their posts. While privacy settings may be enabled, it is not unusual for information posted on the internet to travel beyond those privacy settings.

When making any social media posting about your work, you must abide at all times with all legal and ethical requirements, as well as with the county's policies regarding non-discrimination, non-harassment, and other matters including those governing the confidentiality of information. Employees should strive to be respectful in all communications.

Employees shall not use blogs or personal websites to harass, bully, or intimidate other employees or citizens of Madison County. Behaviors that constitute harassment and bullying may include, but are not limited to:

a) Making comments that are derogatory with respect to race, color, religion, gender, sexual orientation, disability, military service, or any other factor protected by law;

b) Making sexually suggestive, humiliating, or demeaning comments; and

c) Making any comment that could be interpreted as a threat to stalk, haze, physically injure, or otherwise harm another employee.

Employees must not use obscenities, profanity, or vulgar language in discussing the county's mission or fellow employees.

The county may address as a disciplinary issue any language you post in a blog or on a social media site that reflects negatively on

your work ethic or your level of commitment to and compassion to your position and the county.

Always remember who you are and what you represent. You are an ambassador for the county; remember that your social media posts should demonstrate a high standard of character and integrity. Employees must not use blogs or personal websites to discuss or engage in conduct that is prohibited by organizational policies, including but not limited to the:

a) Use of alcohol and drugs

b) Sexual behavior

c) Sexual harassment

d) Bullying

Nothing in this policy is intended to prohibit, nor should it be interpreted as prohibiting, employees from engaging in communications with other county employees concerning working conditions or issues or from otherwise engaging in protected concerted activities, making protected statements, or reports to the proper internal and external authorities.

Madison County strives to provide the best service and work environment possible. We welcome your concerns and suggestions for improvement.

Any employee found to be in violation of any portion of this policy is subject to immediate disciplinary action, up to and including termination.

# APPENDIX 5

## SICK LEAVE BANK POLICY

### A. PURPOSE

Madison County has established a voluntary Sick Leave Bank that may provide income for those Madison County employees who have personal medical problems, or medical problems within their immediate family, but are not eligible for Workers' Compensation, Retirement Benefits or other forms of assistance.

### B. ELIGIBILITY FOR PARTICIPATION

1. Any full-time, non-probationary employee of Madison County who is entitled to accrue leave benefits may join the Sick Leave Bank, and will be eligible to request sick leave benefits. Employees may join the Sick Leave Bank during open enrollment each November, and the effective date will be January of the next calendar year.
2. New employees may elect to join either at the end of their probationary period or during the next open enrollment date. Employees joining following the date they complete their probationary period will have thirty (30) days to enroll.

### C. REQUIREMENTS FOR PARTICIPATION

1. In order to participate in the Sick Leave Bank, each employee will be required to contribute eight (8) hours of accumulated leave to the Sick Leave Bank. Participation will begin as of the date of the contribution unless they sign up during open enrollment. Leave donations are irrevocable and cannot be returned if the employee cancels his or her participation in the Bank for any reason.
2. To maintain a sufficient reserve balance in the Sick Leave Bank, the Review Committee will recommend that

participants donate additional hours. The Director of Human Resources and the Sick Leave Bank Committee will jointly approve any changes in donations. Members will be notified in advance of any changes in policies or requests for additional contributions. This will occur at any time the reserve balance is less than one thousand (1,000) hours.

**D. ELIGIBILITY FOR BENEFITS**

1. Any member of the Sick Leave Bank may make written application for such benefits by completing a Leave Recipient Application Form. This form will be forwarded through supervisory channels to the department head, to the Director of Human Resources, and to the Sick Leave Bank Review Committee.
2. If such employee is not capable of making application on his or her behalf, another employee of Madison County or a member of the immediate family may make application on behalf of the employee. However, before applying on behalf of another employee, every effort must be made to obtain consent from the Applicant, or in situations where this is not possible, a member of the recipient's immediate family.
3. Additional information or documents beyond that which is required on the application form may be requested and/or required in order for a determination to be made regarding the recipient's eligibility.
4. Employees who leave the Sick Leave Bank for any reason may reapply to join the Bank during Open Enrollment.

**E**. **APPROVAL**

The department head shall review and sign the application for a potential leave recipient and forward the request to the Director of Human Resources. The Director of Human Resources will then forward the request to the Review Committee for review and final approval or disapproval.

The following criteria will be used to evaluate the application to become a leave recipient:

1. The potential leave recipient has been affected by a medical emergency. Medical emergency shall be defined as a medical condition of any employee or a family member of such employee that is likely to require an employee's absence from duty for a prolonged period of time; and to result in a substantial loss of income to the employee, because of the unavailability of paid leave.
2. The absence from duty because the medical emergency is (or is expected to be) at least two (2) weeks.
3. In evaluating the above criteria, the authorizing committee may take into account, for purposes of approving or disapproving the application:
    a. The manner in which the employee has utilized previous leave benefits
    b. Whether or not the emergency was foreseeable
    c. The extent to which it requires the personal attention of the potential recipient
    d. Whether there are reasonable alternatives available to being absent from the job, and any other circumstances unique to the medical emergency.
4. When an employee is on extended sick leave using benefits from the Sick Leave Bank, the Review Committee will review

the case monthly. Additional information, such as updates from the physician, may be requested by the Committee.

5. The general financial status of an employee will not be considered in determining whether a “medical emergency” is likely to result in a substantial loss of income.

## **F**. **NOTIFICATIONS**

1. If the application is approved, the applicant will be notified.
2. If the application is not approved, the applicant will be notified of the reason for the disapproval.
3. Department heads will be notified by the Sick Leave Bank Committee if the applicant is approved or not approved, and how many hours are approved.
4. The leave recipient will still be responsible to make proper notification to his or her department head. This will include the beginning date of leave, expected duration of leave and/or return date.
5. Recipients will follow departmental guidelines pertaining to updates to the department head while on Sick Leave Bank approved leave time, the same as they are required to do for any other leave of absence from work.

## **G**. **DONATION OF LEAVE**

1. All annual leave, compensatory leave, and sick leave accrued by the leave recipient must be depleted before requesting donated time; excluding rare situations in which an employee has not met the eligibility requirements for FML based on length of service.
2. At the applicant’s request, the Human Resources Department will distribute to all employees of the county the name of the employee needing donated leave and a

description of the leave recipient's medical emergency. This will require a signed release by the department head, applicant or a family member.

3. An employee desiring to donate such authorized leave, may submit to the HR Department a "Request to Donate Leave" form to file a written request that a specified number of hours of his or her accrued annual, compensatory time, or sick leave be transferred from the current leave accrued to the Sick leave account of an eligible leave recipient.
4. A leave donor may not donate more leave than available as of the date of donation. In any one (1) fiscal year, a leave donor may donate no more than one-half of his or her accrued sick leave or annual leave.
5. Leave hours donated by the leave donor may not be called back. Donations are transferred as needed from the donors to the recipient each pay period in the order the donation form is physically received in the HR Department. Should more donations come in than hours needed, this time will not be charged to the donor.
6. An employee who is not a member of the Bank may donate leave time to a specified recipient. The same guidelines as listed in G.2 will apply.
7. Employees leaving the county service may donate all or any portion of their accrued Annual Leave, Sick Leave, or Compensatory Time to the Sick Leave Bank. Annual Leave and Compensatory Time will convert to Sick Leave hours. Should there be a leave recipient currently approved for benefits from the Bank to whom the exiting employee wishes to donate time, the donated hours will be directed to that specific individual. All donations are subject to the approval of the recipient's department head. Any hours not

used by the leave recipient will be deposited into the Sick Leave Bank.

8. In the event the Sick Leave Bank is abolished, Sick Leave Bank donations will be forfeited.

## H. WITHIN DEPARTMENT LEAVE TRANSFERS

1. With the approval of the department head or elected official, transfer of leave time between employees within the same department may be requested by the department head or elected official. A request form will be submitted to the Director of Human Resources with justification for the leave transfer. This request may fall outside the guidelines for the Sick Leave Bank and the employees involved will not have to be members of the Sick Leave Bank. Such a transfer will be limited to employees within the same department and approval will be based on the circumstances, the employee's performance rating, and record of leave usage. All annual leave, compensatory leave, and sick leave accrued by the leave recipient must be depleted before requesting donated time. All donations are subject to the approval of the recipient's department head.

## I. USE OF TRANSFERRED LEAVE

1. All annual, deferred, holiday, and sick leave accrued by the leave recipient shall first be used and depleted before using any transferred leave from the Sick Leave Bank.
2. Recipients will continue to accrue new leave benefits while they are being paid based on hours received from the Sick Leave Bank. As this time is credited to the employee's leave account, these new hours will be used to offset the hours taken from the Sick Leave Bank.

## J. TERMINATION OF MEDICAL EMERGENCY

1. The medical emergency affecting a leave recipient shall terminate:
    a. When the medical emergency ceases to a point whereby the employee may return to work.
    b. When the leave recipient's employment is terminated.
    c. When it is declared by the leave recipient or the authorizing officials that the recipient is no longer substantially affected by the medical emergency.
    d. When application for disability retirement for the leave recipient is approved.
2. The leave recipient may be periodically asked by his or her department head or other authorizing officials to provide information on the status of the medical emergency to ensure that he or she continues to be affected accordingly.
3. When the medical emergency affecting a leave recipient terminates, no further requests for transfer of leave to the leave recipient may be granted.
4. Sick leave benefits from the Sick Leave Bank cannot extend the twelve (12) week leave eligibility under the Family and Medical Leave Act.

## K. EXCLUSIONS, LIMITATIONS AND TERMINATION OF BENEFITS

1. Injuries or disabilities resulting from the following will be excluded from eligibility for Sick Leave Bank benefits:
    - Any work-related injury or illness for which Workers' Compensation benefits are payable.
    - Horseplay or being under the influence of alcohol and/or drugs while at work or home.

- Failure to obey instructions, follow safety rules, or failure to use proper safety equipment at work.
- Self-inflicted injuries.
- Active duty service in the military. This includes periods of temporary duty such as drill, summer camp, etc.
- War, insurrection, rebellion, or participation in a riot.
- Elective surgery not paid for by the Madison County group health care provider.
- An employee who begins receiving either Employees' Retirement System or Social Security disability retirement benefits.

2. No sick leave benefits will be paid during the time an employee is confined to a penal or corrective institution.
3. Sick leave benefits from the Bank will be limited to a maximum of two hundred and forty (240) hours during a twelve (12) month period.
4. For a participating employee, the right to use the Sick Leave Bank will be immediately lost due to the following:
    - Termination of employment.
    - Leave without pay for disciplinary reasons.
    - Voluntary cancellation of participation in the Sick Leave Bank.
    - Failure to make a required contribution to the Bank.
    - Failure to provide a required physician's certification.
    - Abuse or misuse of Sick Leave.
    - Misrepresentation in requesting Sick Leave Bank hours.

- Failure to follow Madison County and Departmental Rules and Regulations regarding notification to department head.

## L. PROHIBITION OF COERCION OR PROMISE OF BENEFIT

The decision to donate leave *must be completely voluntary*. An employee may not directly or indirectly intimidate, threaten, coerce, or promise any benefit to any other employee for the purpose of interfering with any right such employee may have with respect to donating, receiving, or using leave.

## M. ADMINISTRATION

1. The Sick Leave Bank will be administered by the Human Resources Department. The Director of Human Resources will recommend such rules and policies, notwithstanding those contained herein, considered appropriate for the operation of the Sick Leave Bank.
2. The Review Committee will consist of five (5) members who are full time, non-probationary employees. The Director of Human Resources shall recommend three (3) employees to serve as Committee members who meet the qualifications listed above. These names will be presented to the Personnel Board for appointment. Each appointed employee will serve for a period of three (3) years and will either be reappointed or replaced. The Director of Human Resources reserves the right to remove a committee member due to performance or disciplinary reasons related to their position with Madison County. No employee may serve for more than five (5) consecutive years. The Director of Human Resources shall also appoint two (2) staff members of the Human Resources Department to serve on the Committee. One HR staff member will be a voting member, while the other will act in an advisory capacity and will only vote to break a tie.

3. The Review Committee shall have the responsibility of reviewing all requests from employees requesting leave from the Bank, verifying the validity of the requests, and either approving or disapproving the request.
4. The Director of Human Resources will be responsible for reviewing the recommendations of the Review Committee to assure consistency with Madison County Sick Leave Policies, FMLA and all other applicable statutes and regulations. The Director of Human Resources will also be responsible for implementing the final decisions of the Review Committee.
5. All requests for Sick Leave benefits will be made on authorized forms available on the Human Resources Website and in the HR Department and submitted to the Review Committee. Each request shall include a signed physician certification, identifying the existence of the illness, injury, or disability that prevents the employee from performing assigned duties and stating an approximate duration of the disability, illness or injury.
6. All requests and information will be held in strict confidence with the Review Committee and the HR Department. No information regarding the application for leave or the leave recipient will be released without the written consent of the applicant or his or her designated family representative.
7. The Human Resources Department shall keep a record of employee contributions to the Bank, withdrawals and the status of the Bank. Periodic reports will be provided to the Review Committee.
8. Madison County reserves the right to unilaterally and without prior notice, terminate or make recommendations for modification to the Bank. However, all existing and pending disability withdrawals will be honored by the Bank to the extent sick leave hours are available.

## **N**. **FINANCE**

1. The participating employees will bear the entire benefit cost of the Bank through leave contributions to the Bank. Since no payment for Sick Leave is made to terminating employees, any hours banked will not be a liability to the county. The HR Department will devote adequate time and resources to advise, keep records and provide reports as necessary.
2. There will be no impact on department budgets due to the transfer of leave benefits from one (1) employee to another. Recipients of leave will be full time employees whose salaries have been budgeted. If the donated leave comes from an employee of another department, that department's budget will not be affected.

## **O**. **INDEMNIFICATION**

By signing the Enrollment Form, the employee acknowledges that they have read the Sick Leave Bank Policy. The employee understands, agrees, and acknowledges that any entitlement to benefits will be limited by, and determined in accordance with, the express provisions of the Sick Leave Bank Policy without the right of appeal. Each employee indemnifies and holds harmless the Review Committee, the Madison County Personnel Board, the Madison County Director of Human Resources, the Madison County Commission and all employees, directors, officials, representatives, former employees, and insurers for any claim, action, cause of action or demand of whatever nature, arising out of, or related to, any claim for income under the Sick Leave Bank Policy including, but not limited to, decisions made in the administration of the policy, other than benefits expressly provided for in the written Sick Leave Bank Policy provided.

# APPENDIX 6

## COMPENSATION POLICY

**Policy Statement**:

Madison County bases its compensation for employees on the value of work and on individual performance and will not discriminate on the basis of race, color, ethnic origin, national origin, religion, political belief, sex, sexual orientation, marital status, or age. The position's value is determined by setting wages that will successfully attract and retain employees who are qualified to perform the work. To reward performance, wage increases are based on an employee's performance, promotion, upgrade of a position, or a cost-of-living increase as determined by the Madison County Commission.

**Procedures**:

1. Responsibility: The Director of Human Resources is responsible for ensuring that the county's compensation policy is properly administered and is authorized to make exceptions to this policy on an as needed basis to meet business requirements.
2. Coverage: The Compensation Policy covers all full-time employees of Madison County.
3. The Compensation Policy: The county's Compensation Plan consists of an authorized Classification Schedule and Pay Scale, together with rules and procedures governing its use as defined in this policy. The plan is administered in accordance with the following provisions:
    a. Classification Schedule and Pay Scale: Madison County has adopted a Pay Plan for all Classified employees. This plan includes for each class of positions, a minimum and

maximum rate, with intermediate steps or rates as deemed necessary and equitable.

b. Adjustments to the Pay Scale: The rates in the pay scale are reviewed to determine if and to what extent they should be adjusted to keep in line with wages offered by other employers with similar operations as the county for comparable work, taking into account the relevant labor market from which employees are recruited and availability of funds.

c. Grading Jobs onto the Pay Scale: Positions covered by the compensation plan shall be assigned grades on the pay scale based on an evaluation of their required outputs and value to the county. The method used to appraise a position's overall worth will consist of a thorough evaluation of the written job description listing required positional duties, expectations and required results and comparing the required outputs and value to other similar positions in the area. Attention will also be given to the required work experience and educational level.

4. Provisions for Administering Pay Changes: The following provisions shall govern changes in an employee's wages:

   a. Promotion: The objectives for promotions in Madison County are to bring the best qualified employees to the attention of management; to give employees an opportunity to receive fair and equitable consideration for a higher-level job; to incentivize employees to improve performance, develop their knowledge, skills, and provide career opportunities. For job posting requirements, See (3.2) Job Position Posting Policy.

      Promotions will not be based solely on seniority. Department heads are responsible for notifying employees

in their department when promotion opportunities have been posted for applications.

A promotion is defined as progressing to a position of higher grade that is not part of a position reclassification. An employee that is promoted shall receive an increase to at least the entry rate of the grade established for the higher position. If an employee's wage is already above the entry wage rate for the new position, the department head and the Director of Human Resources shall determine the appropriate rate for the employee.

b. Merit Performance: Upon request by the department head or elected official, full-time and part-time employees who exceed job expectations and meet the requirements below, may be eligible to receive a performance increase of up to two (2) steps (5% maximum) on the Madison County Classification Schedule and Pay Scale, not to exceed once per fiscal year based on availability of departmental and Madison County funds.

   Performance raises are not associated with cost of living increases; however, employees may not exceed 7.5% in total pay increases associated with cost of living and performance increases in any fiscal year.

   Example 1: No cost of living raise is issued so the maximum performance increase is 5%.

   Example 2: A 5% cost of living raise is issued to employees so the maximum amount an employee could receive for a performance increase is 2.5% until the next fiscal year.

   The objective is to provide pay increases to employees as a reward for continual growth, development and exceptional job performance adding value to the employee and Madison County.

To qualify for a merit performance increase, an employee must meet all the following standards:

1. Employee has not had any occurrences of unpaid leave for the current fiscal year that wasn't qualified under the Family Medical Leave (FML) or Americans with Disabilities Act (ADA) or was approved to work a reduced schedule of less than forty (40) hours per week. Department heads may provide a one-time written request for exception to the Director of Human Resources detailing an exceptionally rare situation where an employee should be excused from this standard.
2. The department head has determined the employee has met or exceeded performance and attendance expectations.
3. Is not a newly hired or rehired employee, serving their six (6) or twelve (12) month probation.
4. Is not serving a secondary probationary period due to a recent promotion or transfer.
5. Has not had a documented disciplinary infraction within the last fiscal year. (*Example, an employee who had a documented disciplinary infraction in fiscal year 2019 would not qualify for a merit performance increase in fiscal year 2020.*)
6. Employee must not be capped in their current pay grade.

Department heads may require that additional eligibility requirements and standards are met before an employee is eligible for a merit performance increase.

c. Position Reclassifications: Position reclassifications can be requested by a department head when there has been a

significant change or increase in job duties and responsibilities (change or increase of > 50% or more) due to changes in organizational structure, work and outputs, staffing requirements, or the use of and/or advancement of technology. Position reclassifications should not be requested based on an employee obtaining a higher-level degree, certification or license, excellent job performance, years of service or reasons not related to changes in the duties of the job. A position reclassification centers around the requirements, functions and outputs of the position, not the performance or qualifications of the individual working in the position. In other words, the position, not the employee receives the reclassification. When a reclassification request is motivated by the desire to reward a top performer, this is more appropriately recognized through a merit increase.

The process for requesting a reclassification audit for a position is initiated by the department head completing the Reclassification Request Form and providing the associated documentation to the Director of Human Resources and the Chief Financial Officer if a change in salary is also being requested through this process. As a part of the review process, employees may be interviewed to provide insight and additional information regarding the job duties and functions performed in the position. While an ongoing review of every position is important, a position reclassification audit should not be requested within five years of the last request, barring extreme and unusual circumstances.

The request form and associated documentation will be reviewed and a determination will be made within ten (10) business days. If approved, the reclassification and any

associated increase in compensation will be effective the first day of the next pay period following the approval.

d. Position Upgrade: Position upgrades occur when the entry level salary is raised for a position which may trigger pay increases for other employees in the same job title. Position upgrades can be initiated by the department head or the HR Department.

e. Cost of Living Increases: Cost of living increases are issued by the County Commission to all full-time, non-probationary employees. Typically, employees in a probation category will not be eligible for the cost of living increase until the completion of the probationary period. However, the County Commission may include employees in this category if they so desire. The cost of living increase is not retroactive and only applies to pay periods going forward.

f. Demotion: An employee who voluntarily accepts a position of lower grade for personal reasons, who is demoted due to reorganization or for disciplinary reasons, shall receive a rate in the lower wage range as determined by the department head and the Director of Human Resources.

g. Premium Pay: Premium pay as defined by this policy refers to compensation paid at a rate of time and half (1.5) for all hours worked. Premium pay will only be assigned to special working circumstances as defined in this handbook.

h. Overtime Pay: Non-exempt Madison County employees who work over forty (40) hours per week shall be paid one and one-half times their hourly base rate for every hour worked over forty (40) hours in a workweek.

   Non-elected law enforcement personnel who work over eighty-six (86) hours per pay period will be compensated

one and one and one-half times their hourly base rate for every hour worked over eighty-six (86) hours per pay period.

Employees must receive authorization from their department head prior to working overtime. Failure to do so is grounds for disciplinary action, up to and including termination. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime is based on actual hours worked. Time off for holidays, sick leave, annual leave or any absence will not be considered hours worked for purposes of overtime calculation.

i. Compensatory Time: Effective January 1, 2015, Madison County will no longer issue compensatory time to employees in lieu of paying overtime.

j. Longevity Pay: Longevity pay is issued annually at the amounts listed below to full-time employees hired prior to October 1, 2016:

**Sheriff Department Employees**:

| | |
|---|---|
| Under 5 years of service: | $0.00 |
| 5-9 years of service: | $500.00 |
| 10-14 years of service: | $750.00 |
| 15-19 years of service: | $1000.00 |
| 20-24 years of service: | $1250.00 |
| 25 or more years of service: | $1500.00 |

**Madison County Employees**:

| | |
|---|---|
| Under 15 years of service: | $0.00 |
| 15-19 years of service: | $200.00 |
| 20-24 years of service: | $300.00 |
| 25 or more years of service: | $450.00 |

k. General Limitation on Available Funds: Notwithstanding the provisions of this plan and any amendments thereto, the Madison County Commission reserves the right to alter, change and reduce any provisions and amounts set forth in the compensation plan, not required by statute or regulation, if deemed necessary. The Commission reserves the right by vote to declare that pay increases will not be issued to employees during a fiscal year.

l. Other Limitations: It is not recommended that outgoing elected officials issue pay increases to employees in their department(s) or district. However, if a situation arises that requires a pay increase, the elected official must produce a higher level of substantiation for the increase than would ordinarily be required to the Director of Human Resources and the Personnel Board.

# APPENDIX 7

## FAMILY MEDICAL LEAVE

**Policy Statement**:

In general, employees are eligible for up to twelve (12) weeks of unpaid family or medical leave of absence within any twelve (12) month period and will be restored to the same or an equivalent position upon return from leave. To be eligible, the employee must have been employed by the county for at least twelve (12) months and worked at least one thousand two hundred fifty (1250) hours in the twelve (12) months before leave is requested. To determine the twelve (12) month period in which leave entitlement occurs, the county will use a rolling twelve (12) month period measured backward from the date an employee takes any leave under this policy.

**Definitions**:

County-Madison County
FMLA-Family Medical Leave Act
FML-Family or Medical Leave
PTO-Paid Time Off

**Notice of Leave**:

Employees may either request FML or the county may initiate the process to qualify an employee's absence as FML. Employees requesting family medical leave must complete the Family Medical Leave Request Form at least thirty (30) days in advance if the leave is foreseeable, and as soon as possible if it is not foreseeable. Family Medical Leave benefits may run concurrently with Worker's Compensation benefits.

Department heads will notify the Human Resources Department whenever an employee has used unscheduled leave for more seven

(7) consecutive workdays (or the equivalent for those employees working twelve-hour shifts) or has otherwise indicated that leave in excess of seven (7) workdays may be needed for any FML qualifying reason listed in this policy.

**Reasons for Leave**:

Eligible employees are entitled to take up to twelve (12) weeks of leave in the event of one (1) or more of the following:

- The birth of the employee's son or daughter, and to care for the newborn child;
- The placement with the employee of a son or daughter for adoption or foster care, and to care for the newly placed child;
- To care for the employee's spouse, son, daughter, or parent with a serious health condition;
- A serious health condition that makes the employee unable to perform one (1) or more of the functions of his or her job (see definition of serious health condition below); and/or,
- An employee may take FML due to incapacity, pregnancy, prenatal medical care or child birth.

Service member family leave is available for eligible employees for up to twenty-six (26) weeks of FML in a single twelve (12) month period because their spouse, child, parent, or next of kin (nearest blood relative) is seriously ill or injured as a result of serving on active duty in the Armed Forces. (Please note that an employee's total combined FML for all reasons cannot exceed twenty-six (26) weeks in the twelve (12) month period.

Employees may take FML for their biological children, adopted children, foster children, stepchildren, legal wards, or children for whom employees have day-to-day and financial responsibility.

Children must be under age eighteen (18), or over this age and incapable of self-care because of a physical or mental disability.

For purposes of this policy, a serious health condition is defined as: (1) incapacity or treatment with in-patient care, or (2) continuing treatment by a health care provider. This condition is not intended to cover minor illnesses or medical procedures, where treatment and recovery are brief, and are normally handled as part of an incidental sickness or absence. If leave is taken for the birth, adoption or foster care of a child, that leave must conclude within 12 months after the birth or placement for adoption or foster care.

When a husband and wife are both employed by the county, and are eligible employees, the number of weeks of leave to which both may be entitled is limited to a combined twelve (12) weeks during any twelve (12) month period.

**Requesting FML**:

Employees requesting FML must provide thirty (30) days advance notification to their department head. If the leave is unforeseeable, such as in the case of medical emergencies, employees must provide notice as soon as they are aware of the need for leave. Failure to provide adequate notice of the leave in accordance with this policy may result in denial of the leave until thirty (30) calendar days after proper notice is received.

Employees requesting FML must complete a Request for Family Medical Leave form. If FML is taken because of employees' or their family members' serious health condition or for service member family leave, employees will receive a Certification of Health Care Provider form to complete and submit before the leave begins or within fifteen (15) days if advance notice is not provided.

Employees who request FML because their spouse, parent, or child is called up for or is on active duty in the Armed Forces will receive an Active Duty Certification form to complete and submit.

Department heads are to notify the HR Department whenever an employee has requested leave for any reason as defined in this policy.

**Medical Certification**:

The county requires a medical certification supporting the request for leave due to a serious health condition affecting the employee or an immediate family member. If the leave is foreseeable, the employee should give thirty (30) days' notice and provide Medical Certification before the leave begins. If leave is unforeseeable the employee shall provide notice to the department head as soon as possible.

The employee must return the Medical Certification form within fifteen (15) calendar days of receipt. When the certification has been received and reviewed by the HR Department or the county otherwise determines that the employee has a qualifying event that makes him/her eligible for FML benefits, the employee shall be on FML status. If the employee fails to supply appropriate medical certification, the county may take appropriate disciplinary action against the employee and shall consider the absences unexcused.

The county may require, at its own expense, the eligible employee to obtain the opinion of a second health care provider designated or approved by the county concerning any information in the medical certification.

When the second opinion differs from the opinion in the original certification, the county may require, at its own expense, the employee obtain the opinion of the third health care provider designated or approved jointly by the county and the employee.

The opinion of the third health care provider shall be final and binding on the county and the employee.

After submitting the required documentation, notification will be given in writing to the employee whether their request for FML is approved.

**Pay and Benefits During Leave**:

Family Medical Leave is unpaid. However, Madison County requires accrued paid time off (PTO) to run concurrently with FML for all or parts of any qualifying leave.

Employees who do not have accrued leave time or exhaust accrued leave while on FML will be placed in an unpaid status. Employees in this status will: (1.) be responsible for paying their benefit premiums directly to the Human Resources Department at the time of every paycheck, (2.) will not accrue annual or sick leave and (3.) will not be paid for holidays that occur during their leave.

The county's obligation to maintain health insurance coverage will cease if the employee's premium payment is late. The county will provide written notice to the employee that the payment has not been received.

The county reserves the right to cancel coverages if required insurance premiums are not paid. Upon the employee's return from leave, the county will restore the employee to coverage/benefits equivalent to those the employee would have had if leave had not been taken and the premium payments had not been missed, including family or dependent coverage. Any premium balances due to the county will be deducted from the employee's first full paycheck after returning to work.

**Returning to Work**:

At the completion of FML, the employee is eligible to return to their former position or an equivalent position with the same pay and

benefits. Prior to returning to work, the county may require medical certification that the employee is able to perform the duties and meet the physical requirements of their job, if the leave was due to the employee's serious health condition. The treating medical professional must complete certification. Failure to provide this certification may result in disciplinary action, up to and including termination.

Employees who fail to return to work after completion of FML will be assumed to have resigned and any remaining insurance premiums owed to the county will be deducted from the employee's final check.

**Reporting While on Leave**:

Employees on FML are required to either contact their department head by phone or email on the first and third Thursday of each month while on leave to provide updates on the status of their condition. In addition, employees must provide notice as soon as practicable (within two (2) business days, if feasible) if the dates of the leave are expected to change.

**Employment Prohibited While on Leave**:

Employees on FML are prohibited from engaging in outside employment while on leave. Employees who do engage in other employment while on FML will be subject to disciplinary action, up to and including termination.

**Resolution of Disputes**:

If an employee disagrees with any FML related action or decision by the county, it is the employee's responsibility to submit their disagreement in writing to the Director of Human Resources within ten (10) days of the action or decision. The Director of Human Resources and the employee will meet to discuss the matter and seek to arrive at an agreeable resolution.

# APPENDIX 8

## ALABAMA ACT NO. 941

ALABAMA LAW

(Regular Session, 1973)

Act No. 941

AN ACT

Relating to Madison County; creating and establishing a county-wide personnel system; providing for a personnel department to be composed of a Personnel Board and Personnel Director; providing for the compensation of its members; providing for the selection, powers, duties and compensation of the Personnel Director; providing penalties for violation of any of the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

**Section 1**

a. In Madison County, there is hereby created and established a personnel department for the government and control for all employees and appointees holding positions in the Classified Service, as defined in Section 4.

b. The Personnel Department shall consist of a Personnel Board and a Personnel Director. The Personnel Board shall consist of three members, one to be appointed as a joint appointee by the Sheriff of the County, the Circuit Court Clerk, the County Judge and the District Attorney; one to be appointed by the county governing body; and one to be appointed as a joint appointee by the County Tax Assessor, the County Tax Collector, and the Probate Judge. Members of the Personnel Board now serving in Madison County by authority of Acts 1392 and 1488 of the 1971 Regular Session

shall continue to serve until the end of their respective terms. At the expiration of the term of each member, his successor shall be appointed for a term of six years.

c. The members of the Board shall be qualified electors of the county. No person shall be appointed to the Board who holds any salaried public office or employment with the county, nor shall any member, while a member of the Board or for a period of one year after he has ceased to be a member, be eligible for appointment to any salaried office or employment in the service of the county or any county elective office.

d. The Board shall hold one regular meeting each month and such special meetings as it shall deem necessary. The members of the Board shall receive Fifteen Dollars ($15.00) per diem for each meeting of the Board they attend. The Board shall not meet in excess of thirty days per year; provided, however, that the time consumed by the Personnel Board in hearings conducted under the provisions of Section 10(b) of this Act shall not be counted as a part of said thirty days.

**Section 2**

The members of the Board shall elect one (1) of their members chairman. The Board shall determine the order of business for the conduct of its meetings and shall meet on the call of the chairman or by two of the members or by request of the county governing body. Two members of the Board shall constitute a quorum for the transaction of business. The functions of the Board shall be:

a. To formulate and promulgate a set of rules to supplement this Act and revisions and amendments thereof.

b. To act in an advisory capacity to the governing body of the county on problems concerning personnel administration.

c. As provided by this Act, and by rule, to hear and decide appeals submitted by any person in the Classified Service as set out in Section 10.

d. In any investigation or hearing conducted by the Board, it shall have the power to examine witnesses under oath and compel their attendance or the production of evidence before it by subpoenas issued in the name of the county. Each member of the Board shall have the power to administer oaths to witnesses.

e. To hold hearing on and adopt or revise the position classification plan. The Board shall adopt a position classification plan and class specifications and revisions thereof allocate and reallocate positions in the Classified Service to classes.

f. To establish, after consultation with the governing body of the county and the elective officials of the county, coming within the provisions of this Act, a Pay Plan for all employees in the Classified Service. Such Pay Plan shall include, for each class of positions, a minimum and a maximum rate or rates as may otherwise in specific circumstances be fixed by law and such intermediate rates as may be deemed necessary or advisable by the Personnel Board; provided, however, that in the establishing of said Pay Plan for employees in the Classified Service and in the fixing of said minimum and maximum rates the Board may not reduce the salary or wage of any employee in the classified service below that which is being earned by said employee at the time of the enactment of this bill into law unless said reduction is an economy measure or is part of a general curtailment program as specified in Section 10(c) of this Act.

**Section 3**

The Personnel Board shall appoint a Personnel Director whose duty it shall be to act in the capacity of director for the personnel system. The Personnel Director may be dismissed only for just cause by the Personnel Board and said dismissal shall be affected by the filing with the said Personnel Director of written statement specifying the reasons for such dismissal. The Personnel Director shall act as Secretary at Board meetings, and shall be the Board's executive officer, but shall not have a vote in determining the Board's policy. He shall perform such duties as are assigned to him by the Board. The compensation of the director shall be fixed by the Personnel Board. The director shall:

a. Attend all meetings of the Personnel Board.

b. Administer all provisions of this Act and the rules established hereunder, not specifically reserved to the Personnel Board.

c. Under the direction of the Board, prepare rules and revisions and amendments thereof for the consideration of the Board.

d. Notwithstanding the other provisions of this section, no increase in compensation to the Personnel Director in any one year shall be effective if such increase exceeds the average percentage of increase for all county employees subject to the personnel system, unless such increase is first approved by the county governing body.

**Section 4**

The provisions of this Act shall apply to the following officers and employees in the service of the county:

a. All employees of the County Tax Assessor;

b. All employees of the County Tax Collector;

c. All employees of the County Sheriff;

d. All employees of the Circuit Court Clerk;

e. All employees of the Circuit Court Register;

f. All employees of the County Court;

g. All Assistant District Attorneys and all employees of the Circuit District Attorney;

h. The Director of the County License Department and all employees of the Director;

i. Employees of the Board of Registrar's office;

j. All employees of the Probate Judge's office;

k. All employees of the Circuit Court including court reporters and bailiffs, provided, however, that the provisions of this Act shall apply to court reporters for the sole and limited purpose of allowing the Personnel Board to fix the amount of county salary supplement to be paid to such court reporters, and such Board is hereby authorized and empowered to fix such supplement.

l. All probation officers of the Circuit Court;

m. All other officers and employees in the service of the county except:

    1. Elective officers

    2. Members of appointive boards, commissions and committees

    3. All employees or appointees of the County Board of Education, or persons engaged in the profession of teaching or in supervising teaching the public schools

    4. Attorneys, physicians, surgeons, and dentists who with the express or implied permission of any

appointing authority or of the county, hold themselves out for employment by others in the same or a like line of work as that performed by them for such appointing authority

5. Persons in the "Classified Service" within the meaning of and subject to the State of Alabama merit system under any present or future law, and so long as any such law remains effective

Offices, positions and employments specifically designated above as coming within the scope of this Act, and other offices, positions and employments not exempted above, shall constitute the Classified Service of the county. It is intended hereby to include within the Classified Service all offices, positions and employments now existing, or as they may hereafter exist, in whole or in part from funds of any such county, or the holders of which receive their compensation from any elected official and perform duties pertaining to the office of such elected official or officer except those hereinabove exempted in this Section. It shall be made mandatory, upon the enactment of this bill into law, that all employees hereinbefore designated as included within the "Classified Service" of the county shall be so included.

**Section 5**

Any provision of this Act to the contrary notwithstanding, no person shall be employed or dismissed from a position as court reporter or bailiff of any court in the county except by the consent of the judge under whose supervision such person is to work or does work as a court reporter or bailiff.

**Section 6**

In addition to such other matters as may be necessary and proper to carry out the intent and purposes of this Act, rules shall be formulated and adopted by the Personnel Board, establishing

specific procedures to govern the following phases of the personnel program.

a. The preparation, installation, revision and maintenance of a position classification plan covering all positions in the classified service;
b. The formulation of minimum standards and qualifications for each class of position;
c. The evaluation of employees during the probation period;
d. The separation from the service of employees through layoff, suspension, dismissal, and for incapacity to perform required duties;
e. The maintenance and use of necessary records and forms.

**Section 7**

During the period of suspension of any employee, pending final action of proceedings to review the suspensions, demotion or dismissal of an employee, the vacancy may be filled by the appointing power only by temporary appointment.

**Section 8**

All original and promotional appointments shall be for a probationary period of six months during which the employees may be rejected by the appointing authorities at any time without right of appeal or hearing in any manner.

**Section 9**

a. Any persons holding a position or employment included in the Classified Service who, on the effective date of this Act, shall have served continuously in such position or in some other position included in the Classified Service for a period of at least six months immediately prior to such effective date, shall assume regular status in the Classified Service in

the position held on such effective date without preliminary examination or working tests and shall thereafter be subject in all respect to the provisions of this Act.

b. Any other persons holding positions or employments in the Classified Service, shall be subject to suspension without pay by the appointing power and without right of appeal, but such suspension shall not exceed a total of thirty days in any fiscal year.

**Section 10**

a. No employee in the Classified Service may be demoted or dismissed or reduced in pay without just cause.

b. Any employee in the Classified Service who has been demoted, dismissed or reduced in pay, shall be entitled to receive a written statement of the reasons for such action from the appointing authority within three working days, and he shall have three working days time thereafter within which to file an answer in writing thereto. A copy of such charges and answer shall be filed with the Personnel Director. In the event the employee files an answer, a copy of the written charges and of such answer shall be transmitted by the Personnel Director to the Personnel Board. Within ten working days from the date of the filing of his answer to the written charges, or in the event such written charges have not been made available to him within the time prescribed, then within ten working days after the action taken to demote, dismiss or reduce the pay of the employee, he may file a written demand with the Personnel Director, requesting a hearing before the Personnel Board. The Board shall then investigate the case and conduct a hearing as provided by this Act and by the rules. Hearings shall be informally conducted and the rules of evidence need not apply.

c. The provisions of this section shall not apply to reductions in pay which are part of a general plan to reduce salaries and wages as an economy measure or as part of a general curtailment program; provided, however, that said reductions in pay which are part of a general plan to reduce salaries and wages as an economy measure or as part of a general curtailment program shall be prorated to all employees in the Classified Service.

d. The action of the Personnel Board after hearing pursuant to this section shall be final and conclusive; provided, however, that the action of the Personnel Board pursuant to such hearing may be reviewed by the circuit court of the county upon the filing, by either the employee or the appointing authority, in said circuit court of the county of a petition for writ of mandamus directed to the said Personnel Board and provided that said petition is filed by the said employee or the said appointing authority within thirty days from the date of the decision of the Personnel Board has been rendered. The circuit court of the county shall have jurisdiction to hear the case de novo in said mandamus proceeding.

**Section 11**

Whenever in the judgment of any appointing authority it becomes necessary in the interest of economy or because the necessity for any position in his appointing authority no longer exists, he may abolish any position in the Classified Service within his appointing authority and lay off the employee holding such position or employment without filing written charges and without the right of a hearing as provided in Section 10 of this Act.

**Section 12**

In any matter requiring the services of an attorney, the Personnel Board may call upon the county attorney to render such legal services to the Board as it may deem necessary or advisable.

**Section 13**

The compensation and all other expenses of the Personnel Board, the Personnel Director and all others arising under the provisions hereof, shall be paid by the county governing body on requisition drawn by the Personnel Director.

**Section 14**

It is the intent of this Act to create a personnel system for Madison County effective upon the enactment of this bill into law.

**Section 15**

Any person who violates any of the provisions of this Act shall be guilty of a misdemeanor.

**Section 16**

Definitions

The terms "appointing authority" and "appointing power" are defined to mean any person, persons, department head or elected official of the county who, at the time of the enactment of this bill into law, has the power by law to hire, to employ, make transfer, promotions, demotions, reinstatements, layoffs, suspensions and dismissals of employees affected by this Act.

**Section 17**

The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 18**

All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 19**

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973. Time: 5:40 P.M. I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 11th day of October, 1973. John W. Pemberton, Clerk of the House.