
Russell County Commission



Employee Handbook

May 22, 2024

INTRODUCTION

We are pleased to introduce the revised Russell County Commission employee handbook. This handbook has been designed to outline and summarize basic personnel policies, employee benefits, employee responsibilities, and employee rights. This handbook is intended to be a useful tool for all Russell County Commission employees. Compliance with this handbook, departmental rules and regulations, and any other County policy is mandatory for all employees. The following individuals are not subject to protections as Classified Employees under this handbook.

- Elected Officials;
- Members of Appointed Boards, Commissions, and Committees;
- Volunteer personnel and personnel appointed to serve without pay;
- Appointed Contract Employees, Independent Contractors or Consultants rendering temporary professional services;
- County Attorney and/or other firms, individuals, or agencies on retainer with the County; and
- All Sheriff's Department personnel.

This handbook provides general guidelines about the Russell County Commission's policies and procedures for employees of the Russell County Commission. None of the guidelines in this handbook are intended, nor shall they be construed, to give rise to contractual rights or obligations, or to be construed as a guarantee of employment for any specific period of time or any specific type of work. These guidelines are subject to modification, amendment, deviation, or revocation by the Russell County Commission at any time, without advance notice.

Each department of the County may develop additional policies and procedures relating to their department, at their discretion. Additional policies and procedures may be more restrictive than the provisions of this handbook but may not be less restrictive. The Human Resources Director shall have a copy of any departmental policies and procedures.

It is the intention of the Russell County Commission to adhere to all applicable state and federal laws, rules, and regulations. Any personnel policy found to be in conflict with a state or federal law will be changed to ensure compliance with the law.

This handbook revokes and supersedes all prior handbooks, amendments, and any policy or communication related to the employee handbook. It is your responsibility to ensure you have the most up-to-date version of the handbook. All questions pertaining to the information found in this handbook should be referred to the Personnel Director.

Russell County is an Equal Opportunity Employer

Table of Contents

Introduction.....	i.
I. Classification of Employees	1
A. Classification of Employees.....	1
B. Exempt and Non-Exempt Employees	2
C. Job Classifications.....	2
D. Employment for Classified Positions.....	2
E. Probationary Employees.....	4
II. Compensation of Employees.....	6
A. Wage and Salary Administration	6
B. Classification Plan	7
C. Pay Plan	7
D. Pay Increases.....	7
E. Attendance	8
F. Work Hours and Time Records	9
G. Breaks and Lunch Periods	11
H. Working Before or After Regular Hours	11
I. Overtime	11
J. Compensatory Time.....	12
K. Call Out Pay	12
L. On-Call Policy	13
M. Military Leave Pay.....	13
N. Pay Periods and Direct Deposit	13
O. Safe Harbor Policy.....	14
P. Garnishments and Levies.....	14
III. Equal Employment and Employee Relations Policies.....	15
A. Equal Employment Opportunity Policy and Procedures	15
B. Dispute Resolution.....	17
C. Anti-Retaliation.....	17
D. Workplace Violence Prevention	17
E. Americans with Disabilities Act (ADA).....	18
F. Health Insurance	18
G. Immigration Compliance	19
H. Family and Medical Leave Act (FMLA)	19
I. Pregnancy Non-Discrimination	22
J. Whistleblower Protection.....	22
K. Uniformed Services Employment and Reemployment Rights Act (USERRA).....	22
L. Military Leave.....	23
IV. General Personnel Policies	25
A. Personnel Files	25
B. Fraternalization	25
C. Nepotism	26
D. Dress Code	26
E. Tobacco Use/Smoke-Free Workplace	27
F. Worksite Standards	27

G. Social Media Policy	27
H. Performance Evaluations	28
I. Professional Development	28
J. Monitoring and Searches	29
K. Personal Property	29
L. Use of County Property	29
M. Telephone Usage.....	29
N. Inclement Weather and/or a Declared Emergency	30
O. Cross-Training	31
P. Temporary Assignments	31
Q. Promotions	31
R. Transfers/Demotions.....	32
S. Rehire.....	32
T. Solicitation	32
U. Travel Policies	33
V. Employee Benefits	34
A. Benefits Eligibility	34
B. Benefits Effective and Termination Dates	34
C. Health, Dental, and Life Insurance	34
D. Notice for Individuals Declining Health Coverage	35
E. Identification Cards.....	35
F. Annual Enrollment/Transfer Period.....	35
G. Benefit Premiums/Payroll Deductions.....	35
H. Consolidated Omnibus Budget Reconciliation Act (COBRA).....	36
I. Change in Status	36
J. Supplemental Benefits	37
K. Retirement Investments	37
L. Conditions for Retirement.....	37
M. Disability Retirement	38
N. Insurance for Retirees	38
VI. Leave Policies	40
A. Official Holidays.....	40
B. Annual Leave	40
C. Sick Leave.....	42
D. Bereavement Leave.....	44
E. Administrative Leave.....	44
F. Leave Without Pay.....	44
G. Leave of Absence.....	45
H. Political Leave of Absence	46
I. Expiration of Leave of Absence	46
VII. General Health and Safety Rules.....	47
A. Safety Rules	47
B. Health Rules.....	49
C. Fire and Environmental Rules	49
VIII. Employee Separations.....	51
A. Resignations.....	51

B. Furloughs	52
C. Reduction in Force	52
D. Retirement.....	53
E. Disability.....	53
F. Death.....	53
G. Termination.....	53
IX. Workers' Compensation	54
A. Reporting On-the-Job Injuries	54
B. Medical Treatment	55
C. Workers' Compensation Payments.....	56
D. Transitional Duty	56
X. Vehicle/Fleet Policy	61
A. General Policies and Procedures.....	61
B. Driver Qualifications	61
C. Safety Rules	63
D. Assignment of Vehicles	64
E. Vehicle Accident Procedures.....	65
F. Post-Accident Substance Abuse Testing	66
XI. Code of Ethics.....	67
A. Ethical Conduct.....	67
B. Statement of Economic Interest	67
C. Political Activity	67
D. Secondary Employment.....	68
E. Reporting Arrests and Off-Work Accidents	68
XII. Workplace Rules of Conduct and Progressive Discipline.....	69
A. Progressive Discipline Procedures.....	70
B. Administrative Leave with Pay Due to Potential Disciplinary Action.....	71
C. Suspensions Without Pay.....	71
D. Involuntary Demotions	71
E. Terminations	72
F. Pre-Disciplinary Appeals Procedures for Adverse Action	73
G. Post-Disciplinary Appeals Procedures for Adverse Action.....	73
H. The Personnel Review Board.....	74
I. Hearings Before the Personnel Review Board.....	75
J. Administrative Procedure for the Hearing.....	76
XIII. Drug and Alcohol Policy.....	77
A. Alcohol and Drugs – Drug-Free Workplace Policy.....	77
B. Definitions.....	79
C. Persons Subject to Testing	81
D. Types of Testing	82
E. Safety-Sensitive Employees.....	83
F. Necessity of Compliance with Testing Requirements	84
G. Off-Duty Conduct	85
H. Prescription Drugs	85
I. Persons Subject to Testing.....	85
J. Reasonable Cause	86

K. Random Testing	87
L. Post-Accident Testing	87
M. General Testing Procedures	88
N. Substances Tested For.....	89
O. Collection Sites	90
P. Collection Procedures	90
Q. Alcohol Testing Procedures	91
R. Evaluation of Return of Results	91
S. Request for Retest	92
T. Release of Test Results	92
U. Retention of Records.....	92
V. Employee Education and Training.....	93
W. Employment Assessment	94
X. Employee Assistance Programs (EAP).....	94
Y. Investigation/Searches	94
Z. System Contacts.....	95
Acknowledgement Form.....	96

I. Classification of Employees

A. Classification of Employees

1. **Appointed Employee:** An employee who is appointed by and serves at the pleasure of the Russell County Commission or another Elected Official. These employees do not have the right to appeal a suspension without pay, an involuntary demotion, or a termination. These employees may or may not have a contract. Appointed employees are eligible for the benefits that may be provided to Classified Employees (e.g., leave, holidays, insurance, etc.) but these employees have no expectation of continued employment for a definite term, or the disciplinary appeals process or protections afforded to Classified Employees. Appointed employees who were a Classified Employee of the Russell County Commission at the time of their appointment to an appointed position will be entitled to be reinstated as a Classified Employee provided (1) a position is available for which the individual is qualified and (2) the individual was not separated for cause from their appointed position.

2. **Classified Employee –** An individual who is assigned to a regular position authorized by the Russell County Commission, whose salary is paid with funds allocated by the County Commission, and whose employment initially includes a probationary period, during which time such Probationary Employee is not a Classified Employee.

3. **Probationary Employee –** An employee assigned to a classified position who has not achieved permanent status by being employed and actively working for at least six months and who has not satisfactorily completed the probationary period. Probationary periods may be extended an additional three months of working time if additional training is required or for a fixed time if a position requires a certification. A Probationary Employee is only eligible for classified service if they have completed the terms and conditions of their initial probationary period including satisfactory job performance, satisfactory demonstration of skills and work habits necessary for the performance of the work, and satisfactory attendance during the probationary period. Probationary Employees are “at will” and may be terminated with or without cause, without the right of appeal. Probationary Employees will be evaluated after three months of employment and again within 10 days before the end of their first six months of employment to determine if they have satisfactorily met/completed the terms of employment.

4. **Temporary Employee –** An individual who is employed to perform special functions, to perform emergency functions, to serve in periods of excessive workloads, or as a replacement for a Classified Employee who is on an approved leave. Temporary employment will not normally exceed six consecutive months. Temporary Employees are not entitled to participate in any County-provided benefits and are not entitled to protections as classified employees. Service as a temporary employee does not count as continuous years of service with Russell County.

5. **Full-time Employee –** Any individual employed by the County Commission who is regularly scheduled to work at least 30 hours per work week.

6. **Part-time Employee –** Any individual employed by the County Commission who is regularly scheduled to work not more than an average of 29 hours per work week. Part-time

Employees are not eligible for any other benefit except for retirement. Part-time Employees who are receiving retirement benefits through RSA will not be eligible for any additional retirement benefits. Part-time service will not count as continuous years of service with the County if a Part-time Employee is later employed in a full-time classified position or appointed employee status.

B. Exempt and Non-Exempt Employees

1. Non-exempt employees are covered by the overtime provisions of the Fair Labor Standards Act and will receive overtime pay or comp time at the rate of one and one-half time for all time actually worked beyond 40 hours in one work week. Time off such as holidays, sick leave, and annual leave does not count as time worked. All work time, including regular hours and overtime, must be recorded and approved by the employee's supervisor.

2. Exempt employees are not covered by the overtime provisions of the Fair Labor Standards Act and are expected to work the hours required to meet their job responsibilities.

3. Classifying a position as exempt or non-exempt is based on the salary of the position as well as the job duties established by the Department of Labor. Responsibility for classifying Russell County Commission positions as exempt or non-exempt is determined on the requirements of the Fair Labor Standards Act and upon approval by the Russell County Commission.

C. Job Classifications

1. All job classifications are based on an analysis of the duties and responsibilities of each position and requirements of education, training, experience, skills, knowledge, and abilities necessary for the position. When a new or revised job description is prepared, the job will be evaluated to determine the classification and submitted to the County Commission for approval. The Human Resources Director will conduct periodic reviews of the job classifications and submit to the County Commission any recommended changes. New employees or employees transferring or being promoted to new positions shall receive a copy of the new position description. All classified positions and position descriptions shall be approved and funded by the Russell County Commission.

2. Position descriptions do not necessarily cover every task or duty that might be assigned, and additional responsibilities may be assigned, as necessary. The Human Resources Director keeps position descriptions on file.

D. Employment for Classified Positions

1. Russell County will seek to select the applicant most capable of serving the County's taxpayers efficiently and effectively. The County Administrator, County Engineer/Parks and Recreation Director, Chief Building Inspector, Emergency Management Agency Director, Solid Waste Director, Maintenance Director, Mapping and Appraisal Director, Probate Judge, Revenue Commissioner, Tag Commissioner, and Human Resources Director will serve as Department Heads.

2. The Human Resources Director will maintain up-to-date written job descriptions for all positions.

3. Applications will be accepted for vacant classified positions. The Human Resources Director will review all applications received to determine which applicants meet the minimum qualifications for the position. All current regular status Classified Employees who meet the minimum qualifications for the position will be interviewed. Interviews may also be conducted of any other qualified applicant. Interviews will be conducted by the Human Resources Director, Department Head or their designee, and a third person. The three interviewers will each complete an interview form and rank the applicants as they are interviewed. The applicant with the highest cumulative score will be offered the position.

4. When a vacancy occurs in an Appointed Employee position, the position shall be filled, at the pleasure of the County Commission, by an individual who meets the job qualifications.

5. When a vacancy occurs in a temporary position that has been approved by the Russell County Commission, the position shall be filled with an individual who meets the job qualifications as determined by the Department Head for the Department in which the open position is assigned.

6. Each Department Head is authorized to select employees to fill approved vacancies in accordance with these personnel hiring procedures. No employment offer, other than for Appointed Employees, shall be made by any person in the County other than by the Human Resources Director in consultation with the respective Department Head. No final employment offer shall be effective until the prospective employee has completed and passed all applicable pre-employment screenings required for the position. These screenings may include physical/medical examinations, background checks, credit checks, and pre-employment drug testing.

7. To be considered for employment with the Russell County Commission, a prospective or current employee must complete an application and provide the information requested therein. Using false information on an application or resume shall result in immediate disqualification and/or termination.

8. Positions will be posted internally for three days and then advertised externally for a minimum of seven days.

9. An employee transferring from the Russell County Sheriff's Office to the Russell County Commission without a break in service shall retain their benefits and longevity status as well as any accrued leave. The employee is still required to serve a working probationary period as outlined in Section *I. E. Probationary Employees*.

10. If a Department Head wishes to add a position in their department that was not approved by the County Commission during budget preparation, the Department Head shall submit a request to the Human Resources Director for placement on the Commission agenda. The Department Head will present the request to the County Commission for consideration of approval and funding.

11. Notwithstanding anything contained in this employee handbook to the contrary, all funding for positions must be approved in the fiscal year budget by the Russell County Commission, in its discretion.

E. Probationary Employees

1. The probationary period is intended to give new and rehired employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance. The County uses this working period to evaluate employee capabilities, work habits, and overall performance. Probationary Employees are encouraged to ask questions so that they will have a clear understanding of the job and performance expectations. All Probationary Employees shall receive an orientation to advise them of the policies of the County. Each Probationary Employee shall complete all necessary forms, sign for a copy of this handbook, and attend all required orientation sessions.

2. During the probationary period, an employee will earn annual leave and sick leave, but they are not authorized to use this leave until the satisfactory completion of their probationary period. Absences during the probationary period are discouraged and will be approved only in justifiable situations. Any excused absences in excess of two weeks will extend the probationary period an amount equal to the absence.

3. The first six consecutive months of employment in the position for which the employee is hired and is performing their job duties is considered the probationary period. During this time, an employee is an “at will employee” and may be terminated, with or without cause, without the right of appeal. The six-month probationary period may be extended if additional training is required.

4. During the last 10 days of an employee’s probationary period, the employee’s supervisor or Department Head will complete a written evaluation of the employee’s work. The evaluation will include a statement that the employee’s service has been satisfactory or unsatisfactory. Employees who receive a satisfactory evaluation will be retained as a Classified Employee. Employees who receive an unsatisfactory evaluation will be terminated. Probationary Employees who are being retained will be notified in writing by the Human Resources Director of the completion of their probationary period and designation as a Classified Employee. Probationary Employees who are being terminated will receive written notice from the Human Resources Director that their employment is terminated. A copy of the letter, along with a copy of the final probationary period evaluation, will be maintained by the Human Resources Director in the employee’s personnel file. Probationary Employees do not have any right to appeal their termination.

5. If the supervisor or Department Head determines that additional time is needed to evaluate the employee, the probationary period may be extended up to three months of working time if additional training is required or for a fixed time if a position requires a certification. A final written evaluation of the employee’s work will be conducted within the last five working days of the employee’s probationary period. Employees who receive a satisfactory evaluation will be retained as a Classified Employee. Employees who receive an unsatisfactory evaluation will

be terminated. Probationary Employees who are being retained will be notified in writing by the Human Resources Director of the completion of their probationary period and designation as a Classified Employee. Probationary Employees who are being terminated will receive written notice from the Human Resources Director that their employment is terminated. A copy of the letter, along with a copy of the final probationary period evaluation, will be maintained by the Human Resources Director in the employee's personnel file. Probationary Employees do not have any right to appeal their termination.

II. Compensation of Employees

A. Wage and Salary Administration

The Commission intends to provide equal compensation for work of equivalent responsibility and pay according to work performance and/or outstanding service. Compensation is based upon the experience, knowledge, complexity, potential work hazards, and responsibilities for each position and, when possible, similar employment in comparable counties. Employees may be eligible for pay increases including cost of living adjustments, salary changes, or promotional pay only when approved by the Department Head and funded by the Russell County Commission.

1. The rate of pay for each employee will be determined from the County-approved Classification and Pay Plans. However, when an employee is assigned to a job in which the pay level is controlled by state law, the county will ensure that the employee's pay conforms to such law. New employees will normally be paid at the entry level of pay for the pay grade of their assigned job. However, when a Department Head believes that an individual's documented job-related qualifications warrant a higher level of pay, they may recommend to the Commission that the individual's pay be raised up to 5% above the established entry level for the authorized pay grade.

2. Former employees who are rehired for a job in the same pay grade they were in previously, will be paid at the same pay rate. If the appointment is to a job in a lower grade, the individual will be placed within the authorized pay range at a pay level that is approximate to their previous pay. However, no former employee will be paid above the maximum rate of pay of the pay grade of their assigned job.

3. Former employees who resigned or are separated by a reduction in force and are reemployed within twelve months of their separation to a job of the same pay grade that they previously held will be started at the same pay they were paid at the time of their resignation. If the individual is employed in a job of a lower pay grade, their pay will be set at the same percent of the new pay grade range that their pay was in the previous pay range.

4. Pay increases for all Appointed and Classified Employees will be made within the range of pay authorized for the pay grade of the jobs to which they are assigned.

5. The Commission will determine if an annual pay raise will be given to Appointed and Classified Employees. Any annual pay raise will be effective on the first day of the first pay period in October of each year. When an annual pay raise is given, an employee's pay will not be raised beyond the maximum level of pay authorized for the pay grade of their job.

6. When the Commission determines that an across-the-board raise should be provided employees and sufficient funds are available to authorize such increase, pay ranges in the County pay plan will be adjusted to reflect any across-the board-raises approved by the Commission.

7. During each budget preparation, the Commission will determine if funds are available for awarding annual pay raises to employees, the type of increase to be given, and the amount of

increase. Pay increases will be awarded to eligible employees only when funds have been set aside by the Commission during budget preparation for such purpose.

B. Classification Plan

1. The Commission will ensure that each job in County service is evaluated to determine its appropriate pay grade. Jobs that are comparable in complexity, responsibility, and difficulty will be assigned to comparable pay grades and approved as the Russell County Classification Plan. The plan and any subsequent changes will be approved by the commission.

2. The Human Resources Director will ensure that a current job description is prepared for each job listed on the Classification Plan. Each job description will identify those representative duties, along with the knowledge, skills, and abilities that are required for proper performance of the job. When a new job is created, or a substantial change is made to an existing job, the Department Head will furnish the Human Resources Director a description of the new/revised duties and/or qualifications. The Human Resources Director, in coordination with the Department Head, will prepare a new/revised job description and will evaluate the job and recommend a pay grade for the job, if warranted.

3. No deviations will be made in the pay grade assignments that have been approved in the County Classification Plan.

4. The Commission will, in coordination with the Appointing Authorities, review the Classification Plan on a periodic basis to ensure that it is current. When needed, the Commission will approve an updated plan.

C. Pay Plan

1. Pay ranges will be established for each pay grade listed in the Russell County Classification Plan by the County Commission. The approved ranges will be approved in the Russell County Pay Plan.

2. The County pay plan will be used in conjunction with the County Classification Plan to determine the range of pay for all jobs that are covered by the County personnel system, except for those individuals whose pay is determined by state law or contract/grant funding.

3. The County Commission will periodically review the approved pay rates for each pay grade in the pay plan and make appropriate “across the board” adjustments that are necessary to meet inflationary and /or labor market changes. Normally, such changes will be in addition to any continuous years of service increases approved by the Commission for the budget year.

D. Pay Increases

Pay increases will be awarded eligible employees only when funds have been approved by the Commission for such purposes. Pay increases will be given as either longevity increases, across the board increases, or merit increases.

1. Longevity increases -- when approved by the Commission, may be awarded to employees, upon their successful completion of twelve (12) months of continuous service.

- a. An employee, who is hired after approval of these policies and procedures, will have their service calculated from their employment date.
- b. An employee, who was employed at the time of adoption of these policies and procedures, will have their service calculated from the date of their original date of employment.
- c. During each budget preparation, the Commission may determine if funds are available to provide eligible employees with a longevity pay increase for the year. The actual amount of the increase will be determined by the Commission during budget preparation.
- d. Once an employee reaches the maximum level of pay for their pay range, they will not receive any additional longevity increases.
- e. Longevity increases will be effective on the first day of the pay period following the month in which the employee completes twelve (12) consecutive months of service.

2. Across the board increases -- may be approved by the Commission when warranted and funds are available. Normally, such increases will be authorized for regular status employees. However, such determination will be made by the Commission at the time of approval of an across-the-board increase.

- a. Normally, an across-the-board increase will be authorized when the Commission determines that the County's pay levels should be adjusted due to such factors as an increase in the cost of living (COLA) or higher wage rates being paid in the area.
- b. When the Commission authorizes an across-the-board increase, the pay of all employees, designated by the Commission will receive the increase.
- c. The minimum and maximum pay levels of all jobs within the County system will be updated to reflect an across the board pay increase.
- d. An across the board pay increase will be paid on the effective date established by the Commission for such increases.

3. If the Commission approves an across-the-board increase and a longevity increase in the same budget year, eligible employees, who have not reached the maximum level of pay for their pay range, may receive both increases. If an employee has reached the maximum pay level for their pay range, they will receive only the across-the-board increase.

4. Merit Increases – may be given to an employee based on their performance evaluation.

E. Attendance

1. All employees are expected to work their hours as scheduled. Employees who are unable to report to work as scheduled must notify their supervisor, preferably before the start of a shift, or in the event of an unexpected emergency or incident, no more than two hours after the

employee's scheduled work time. An employee who doesn't report to work as scheduled will be considered absent or tardy.

2. Time off (planned or unplanned) must be communicated and approved by the employee's supervisor. If an employee misses three consecutive days of work and properly communicates the absence, they may be required to furnish a doctor's excuse and/or a return-to-work form. The Department Head reserves the right to request a doctor's excuse for an absence and may further define specific departmental requirements.

3. Failing to report to work and not calling to report the absence is a no-call/no-show and is a serious matter. If an employee contacts their supervisor and indicates they will be late but does not report to work as planned or does not further communicate the inability to report to work, that will be considered a no-call/no-show. Supervisors are expected to report any no-call/no-show events to their Department Head. The first instance of a no-call/no-show will result in a written warning. The second separate offense will result in a final warning. A third offense may result in the termination of employment with no additional disciplinary steps. The Department Head may consider a no-call/no-show event that extends beyond two consecutive days as job abandonment and therefore may result in the employee's voluntary resignation of employment effective on day three of the no-call/no-show occurrence. This may also be applicable if an employee is on an approved leave and does not return on the planned return date without notifying their Department Head or supervisor.

4. Requests for planned absences should be submitted to the employee's supervisor five days or more in advance whenever possible. Prior coordination may not be feasible in the case of emergency or sudden illness. In these rare cases, the employee must notify his or her supervisor as soon as possible. An employee should communicate medical, dental, or personal/family member appointments to their supervisor in advance whenever possible. Reasonable time away from work for such appointments may be granted with prior approval and notification.

5. Attendance is monitored and evaluated for patterns of absenteeism and tardiness. Absences, even if compensated, may be considered excessive if the absences disrupt workflow, cause missed work objectives, result in reduced performance, or result in failure to meet contract commitments. If the employee misses one or more days of work without approval or proper notification, the employee may be subject to disciplinary action.

6. Appointing Authorities, supervisors, or employees should notify the Human Resources Director immediately when an employee is anticipated to miss, or has missed, three consecutive workdays due to an illness, injury, or hospitalization for themselves or a family member, or failure to show for work without contacting their supervisor. Following the third consecutive day of missed work, if applicable, FMLA paperwork or employment correspondence will be sent to the mailing or email address on file.

F. Work Hours and Time Records

1. The normal workweek for a full-time employee consists of 40 hours depending on the job classification and work location and for a part-time employee no more than 29 hours a week

on average. The Department Head will inform each employee of the required work hours. Office closures for more than one business day for any reason other than inclement weather and/or a declared emergency are to be approved by the County Commission.

2. Hourly (non-exempt) employees will be responsible for completing a time record with the beginning and ending work times, including lunch. This is necessary for payroll calculation of the employee's earnings. These records will be maintained by the County Commission. Each employee must verify the hours worked are complete and must accurately reflect all regular and overtime hours worked, any absences, any late arrivals, any early departures, and all meal breaks. The employee should submit the completed time to their supervisor for verification and approval. When the employee receives each paycheck, the employee must also verify that they were paid correctly for all regular and overtime hours worked each week.

3. Hourly employees shall not work any hours that are not authorized by their supervisor or Department Head. Employees are prohibited from performing any work "off-the-clock," meaning work that the employee performs but does not report or inaccurately reports. Any employee violating this policy is subject to disciplinary action, up to and including termination.

4. All salaried (exempt) employees will receive a salary that is intended to compensate them for all the hours they may work for the Commission. Accordingly, all salaried employees are expected to accomplish their duties irrespective of the time or days required to do so. Salaried exempt employees will be responsible for recording all time records if they are absent from work. Salaried exempt employees' time cannot be reduced unless it is for one or more full workdays. Under federal law, an employee's salary is subject to deductions as follows:

- a. Full day absences for sickness, disability, or personal reasons;
- b. Partial day absences for sickness, disability, or personal reasons when permission hasn't been given, accrued leave has been exhausted, or the employee has been granted leave without pay by the Commission;
- c. Full day disciplinary or safety suspensions;
- d. Family and Medical Leave absences (either full or partial day absences);
- e. To offset amounts received as payment for jury pay, witness fees, or military pay;
or
- f. The first or last week of employment in the event the employee works less than a full week.
- g. An employee's salary may also be reduced for deductions of federal, state, or local taxes; Social Security taxes; the employee's portion of health insurance, dental insurance, life insurance, or benefits; or voluntary contributions to a retirement plan.

5. Employees have the right to examine and verify their personal time record prior to supervisor approval.

6. It is a violation of the County's policy for any employee to falsify a time record, or to alter another employee's time record. It is also a serious violation of County policy for any employee or manager to instruct another employee to incorrectly or falsely report hours worked or

alter another employee's time record to under- or over-report hours worked. If any supervisor or employee instructs another employee to (1) incorrectly or falsely under- or over-report an employee's hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, the employee should report it immediately to the Human Resources Director.

7. A workday may not be shortened by “working through” or reducing the lunch period on a voluntary basis, nor may an employee voluntarily begin work before or after their regularly scheduled hours for the purpose of accumulating overtime. Every adjustment to the work schedule requires advance approval from the employee's immediate supervisor.

G. Breaks and Lunch Periods

Each department may allow reasonable breaks for employees. The length and time for breaks shall be determined by each department but not to exceed 15 minutes. During the paid rest break, employees are not allowed to leave the premises. If the rest break is extended without authorization, the employee will be subject to disciplinary action. Each department is responsible for the scheduling of rest breaks. Lunch breaks shall be 30 minutes or one hour as set by each Department. Any employee working through lunch that would cause them to incur overtime in the workweek is required to have permission from their supervisor or Department Head prior to performing the work.

H. Working Before or After Regular Hours

Employees may not voluntarily begin work early, or work after hours, to extend the workday for the purpose of accumulating overtime. An employee may begin work early, or work after hours, for the purpose of making up time missed within the work week only with prior approval from the employee's supervisor or Department Head.

I. Overtime

1. Approval for Extra Work: Any work that exceeds a non-exempt employee's normal scheduled workday must be approved prior to the work being performed. Such work will be approved in accordance with guidelines established by the Department Head, in accordance with guidelines established by the County Commission each budget year.

2. Overtime Worked:

- a. When a non-exempt employee works more than 40 hours in a work week, the employee will normally be paid overtime pay for all hours in excess of 40 hours. Such pay will be computed at one and one-half times the regular rate of pay for all hours worked over 40 hours. However, the employee may be provided compensatory time in accordance with paragraph J. below.
- b. When a non-exempt law enforcement employee works more than 86 hours in a two-week work period, the employee will normally be paid overtime pay for all

hours in excess of 86 hours. Such pay will be computed at one and one-half times the regular rate of pay for all hours worked over 86 hours. However, the employee may be provided compensatory time in accordance with paragraph J. below.

J. Compensatory Time

1. Non-exempt employees may earn compensatory time in lieu of overtime pay. The maximum accumulation of compensatory time for a non-exempt employee is 240 hours. Any additional hours of compensatory time worked must be paid as overtime pay. Compensatory time will be computed at one and one-half times the overtime hours worked. A non-exempt employee who earns compensatory time will be required to use such time at their convenience if time off does not cause a hardship on the work activity. Non-exempt employees will be required to use any accrued compensatory time for any approved leave prior to the use of any annual leave, sick leave, or any other accrued leave available to the employee. A non-exempt employee who does not schedule time off will be scheduled time off by the Department Head in order to use the compensatory time in a timely manner.

2. Compensatory time may only be converted to overtime pay in the following circumstances:

- a. An employee separates from County employment whether by resignation, termination, or retirement.
- b. A non-exempt employee is promoted or transfers to an exempt position.
- c. A non-exempt employee is transferred between departments. In the event of an interdepartmental transfer of a non-exempt employee, the receiving department may not be willing to assume the liability of the time earned in the transferring department. In order to avoid this issue, the receiving department may submit a request to the Human Resources Director requesting the payment of any or all compensatory time balances when an interdepartmental transfer occurs.

3. If the Department Head does not schedule the employee to be off, the Human Resources Director will work with the Department Head to ensure the employee is allowed to take their earned compensatory time off.

K. Call Out Pay

1. A non-exempt employee who is called out by a supervisor, or their Department Head, will be paid a minimum of two hours' call out pay if they work less than two hours or paid for the length of time the employee works if it is greater than three hours. Travel time spent on reporting to a call will be considered work time.

2. Exempt employees are not subject to call-out pay except when they are among the critical emergency personnel who must work during a Commission-declared inclement weather or emergency.

3. On-call employees and employees who are subject to being called out during an emergency should make sure their supervisor has their updated contact information.

L. On-Call Policy

1. A non-exempt employee who is not required to remain on the premises but is merely required to leave work where they may be reached, is **not** working while on call. On-call time will be considered hours worked when an employee is required to restrict their personal activities such that the employee cannot use this time effectively for their own purposes. Under these circumstances, the employees are paid at their normal pay rate (or overtime when appropriate). Employees on leave are not subject to being on call.

2. An employee in a position that requires them to be called back into work after working hours is required to respond to all emails or voicemail messages within a reasonable time of receipt. Employees on call are to stay within a reasonable driving time from the office. Employees who are on call shall not use alcoholic beverages or any drugs or medications that may impair the employee or affect the employee's performance.

3. Hourly employees who respond to a call and are able to handle the matter by telephone or instant messaging, are to be paid for the actual time worked. All time must be documented.

M. Military Leave Pay

Eligible employees who are placed on military leave in accordance with Section *III. M. Military Leave* will receive the standard pay they would have received if they had reported to work and were not on military leave.

N. Pay Periods and Direct Deposit

1. All non-exempt, full-time employees are on a workweek schedule that begins at 12:00 a.m. on Saturday and ends at 11:59 p.m. on the following Friday of each week.

2. All non-exempt, part-time employees are scheduled to work no more than twenty-nine hours on average within the workweek that begins at 12:00 a.m. on Saturday and ends at 11:59 p.m. on the following Friday of each week. An employee's average hours per week will be calculated during the first week of January, April, July, and October.

3. Employees are paid on a bi-weekly basis on the next Friday after the end of the pay period.

4. Direct deposit is mandatory for all employees or for any new hire. Deposits will be made directly to the financial institution of the employee's choice. Any changes to the employee's direct deposit account should be reported to the Human Resources Director.

5. Pay advances are not allowed under any circumstances.

O. Safe Harbor Policy

1. It is the policy and practice of the Commission to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that the employee is paid properly for all time worked and that no improper deductions are made, the employee must record correctly all work time and review their paychecks promptly to identify and to report all errors.

2. Employees receive their payroll stubs on Wednesday before payday on Friday. Employees should review their payroll stubs upon receipt and report any mistakes or concerns.

3. The Commission makes every effort to ensure all employees are paid correctly. When mistakes do happen, and are called to our attention, we will promptly make any corrections necessary. Each employee should review their pay stub when received to make sure it is correct. If a mistake has occurred or if there are any questions, please immediately report this to the Human Resources Director. Employees will not be subject to any retaliation for asking questions about or reporting mistakes in their compensation.

P. Garnishments and Levies

In the event that garnishment or similar proceedings are instituted against an employee, the Commission will deduct the required amount from the employee's paycheck. All correspondence related to a garnishment or levy should be sent to the Russell County Human Resources Director, at 1000 Broad Street, Phenix City, Alabama 36867.

III. Equal Employment and Employee Relations Policies

A. Equal Employment Opportunity Policy and Procedures

It is the policy of the Russell County Commission, to provide equal employment opportunities to all individuals without regard to race, color, religion, sex, gender identity, sexual orientation, national origin, age, physical or mental disability, genetic information, veteran or uniformed service-member status, or any category protected by federal, state, or local law. This policy relates to all phases of employment, including, but not limited to, recruiting, employment, placement, promotion, transfer, demotion, leaves of absence, layoff, recall, reduction of workforce and termination, rates of pay or other forms of compensation, benefits, disciplinary or corrective actions, selection for training, the use of facilities, and participation in all Commission-sponsored employee activities. Provisions in applicable law providing for bona fide occupational qualifications, business necessity, or age limitations will be adhered to by the County where appropriate.

The Russell County Commission hereby establishes and reaffirms its commitment to a clearly defined Equal Employment Opportunity Program (EEO) as set forth by the following guidelines:

1. Equal opportunity for all our citizens is a historic American ideal, and it is the policy of the Russell County Commission to maintain equal employment opportunity in the public services position of County government by considering job applicants and employees for hiring and advancement on the basis of job-pertinent individual differences and not on the basis of the extraneous factors such as race, religious creed, color, national origin, ancestry, sex, marital status, medical condition, age, or disability. The objective of this program is to continue to ensure nondiscrimination in all employment related decisions.

2. The Commission is committed to creating a workplace free from the unlawful harassment, including but not limited to sexual harassment, of employees by other employees and officials, or the unlawful harassment of its officials and employees by its vendors or visitors. Likewise, the Commission will not accept the unlawful harassment of a vendor or visitors by any employee of the Commission. This policy includes harassment because of race, sex, religious creed, color, national origin, ancestry, disability or medical condition, age, or any other basis protected under Title VII.

3. The Commission encourages employees to address harassment, including sexual harassment, or discrimination directly when it occurs. Any incident of harassment or discrimination shall be reported immediately to the employee's supervisor, Department Head or the Human Resources Director.

4. If an employee or applicant feels they have been a victim of harassment or discrimination, the employee shall file a written complaint. Complaints by employees should be addressed to the employee's supervisor, Department Head, or the Human Resources Director. Complaints by applicants shall be filed directly with the Human Resources Director.

5. The complaint should contain the following:
 - a. Date(s), time(s), and location(s) of the incident(s) that took place;
 - b. Description of each incident, including a statement as to any physical contact made and as to what was said and/or done;
 - c. Name(s) of witnesses, if any; and
 - d. The names of anyone with whom incident/incidences have been discussed.

A record of the complaint and findings will become a part of the complaint investigation records and the file will be maintained separately from your personnel file.

6. All complaints for discrimination and/or harassment, including sexual harassment, will be investigated by the Human Resources Director or their designee and the results of the investigation will be reported to the complaining party. Investigation of a discrimination, harassment, or sexual harassment complaint may include, but is not limited to, interviewing the complaining and accused parties as well as other employees and/or vendors necessary to obtain sufficient information upon which to make an assessment of the situation. While the Commission will make every effort to be sensitive to privacy issues, there is no guarantee of confidentiality. Retaliation and/or discrimination against an employee who complains of discrimination or harassment is strictly prohibited and also may be a violation of federal law.

7. The Human Resources Director is principally responsible for investigating discrimination, harassment, and sexual harassment complaints, and, when appropriate, may explore informal means to resolve these complaints. Informal dispute resolution procedures may include, but are not limited to, counseling the alleged violator or serving as a mediator between the two parties. When the matter cannot be resolved informally, the Human Resources Director or their designee may prepare a written report of the investigation and a recommendation. Recommendations can include discipline for the violator as well as the restoration of any employment terms, conditions, or opportunities the complainant lost or was denied because of the discrimination and/or harassment.

8. Any employee who is found to have engaged in any form of discrimination or harassment of another employee will be subject to appropriate disciplinary action up to and including termination.

9. If any form of discrimination or harassment persists or re-occurs, the employee has the responsibility to report the occurrence or re-occurrence to their supervisor, Department Head, or the Human Resources Director as soon as possible. If an employee is not satisfied with the results or action(s) taken as a result of their initial complaint, then the employee must report their complaint to the County Administrator.

10. Any questions or concerns employees or prospective employees may have regarding the Commission's equal opportunity policy or any possible or alleged discrimination and/or harassment, including sexual harassment, in the workplace should bring these issues to the attention of their Department Head or the Human Resources Director. Employees may raise legitimate concerns and make good faith reports without fear of reprisal. An investigation will be conducted following any report of any such violation.

B. Dispute Resolution

1. The Commission is committed to a work environment where all persons are treated with respect and dignity. Employees that have an issue with a co-worker are encouraged to try and resolve the problem themselves. If a resolution cannot be agreed upon, both employees should approach their supervisor(s). Employees that have an issue with their supervisor should attempt to resolve the issue with their supervisor. If a resolution cannot be agreed upon, the employee should report to their Department Head or the Human Resources Director.

2. Employees must promptly report harmful events, policy violations, or security concerns to their supervisor or Department Head. Any reported allegations will be promptly investigated and will remain confidential to the extent permitted by the circumstances. Should the problem persist or reoccur, the employee should report this to their Department Head or the Human Resources Director as soon as possible.

3. No employee will be retaliated against for acting in good faith or reporting a potential issue or for assisting in the investigation of a possible issue. If at any time during the process or investigation, the Commission concludes that an employee has filed a claim in bad faith, has refused to cooperate in an investigation of an issue, or has provided false information regarding an issue, disciplinary action up to and including termination may be taken.

C. Anti-Retaliation

1. The Russell County Commission is committed to providing a work environment in which employees may register complaints about alleged discrimination, harassment, or other problems without fear of retaliation. The Commission strictly prohibits retaliation against any employee because they have opposed any unlawful employment practices or because they have made a charge or has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing regarding such alleged practices.

2. Any employee who wants to report an incident of retaliation should promptly report the matter to their Department Head or the Human Resources Director. Employees can raise concerns and make reports without fear of reprisal or retribution. Anyone engaging in retaliation will be subject to disciplinary action up to and including immediate termination of employment.

D. Workplace Violence Prevention

1. The Russell County Commission is committed to maintaining a safe environment and preventing workplace violence. All employees should be treated with courtesy and respect at all times. Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated.

Prohibited conduct includes, but is not limited to, the following:

- a. Physically or verbally threatening another individual;
- b. The intentional destruction or threat of destruction of Commission property or a co-

- employee's property while at work;
- c. Harassing or threatening phone calls or written communications;
- d. Stalking;
- e. Advocating or threatening the illegal use of weapons or bombs;
- f. Threats or attempts to commit suicide;
- g. Fighting;
- h. Horseplay;
- i. Bullying;
- j. Excessive profanity; or
- k. Advocating or threatening revenge based upon a workplace occurrence.

2. All threats of violence, violent acts, potentially volatile situations and all conduct prohibited by this policy should be reported as soon as possible to the manager. This includes threats by employees, as well as threats by clients, vendors, solicitors, or other members of the public. Reports should be as specific and detailed as possible. Additionally, any emergency, crisis, or situation posing imminent danger should be immediately reported to 911. As soon as practical, employees should notify their Department Head or the Human Resources Director.

3. The Commission will promptly and thoroughly investigate all reports. The identity of the individual making a report will be protected as much as is practical. No person will be subject to retaliation or reprisal because of making a report. In order to maintain workplace safety and the integrity of its investigation, the Commission may place employees on administrative leave, either with or without pay, pending investigation. Employees charged with a crime may be placed on administrative leave without pay for a maximum of ten days for investigation.

4. Anyone determined to be responsible for threats of violence, violent acts, or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

5. The Commission encourages employees to bring their disputes or differences with other employees to the attention of their manager before the situation escalates into potential violence. The Commission is eager to assist in the resolution of employee disputes and will not discipline employees for raising such concerns.

E. Americans with Disabilities (ADA)

1. The Russell County Commission complies with the Americans with Disabilities Act which prohibits discrimination on the basis of disability.

2. The Commission is committed to providing reasonable accommodations to qualified individuals with disabilities, unless it would impose an undue hardship on the employer. If an employee has a disability, they may request a reasonable accommodation at any time during the application process or during the period of employment. The employee, the employee's health professional, or any other representative acting on behalf of the employee may request an accommodation. This may be done verbally or by completing a reasonable accommodation request form. This form may be obtained from the Human Resources Director.

3. Reasonable documentation from an appropriate healthcare or rehabilitation professional may be required to establish that an employee has an ADA disability, and that the disability necessitates a reasonable accommodation.

F. Health Insurance Portability and Accountability Act (HIPAA) – need to adopt

The Commission complies with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and follows guidelines involving the protected health information of employees, dependents, and patients. Contact the Human Resources Director for a copy of the Company's Health Insurance Portability and Accountability Act of 1996 policy.

G. Immigration Compliance

The Commission is committed to meeting its obligations under U.S. and State immigration laws. Accordingly, the Commission does not hire individuals nor continue to employ individuals unless they are legally authorized to work in the United States. Moreover, the Commission does not discriminate on the basis of citizenship status or national origin in recruitment, hiring, or discharge.

H. Family and Medical Leave Act (FMLA)

The Russell County Commission offers leave under the Family Medical Leave Act (FMLA) for eligible employees.

1. Eligibility: If an employee has worked for at least one year and for 1,250 hours in the preceding 12 months, they are eligible to take up to 12 weeks of unpaid leave when the absence is necessitated by any of the following circumstances:

- a. The birth or placement of a child for adoption or foster care;¹
- b. The employee's own serious health condition that prevents them from performing the essential functions of the job; or
- c. Serious health conditions of a child, parent, or spouse if the employee is needed to help provide care.

2. Qualifying exigencies related to a spouse, child, or parent's active military duty, are included as follows: short-notice deployment, military events and activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, and post-deployment activities.

3. Employees are entitled to a total of 26 unpaid weeks of leave in a particular 12-month period to care for a spouse, child, parent, or next of kin suffering from a serious illness or injury incurred in the line of military duty. Note that all FMLA leave is cumulative, so that leave taken for other reasons during the year will be deducted from this additional entitlement.

¹ If a father and mother both work for the Commission, a cumulative total of 12 weeks of FMLA leave may be used between the two employees under this provision of the FMLA

4. Certification: If an employee requests leave for their own serious health condition, or to care for the serious condition of a child, parent, or spouse, the employee will be required to provide the Human Resources Director certification by a treating healthcare provider. Healthcare Provider Certification Forms are available from the Human Resources Director.

5. All FMLA leave must be certified by an appropriate health care provider. Certification forms will be provided within five business days of the employee's notification of the need for leave and must be returned within 15 calendar days of receipt. If additional information is requested by the Human Resources Director, it must be provided within seven calendar days of the request. Note that the Commission may directly contact an employee's health care provider in order to verify or clarify the need for leave. It may also require a second opinion at its own expense.

FAILURE TO COMPLY WITH THE CERTIFICATION REQUIREMENTS MAY RESULT IN PARTIAL OR COMPLETE DENIAL OF FMLA LEAVE.

6. Measuring: The Commission has chosen the "measured forward" method that entitles the employee to 12 weeks of leave during the year beginning on the first date the FMLA leave is taken after the previous 12-month period ends.

Example: The 12-month period begins January 15, 2024, if that is the first day of FMLA leave. If the employee exhausts all of FMLA leave, the next date the employee could again take FMLA leave would be January 15, 2025.

7. When an employee is on FMLA leave, they must periodically report (if possible) to their Department Head or the Human Resources Director on their status and indicate the return-to-work date. Appropriate forms must be submitted to the Human Resources Director to initiate family leave or to return the employee to active status.

8. Intermittent or Reduced-Time Leave: FMLA leave can be taken on an intermittent or reduced-time basis under certain circumstances.

9. Only the amount of leave actually taken while on intermittent/reduced-time leave may be charged as FMLA leave. If an employee needs intermittent/reduced-time leave for planned medical treatment, they must work with their supervisor to schedule the leave so it does not unduly disrupt the department's operations, subject to the approval of the employee's healthcare provider.

10. Serious Health Condition: "Serious Health Condition" is defined as an illness, injury, impairment, or physical or mental condition that involves:

- a. Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
- b. A period of incapacity requiring absence of more than three calendar days from work that also involves continuing treatment by (or under the supervision of) a healthcare provider;
- c. Any period of incapacity due to pregnancy, or for prenatal care;

- d. Any period of incapacity (or resulting treatment) due to a chronic serious health condition (e.g. asthma, diabetes, epilepsy, etc.);
- e. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, dialysis, etc.);
- f. Any absences to receive multiple treatments (including any period of recovery) by, or on referral by, a healthcare provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

11. Health Insurance Premiums: During FMLA leave, the Commission will continue to pay its portion of the health insurance premiums, and the employee must continue to pay their portion of the premium. The employee's contribution of health insurance premiums should be paid continually according to the Commission's bi-weekly pay periods. Employees may remain on Commission benefits until all FMLA, sick, and annual leave have been exhausted.

12. If an employee does not return to work at the end of FMLA leave, they will be required to reimburse the Commission for payment of health insurance premiums, unless the employee does not return because of the presence of a serious health condition which prevents them from performing the job or because of circumstances beyond the employee's control. The employee may then choose to elect COBRA coverage. Sufficient notice shall be given to the employee at the end of FMLA when and if this event occurs.

13. The employee will be responsible for any other elected benefit contributions while out on FMLA.

14. Accrued Leave: Employees are required to use available sick and annual leave during FMLA leave. Accrued leave and FMLA leave are used at the same time – the employee does not take accrued leave first and then take FMLA.

15. The portion of the family leave of absence which is annual leave time and/or sick leave will be with pay according to the Commission's policies regarding annual leave and sick leave.

16. During FMLA leave, the employee will not accrue employment benefits (such as annual leave and sick leave) if they are in an unpaid status. Employment benefits accrued up to the day on which the family leave of absence begins will not be lost. Any holidays that occur during FMLA will not be paid if the employee is in an unpaid status.

17. Return to Work: If the employee returns to work from FMLA leave before or on the business day following the expiration of the 12 weeks, the employee is entitled to return to their job or an equivalent position without loss of benefits or pay.

18. Applications: Applications for FMLA leave must be submitted in writing. Applications should be submitted at least 30 days before the leave is to start, or as soon as possible if leave is not foreseeable. Employees should provide their Department Head or the Human Resources Director with an appropriate medical certification when FMLA is requested.

I. Pregnancy Non-Discrimination/Pregnant Workers Fairness Act and Breastfeeding

1. The Commission will provide reasonable accommodations to employees with known limitations related to pregnancy, childbirth, or related medical conditions unless the accommodation will cause the Commission an undue hardship. Employees who are pregnant will be treated as any other employee with a temporary illness or disability.

2. For up to one year after a child's birth, any employee who is breastfeeding her child will be provided reasonable break times as needed to express breast milk. The Commission will work to provide a designated room or area with privacy which is comfortable for this purpose. It is the responsibility of the employee to coordinate the safe storage of expressed breast milk. Any breast milk stored in a refrigerator at a Commission facility must be labeled with the name of the employee and date and removed for home storage within a week of expressing. Any employee storing milk in the refrigerator assumes all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage or refrigeration and tampering. Nursing mothers wishing to use a private area for breast pumping must contact the Human Resources Director to make arrangements. Breaks of 20 minutes or more in length will be unpaid and will need to be recorded.

J. Whistleblower Protection

The Commission does not penalize or discriminate against employees on the basis of their reporting a believed violation or for refusing to, or objecting to a directive to, violate applicable law. Employees will not be penalized for acting on any rights protected by law.

K. Uniformed Services Employment and Reemployment Rights Act (USERRA)

1. Pursuant to the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), all persons employed by the Commission are entitled to up to five years of military leave without pay for any service in the various Uniformed Services of the United States, including, but not limited to, enlistment, training, and active duty. Employees may be entitled to additional leave for periods of initial service lasting more than five years, for periodic training duty, and for involuntary active duty recalls and extensions. Paid leave, including sick leave and annual leave, may be substituted for all or part of this unpaid military leave. Employees must provide as much advance notice of their impending service as reasonable. Employees should provide this notice to the Human Resources Director.

2. All employee benefits will be continued without a break in coverage during the service period for employees serving 30 days or less. Employees serving 31 days or more may elect to continue health care coverage for up to 24 months at their own cost. Upon returning to work, all benefits will be restored to the employee without a waiting period or break in coverage. While employees do not accrue annual or sick leave while on USERRA leave, the rate at which such leave will accrue when the employee returns to work will be the same as if the employee had never taken leave.

3. Employees returning from a period of service are generally entitled to be placed back into the same position that they would have occupied had they not taken military leave. If the period of service is 30 days or less, then the employee should report back to work no later than the beginning of the first workday after the completion of the period of service, allowing for travel time and at least eight hours rest, or, if such a date is impossible or unreasonable, as soon as possible. If the period of service is 31 days or more, the employee must submit an application for reemployment. In those cases, where the period of service was for between 31 and 180 days, the application must be submitted no later than 14 days after the completion of service. When the service was longer than 180 days, the application must be submitted no later than 90 days after the completion of service. For periods of service lasting longer than 30 days, the employee may be required to submit supporting documentation. Service members who return with disabilities, illnesses, or injuries accrued in the course of their service may be entitled to extensions of these deadlines and/or accommodation for their conditions.

4. In addition to the unpaid leave available pursuant to USERRA, any employee who is a member of the National Guard of Alabama or is a Reserve Officer or Enlisted Person in the Army, Navy, Marine Corps, or Air Force Reserve shall be granted leave with pay for the purpose of attending an encampment for training when so ordered. The maximum amount of leave with pay shall not exceed 168 hours in any calendar year.

5. No employee or prospective employee will be subjected to any form of discrimination or harassment whatsoever on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation because such person has exercised their rights under this policy or because they have assisted another person in exercising their rights under this policy. If any employee believes that they have been subjected to discrimination in violation of this policy, the employee should follow the guidelines for reporting discrimination and harassment contained in Section A above.

L. Military Leave

1. Employees who are active members of the Alabama National Guard, Naval Militia or the Alabama State Guard organized in lieu of the National Guard, or any other reserve component of the armed forces of the United States, shall be entitled to military leave of absence from their respective civil duties and occupations on all days that they are engaged in field or coast defense or other 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, seniority, annual leave, or sick leave. An employee receiving authorization for leave with pay will be paid in accordance with *Ala. Code §31-2-13*, or such other applicable law.

2. As a result of the employee's membership in any of the named military reserve organizations, the employee is allowed to receive up to 168 working hours (21 working days) per calendar year of paid military leave when absent from work because of performance of duty or training in the military reserve. If an eligible employee is on military leave when a scheduled holiday occurs, the holiday pay will prevail, and the day will not be charged against the military

leave account.

3. An employee who is called to active duty with the Armed Forces of the United States may request annual or personal leave, if available, or leave without pay. Upon their release from military service the employee shall be re-instated by the County in a position that is no lower in grade or pay than that in which they are physically and mentally suited to perform, provided the employee makes application for re-employment to the County within 30 days following honorable separation from the Armed Forces of the United States; and their absence for military service did not exceed the original service period.

4. There is no waiting period to be eligible for military leave. This applies to both probationary and non-probationary employees.

5. An eligible employee who plans to use military leave for training during the year must notify their Department Head and the Human Resources Director of their projected schedule. Employees are requested to provide copies of their military orders to the Human Resources Director within five days of receiving the orders.

IV. General Personnel Policies

A. Personnel Files

1. The Commission will safeguard the privacy of its employees and confidentiality of employee records by securing all information maintained in the personnel (electronic and paper) files, collecting only necessary data, and allowing only those authorized to access the file for legitimate business purposes. Access to personnel files by current and former employees will be provided upon written request to the supervisor or Department Head.

2. Employees should promptly report to the Human Resources Director any changes in their address, contact number, marital status, dependents, insurance beneficiaries, or any change affecting Social Security records.

3. The Commission uses a neutral reference policy. Employers or individuals seeking references about an employee or former employee will only be provided with the dates of service and last position held. Requests for references should be submitted to the Human Resources Director.

4. Personnel information will be disclosed according to the requirements of public records laws, and it is the intent of the Human Resources Director to notify affected employees of requests for information or access to their personnel files.

5. The following records of government employees will not be open for inspection by members of the public: unpublished telephone numbers; bank account information; Social Security numbers; driver's license information, unless driving a vehicle is a part of the employee's duties or incidental to the performance of the job; and the same information about an employee's immediate family members.

6. The Human Resources Director is the only person authorized to disclose information, and any phone calls or written inquiries seeking such information shall be directed to the Human Resources Director.

7. The County will provide employee information to outside agencies as requested in writing and only when accompanied by the employee-signed authorization for release of the information.

B. Fraternalization

An employee may not directly or indirectly supervise another employee with whom they have a consensual social/intimate relationship. During work hours, employees are expected to keep personal exchanges limited so that others are not distracted or offended by such exchanges. Contact that would in any way be deemed inappropriate by a reasonable person performing work duties or on County premises, is prohibited. Employees engaged in a consensual social/intimate relationship must complete a Consensual Relationship Disclosure form. Failure to report consensual social relationships may result in disciplinary action, up to and including termination.

C. Nepotism

1. Relatives of employees will be eligible for employment, but they must compete for jobs on the same terms and conditions as other applicants.

2. Employees are not permitted to directly supervise a relative. Direct or immediate supervision includes, but is not limited to, any participation in the hiring decision, promotional decision, work assignment decision, shift assignment decision, disciplinary decision or the evaluation process of another employee.

3. For purposes of this section of the Employee Handbook, “relatives” is defined as a spouse, child, parent, grandparent, brother, sister, parent-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, aunt, uncle, niece, nephew and first cousin of current employees.

D. Dress Code

1. The Russell County Commission seeks to project a positive image and to promote professionalism in the workplace. Employees are required to dress in an appropriate manner consistent with the specific job duties to which he/she is assigned and to exercise good judgment. Dress codes are left to the discretion of the Department Head.

2. During business hours or whenever an employee represents the County, they should be clean, well groomed, and wear appropriate clothes.

3. If an employee’s Department Head or supervisor finds that the employee’s personal appearance is inappropriate, they will be asked to leave work and return properly dressed and groomed. If an employee is asked to leave, they will not be paid for the time away from work.

4. Where necessary, the County may make a reasonable accommodation to this policy for a person with a disability.

5. The following examples should help the employee understand the County’s personal appearance guidelines:

- a. Tank tops, tube tops, or halter tops may not be worn under any circumstances;
- b. Offensive body odor and poor personal hygiene is not professionally acceptable;
- c. Perfume, cologne, and aftershave lotion should be used moderately or avoided altogether, as some individuals may be sensitive to strong fragrances;
- d. Facial jewelry and body piercings, such as eyebrow rings, nose rings, lip rings, and tongue studs, are not professionally appropriate and must not be worn at work;
- e. Torso body piercings with visible jewelry or jewelry that can be seen through or under clothing must not be worn at work;

- f. Footwear should be fastened and secured to feet for safety and shall be appropriate for job duties; and
 - g. Skirt length must be no more than two inches above the knee. Shorts may not be worn.
6. Clothing that is revealing or that contains offensive drawings, designs, or wording is not allowed.

E. Tobacco Use/Smoke Free Workplace

The Commission maintains a smoke- and tobacco-free workplace. No smoking, use of other tobacco products, vaping, or electronic cigarettes are permitted at Commission facilities or in Commission vehicles. Employees may smoke outside while on Commission premises in designated areas during breaks. No additional breaks are allowed for smoking. When smoking or otherwise using tobacco or similar products outside, dispose of any litter properly in the receptacles provided for that purpose.

F. Worksite Standards

On most days there are visitors and citizens in the County buildings and offices. The Commission's surroundings should always reflect a professional appearance. Employees should maintain a neat and professional worksite. Eating at your worksite is allowed but should be done in a discrete manner that will not allow damage to Commission equipment and property. Employees should also ensure that meeting and common areas are clean and presentable after use.

G. Social Media Policy

This policy covers the use of various social media platforms and programs, including but not limited to blogs, X formerly known as Twitter, LinkedIn, Facebook, news site comment areas, and product or service review sites like City Search, Yelp, YouTube, etc.

1. Content made pursuant to your employment with the Commission posted on social media by Commission employees, whether on- or off-duty, is not protected by the First Amendment and could result in disciplinary action up to and including termination.

2. Nothing in this policy is intended to prohibit, nor should it be interpreted as prohibiting, employees from engaging in free speech. Employees are free to express themselves as private citizens on social media sites as long as their content does not impair professional relationships in the workplace, impede the performance of their job duties, or negatively affect the public perception of Russell County. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees, or our business associates who work on behalf of or alongside the Russell County Commission, may result in disciplinary action up to and including termination.

3. Employees shall not disclose confidential or other inside information about Russell County, its citizens, its employees, or its taxpayers that the employee learns during the course of employment. You should assume that people, including co-workers, supervisors, and citizens, as well as their family members, are reading your postings. Employees should refrain from utilizing personal use of social media during their workday.

4. Violations of this policy may result in discipline up to and including termination of employment. If you have questions or need further guidance, please contact the Human Resources Director.

H. Performance Evaluations

The County recognizes that employees need to know how they are doing on the job; therefore, in addition to day-to-day comments from supervisors, employees will be evaluated at least annually by their Department Head or their designee. The evaluation is to provide you and your Department Head a periodic evaluation of your performance on the job, to identify any areas where improvement is needed and to highlight the areas of exceptional job performance. The performance evaluation allows employees to discuss their goals and express concerns regarding their job.

Employees will be given the opportunity to include their comments on the performance evaluation form and will also be requested to sign the form.

All evaluations will be completed between April 1st and June 30th during each calendar year.

I. Professional Development

1. The Commission encourages employees to increase their skills and knowledge to enhance their contributions to the County.

2. To be eligible for reimbursement, employees must submit a written request to their Department Head for approval to take the class/course. The request should contain the name of the class/course, the scope of information to be taught, and the cost of the course.

3. Upon approval of the Department Head, the request should be submitted to the Commission for approval.

4. If an employee's job requires completion of the class/course or certification and the employee is unsuccessful in completion, the employee may be demoted or separated from the County's employment.

5. If an employee receives a degree or certification directly related to their position, the Commission, upon recommendation of the Department Head, may consider a raise for the employee. Consideration can be given if the degree or certification is not required for the employee's position, if the degree or certification is recognized or approved by a professional

organization or oversight body, and if the degree or certification is only obtained by the recipient passing a test or examination demonstrating proficiency in the subject matter.

J. Monitoring and Searches

All County property is subject to monitoring and review at all times. This includes but is not limited to desks, lockers, and County vehicles. The Commission retains the right to search computers, files, or emails, even if they are protected by a password. Any employee that attempts to obtain or alter a password for the purpose of accessing restricted files will be subject to disciplinary action up to and including termination.

K. Personal Property

The Commission does not assume responsibility for any personal property located on its premises. Employees are to use their own discretion when choosing to bring personal property into the office and do so at their own risk. Employees are discouraged from bringing large amounts of cash or other personal valuables to work. Additionally, employees may not bring or display in the office any property that may be viewed as inappropriate or offensive to others.

L. Use of County Property

County Commission workspace, including file cabinets and lockers, are the property of the Commission and must be available to management at all times. The use of personal locks on any Commission property is strictly forbidden. No Commission property may be used to house personal files or items. No Commission equipment, including technology resources, computers, photocopiers, postage, office supplies, or printers may be used for personal business. All persons using Russell County's electronic technology resources must comply with all software licenses, copyright laws, and all other federal, state, and local laws.

M. Telephone Usage

1. Excessive personal calls during the workday, regardless of the phone used, can interfere with productivity and be distracting to others. Employees are expected to limit personal phone transactions during work time and to ensure that friends and family are aware of our policy.

2. Personal cell phone usage should be limited to break/lunch times (except in emergency situations), or as directed by your appointing authority/department head.

3. If you are issued a county provided electronic device, you are expected to protect the equipment from loss, damage, or theft. Use of county issued devices is restricted for county business only. Upon separation of employment, or at any time upon request, you may be asked to produce the phone or device for return or inspection. If the device is damaged, lost or stolen two or more times during a 12-month period, the employee may be responsible for purchasing a new replacement device (beginning with the second loss).

N. Inclement Weather and/or a Declared Emergency

1. Inclement Weather and/or A Declared Emergency without Official Closing

- a. Inclement weather and/or a declared emergency usually does not warrant closing of County offices. Absence due to inclement weather and/or a declared emergency requires an employee to make a personal judgment pertaining to his/her safety in traveling to and from work. Loss of work time for this reason is charged to the employee's accrued compensatory leave or annual leave. If an employee has no accrued paid leave, then the time is charged as leave without pay. If an employee is placed on leave without pay due to inclement weather, the employee may be allowed to make up the missed time if work is available.
- b. When inclement weather prevents employees who work out-of-doors from performing work outside, they will be given other duties that can be performed indoors.

2. Official Closings or Late Arrival Due to Inclement Weather and/or A Declared Emergency: The Commission Chairperson will consult with the County's EMA Director and decide if Russell County offices will be closed on normal workdays or if a late arrival by employees is needed during inclement weather and/or a declared emergency. If the Chair decides to close one or all of Russell County offices or authorize a late arrival, the Chair will notify the County Administrator. Employees may use administrative leave to bring them to their regularly scheduled work hours for the day. Employees who are out on annual, sick, or any other type of leave or have requested leave for the day of closing will be charged with the leave requested. Closing information will be given to the major media outlets via press release and published on social media; however, it is the responsibility of the employee to contact their Department Head if the employee is uncertain as to the situation.

3. The County Commission Chairperson or their designee will contact the Department Heads and Elected Officials to inform them of the closing and each department will have a notification process. If an employee has any questions about an official closing, the immediate supervisor should be contacted.

4. The County Commission will determine whether certain "critical emergency service personnel" must report to work during inclement weather and/or a declared emergency. Such personnel may include but are not limited to employees from Emergency Management Administration and Highway Department.

5. If other employees are needed to assist with services, they will be contacted by a supervisor. If an employee is not required to work during inclement weather and/or a declared emergency closing, they will receive administrative pay for the regularly scheduled working hours during the period of closing. If an employee is called to work and refuses to come in during the inclement weather/declared emergency closing, the employee will not receive administrative leave and will be charged with leave without pay.

6. If an employee is not scheduled to work during an inclement weather/declared emergency closing, the employee will not be paid for the closing.

7. If an employee is on annual, sick, or any other leave with pay during the declared times of closing, they will be required to use the previously scheduled leave and will not receive administrative leave with pay.

8. If an employee is on annual leave with pay during the declared times of closing and they are asked to report to work, they will be paid for the times worked and will retain their annual leave for use at a later date.

O. Cross-Training

To promote efficiency within an office, a Department Head may require employees to cross-train and perform tasks contained in the position description of an employee's position that have not previously been performed by the employee in lieu of, or in addition to, the tasks generally assigned to the employee. No salary or salary range adjustments are made for cross-training or the performance of these tasks.

Q. Promotions

1. Russell County continually strives to promote employees and fill job vacancies on an equal opportunity basis. Promotions are based on an objective evaluation of each vacancy and the candidates involved. When possible, Russell County will promote from within and will first consider employees with the necessary qualifications and skills, unless outside recruitment is deemed to be in the best interest of the County. However, to be eligible for a promotion, the employee must be able to meet the requirements of the new position, must have satisfactory performance, must have held the current position for at least six months (with the exception of employees within the same department doing similarly situated position duties) and must have no adverse disciplinary actions during the same time period.

2. Employees may view job postings on County bulletin boards, in break rooms, and near time clocks in various locations throughout the County system. Selected openings may be advertised through various means including on the Russell County website (www.RCALA.com).

3. Notwithstanding anything contained in this employee handbook to the contrary, all funding for increases in pay must be approved in the fiscal year budget by the Russell County Commission, in its discretion.

R. Transfers/Demotions

1. If an employee wishes for a demotion or to transfer to another job with the Russell County Commission, the employee should submit an application for the desired position. The employee must be qualified for the position. Voluntary demotions and transfers are not automatic, and employees will compete with all other applicants for the vacant position. The pay of an

employee reassigned pursuant to this policy will be altered to the pay for the position in which they are being reassigned.

2. An employee may be involuntarily transferred or demoted to another position to meet the needs of the County, for disciplinary reasons, if the employee's job performance is unsatisfactory, or if the employee's position is being abolished and they would otherwise be separated from employment. The pay of an employee reassigned pursuant to this policy will be altered to the pay for the position in which they are being reassigned. There is no right to appeal a transfer/demotion if the employee's position is being abolished.

S. Rehire

Employees who leave employment with the Russell County Commission and later wish to return are eligible for rehire provided an appropriate position is available. Former employees who resigned or were separated by a reduction in force who are rehired by Russell County within 12 months of the employee's separation will have any sick leave that was forfeited at resignation reinstated upon six months of service. The employee will earn annual leave and sick leave at their previous rate. All other employees rehired will be considered a new hire for the purposes of benefits.

T. Solicitation

1. Solicitations by County employees made to other County employees are permitted only in non-work areas and during non-work hours.

2. Non-work areas include lobbies, hallways, elevators, stairs, sidewalks, parking areas, patios, lunchrooms, or other areas not regularly scheduled for work activities. Non-work hours include lunch periods, approved breaks, and before and after scheduled work hours.

3. The County does not restrict employee's involvement in activities such as United Way or Relay for Life. The County will allow employees to solicit funds for County sanctioned events and activities, such as sending flowers to sick or bereaved co-workers or collecting funds for County-sponsored events.

U. Travel Policy

1. Each Department Head who utilizes, authorizes, or approves reimbursements of travel expenses is expected to exercise due care and prudence. Training seminars, conventions, etc., should be appropriate to the individual's level of responsibility and job requirements.

2. The respective Department Head must give prior approval for training/travel involving County business. Additional approval must be given by the Commission for all training/travel outside the United States. Any training or travel that requires an overnight stay must be approved in the County's budget.

3. Mode of Travel: Main cabin or coach seating for air, land, and rail travel; personal vehicle with mileage reimbursement; County vehicle; taxi or ride shares; and rental cars are appropriate and reimbursable modes of travel for County business. Rental automobiles from private companies should be used only when necessary, and the type rented should be appropriate for the purpose. The County employee should sign contracts with rental agencies. Rental fuel expenses require the submission of original receipt for the fuel purchase. Taxis and ride-shares are reimbursable with a receipt and no more than a 20% tip or gratuity.

4. Lodging: Elected Officials and employees should reserve rooms at the designated lodging facility/facilities for the conference or meeting they are attending and will be reimbursed for the conference rate. If a room is not available at the designated lodging facility/facilities, elected officials and employees should reserve lodging at a comparable rate. Reimbursement will generally not be made over the cost of the designated lodging facility/facilities except in extenuating circumstances.

5. Food and Beverage: A receipt for all food and beverage expenses should be submitted. The receipt must show the date along with the detailed purchases of the meal items and not just the total summary for the credit card or cash receipt. The County will only reimburse for the employee's meal and appropriate gratuity. Food-associated costs that do not involve overnight travel will be reimbursed when travel begins before 7 a.m. for breakfast, for lunch if travel extends over the lunch period of 11 a.m. until 1 p.m., and for dinner if travel extends past 6 p.m.

6. Personal Expenses: Personal expenses or those not essential for the performance of County business will be disallowed and should be deducted before payment is requested. If a hotel invoice or conference registration form, which the County is paying directly, includes personal expenses, a personal check (made payable to the Russell County Commission) should be attached to the check request that is submitted for payment. The check request should be for the total balance due. Personal items include but are not limited to laundry; alcoholic beverages; social, recreational, or entertainment activities; toiletries; medication; newspapers; and souvenirs.

7. Travel Insurance: Travel insurance is not paid for by the County.

8. All reimbursement requests should be submitted on the County's Expense Report to Accounts Payable within 30 days of the event.

V. Employee Benefits

A. Benefits Eligibility

1. Full-time employees are eligible for benefits. These benefits include: health coverage, dental coverage, life insurance, and retirement benefits.

2. It is the employee's responsibility to list only dependents that are eligible for coverage as defined by the plan rules. If a covered dependent becomes either eligible or ineligible based on the plan rules, it is the employee's responsibility to immediately notify the Human Resources Director. Employees must notify the Human Resources Director of any changes in status within 30 days of the status change. This includes: dependent status change, address changes, divorce, marriage, birth, adoption, reduction in work hours, or any other change that could affect benefit plan eligibility.



To add or delete dependents from your insurance, you must notify the Human Resources Director within 30 days of the qualifying event.

B. Benefits Effective and Termination Dates

Benefits are effective on the date of hire and benefits will end the last day of the month in which an employee actively works. If an employee receives a check within the month of termination, he/she will be refunded all premiums deducted that pay period. If an employee takes a leave of absence or is separated from the County, the continuation of coverage will be in accordance with the terms of each policy and federal law. An employee will be required to reimburse the County for any month in which he/she is in a non-pay status for more than 12 working days unless otherwise provided by federal law.

C. Health, Dental, and Life Insurance

1. Employees must enroll for coverage upon employment or within 30 days of an eligible qualifying event. Complete benefit packets are provided at new hire orientation. Additional packets may be obtained by contacting the Human Resources Director at (334) 298-6426.

2. Russell County offers health, dental, and vision insurance coverage to all full-time employees. The plan is priced for both individual and family. The County pays the monthly premium for each employee's group health and dental insurance coverage. The costs associated with an employee's dependent coverage is the responsibility of the employee. The Commission may elect to pay a portion of the employee's dependent coverage. Employees are responsible for the costs of vision insurance coverage if so elected.

3. Russell County provides full-time employees with a \$15,000 life insurance benefit which may double under certain circumstances. The cost associated with this coverage is paid by the County. Additional coverage is available to the employee during the open enrollment period. The cost associated with any additional coverage is the responsibility of the employee.

D. Notice for Individuals Declining Health Coverage

1. The Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires group health plans and issuers to advise an employee and an employee's dependents of enrollment rights when declining health coverage.

2. If an employee is declining enrollment for health plan benefits for himself/herself, dependents, or both, because of other health insurance coverage, the employee may, in the future, be able to enroll in this plan, provided that he/she requests enrollment within 30 days after the other coverage ends.

3. In addition, if an employee has a new dependent as a result of marriage, birth, adoption, or placement for adoption, he/she may be able to enroll himself/herself, dependents, or both, provided that he/she requests enrollment within 30 days after the marriage, birth, adoption, or placement for adoption.

E. Identification Cards

If an employee enrolls in health or dental coverage, identification cards will be mailed to his/her home address.

F. Annual Enrollment/Transfer Period

Health plans, benefit designs, eligibility rules, and premiums are subject to change each plan year based on the previous year's claims experience. Announcements concerning changes for the upcoming plan year are made during annual enrollment period each fall. Employees are required to review notices, home mailings, and department memos for information about the benefits for the upcoming year.

G. Benefit Premiums/Payroll Deductions

1. Employees are responsible for reviewing their paycheck to ensure the appropriate benefit deductions have been taken. Deductions from the employee's paycheck will begin the first pay period of the month prior to the coverage start date. Health, dental, and life insurance deductions will be taken out of 24 pay periods per year. There will be two pay periods each year in which no insurance deductions will be taken.



You are responsible to review your paycheck to ensure the appropriate benefit deductions have been taken.

2. If an employee misses a paycheck due to work absence or unpaid time, then the missed deductions will be taken out of the next paycheck immediately upon return or the employee may pay the Human Resources Director the amount due each pay period.



Contact the Human Resources Director to discuss payment of deductions prior to going out on leave.

H. Consolidated Omnibus Budget Reconciliation Act (COBRA)

1. If an employee loses coverage due to a termination of employment, a reduction in work hours, or other qualifying event, the employee and employee's covered dependents may be eligible to continue coverage through COBRA.

2. For a full explanation of COBRA terms and eligibility, contact the Human Resources Director or refer to the "General COBRA Notice" received at time of enrollment.

3. Employees may remain on County benefits until all FMLA, sick, and annual leave have been exhausted.

I. Change in Status

Employees are required to report, in writing, personal changes and/or changes in work status to the Human Resources Director within 30 days of any status change. This includes:

1. Dependent status change;
2. Address change;
3. Marriage or Divorce;
4. Birth or adoption of a child;
5. Reduction in work hours; or
6. Any other change that could affect benefit plan eligibility.



You must report personal changes and/or changes in work status to the Human Resources Director within 30 days of the change. Documentation may be required to make benefit changes.

J. Supplemental Benefits

Russell County offers supplemental voluntary benefits from providers such as AFLAC, RSA, and Liberty National. These additional benefit options can be administered through payroll deduction. Supplemental benefits are subject to change without notice. For more information, contact the Human Resources Director.

K. Retirement Investments

Retirement participation is mandatory with the Retirement Systems of Alabama.

1. Employees who were hired into the Retirement Systems of Alabama before January 1, 2013, are defined as “Tier 1” members. Any employees hired into the Retirement Systems of Alabama on or after January 1, 2013, are defined as “Tier 2” members.

2. Employees who are “Tier 1” members are required to contribute at least 5% of their gross pay on a pre-tax basis from each paycheck into the Retirement Systems of Alabama and the County will pay the percentage required by the Retirement Systems of Alabama. Employees who are “Tier 2” members are required to contribute at least 7.5% of their gross pay on a pre-tax basis from each paycheck into the Retirement Systems of Alabama and the County will pay the percentage required by the Retirement Systems of Alabama. Employees who are categorized as “Tier 1 FLC” by the Retirement Systems of Alabama are required to contribute at least 6% of their gross pay on a pre-tax basis from each paycheck into the Retirement Systems of Alabama and the County will pay the percentage required by the Retirement Systems of Alabama. Employees who are categorized as “Tier 2 FLC” by the Retirement Systems of Alabama are required to contribute at least 6% of their gross pay on a pre-tax basis from each paycheck into the Retirement Systems of Alabama and the County will pay the percentage required by the Retirement Systems of Alabama

3. Employees are vested in the Retirement Systems of Alabama after ten years of service. Employees who were hired before January 1, 2013 (Tier 1), are eligible to retire with 25 years of service or ten years of service and at least age 60. Any employee hired on or after January 1, 2013 (Tier 2), and retires with the County, will be eligible to retire with 25 years of service or ten years of service and at least age 60.

L. Conditions for Retirement

1. Whenever an employee meets the conditions for retirement set forth in the Retirement Systems of Alabama Regulations, they may elect to receive all benefits earned under the Alabama Retirement Plan.

2. The Notice of Retirement may be forwarded to the Human Resources Director no more than three months and no later than 30 days prior to the last scheduled day of work.

3. Due to the complexity of each individual retirement account, the employee should contact the Human Resources Director with any questions or write to:

Retirement Systems of Alabama
135 South Union Street
Montgomery, AL 36130-4101
1-877-517-0020

M. Disability Retirement

Employees who participate in the Retirement Systems of Alabama and have completed ten years of service and become disabled as defined by the plan, may be eligible to receive a disability benefit subject to all applicable requirements.

N. Insurance for Retirees

1. The County pays 100% of health insurance premiums for employees hired prior to January 1, 2024, who retire with at least 10 years of service to Russell County Commission, who have been in the Russell County Health Insurance program for at least 10 years, and who are at least age 60.

2. The County pays 100% of health insurance premiums for employees hired prior to January 1, 2024, who retire with at least 25 years of participation in the Retirement Systems of Alabama and who have been in the Russell County Health Insurance program for at least 10 years.

3. The County pays 100% of health insurance premiums for employees hired after January 1, 2024, who retire with at least 30 years of service to Russell County Commission and who have been in the Russell County Health Insurance program for at least ten years.

4. The County pays 75% of health insurance premiums for employees hired after January 1, 2024, who retire with at least 25 years of service to Russell County Commission and who have been in the Russell County Health Insurance program for at least ten years. The employee is responsible for the other 25% of the health insurance premium.

5. The County pays 65% of health insurance premiums for employees hired after January 1, 2024, who retire with at least 20 years of service to Russell County Commission, who have been in the Russell County Health Insurance program for at least ten years and are at least age 60. The employee is responsible for the other 35% of the health insurance premium.

6. The County pays 50% of health insurance premiums for employees hired after January 1, 2024, who retire with at least 15 years of service to Russell County Commission, who have been in the Russell County Health Insurance program for at least ten years, and who are at least age 60. The employee is responsible for the other 50% of the health insurance premium.

7. The County pays 25% of health insurance premiums for employees hired after January 1, 2024, who retire with at least 10 years of service to Russell County Commission, who have been in the Russell County Health Insurance program for at least ten years, and who are at least age 60. The employee is responsible for the other 75% of the health insurance premium.

8. At age 65, the employee/retiree must enroll in Medicare Part B and the employee/retiree's health insurance with the County will become a supplemental policy.

9. To receive the retiree benefits described above, the employee's last ten years prior to retirement must have been in service to the Russell County Commission.

10. If an employee terminates employment with the Russell County Commission prior to retiring and is separated for more than one year, the employee will not receive the retirement benefit that is available to those retiring from Russell County. For example, if an employee leaves their employment with Russell County they have 365 days to be hired back to retain their status for retiree insurance purposes.

VI. Leave Policies

A. Official Holidays

1. Eligibility: All Appointed and full-time Classified Employees are eligible for holiday pay for authorized paid holidays.

2. Scheduled Holidays: The County Commission will publish a list of scheduled holidays on an annual basis. If the approved holiday falls on Saturday or Sunday, the Commission will determine when the holiday will be observed.

3. Holiday Pay: An eligible employee will receive holiday pay at their regular rate of pay for all County-approved holidays. Employees will be paid for the number of hours they normally work, i.e., an employee who works eight hours will receive eight hours of holiday pay and an employee who works ten hours will receive ten hours of holiday pay. If an eligible employee is required to work on approved holiday, they will be paid holiday pay and paid for the time they work.

4. Preceding and Succeeding Workdays: To be entitled to receive holiday pay for an authorized holiday, an eligible employee must be present at work, or on approved leave with pay, on the scheduled workday immediately preceding and following the paid holiday. If the employee is in a non-pay status for either the day before or the day after a holiday, the employee will not be eligible for holiday pay.

5. Holiday Pay in Lieu of Sick or Annual Leave: If an eligible employee is on approved sick or annual leave when an approved paid holiday occurs, such time will be paid as holiday pay and not charged as sick or annual leave.

B. Annual Leave

All Appointed and full-time Classified Employees will earn annual leave with pay in accordance with these guidelines. Newly hired employees or employees who have transferred from regular part-time status to regular full-time status will not be authorized to use leave until they have completed the required probationary period and been granted regular status. If a newly hired or appointed employee does not successfully complete the required probationary period, they will not be paid for any accrued leave at separation. If a full-time employee transfers to a part-time status, they will be paid for accrued annual leave on their next payroll check.

1. Leave Year: The annual leave year began on January 1, 2024 and will end on December 31, 2024. Beginning on January 1, 2025, the annual leave year will begin on each employee's hire date.

2. Accrual of Annual Leave:

- a. For employees scheduled to work at least 40 hours per week: All eligible employees scheduled to work at least 40 hours per week will earn annual leave

according to the schedule below:

<u>Continuous Years of Service Completed</u>	<u>Annual Leave Earned</u>
0 - 4 years	80 hours per year (3.3334 hours per 24 pay periods)
5-9 years	100 hours per year (4.1667 hours per 24 pay periods)
10-14 years	120 hours per year (5.000 hours per 24 pay periods)
15-19 years	140 hours per year (5.8334 hours per 24 pay periods)
20-24 years	160 hours per year (6.6667 hours per 24 pay periods)
25 years or more	184 hours per year (7.6667 hours per 24 pay period)

- b. Annual leave for 2024 was fully credited to employees during the second pay period in January 2024. Employees hired between the second pay period in January 2024 and May 22, 2024, will have their 2024 annual leave fully credited to them upon completion of their probationary period. For any employee hired after May 22, 2024, and for all employees beginning January 1, 2025, annual leave will be credited to an eligible employee's leave account at the end of the first two pay periods in a month.

3. Use of Annual Leave: Annual leave is considered to be a benefit to an employee, and they are expected to take the earned leave each year. Employees may roll over up to one year of annual leave from one anniversary year to the next year.² For example, if an employee earns 100 hours of annual leave, they may roll over only 100 hours. Any annual leave over their annual allotment not taken by the end of the anniversary year will be forfeited at the end of that year.

The use of annual leave will be approved at the discretion of the employee's supervisor or Department Head, in accordance with guidelines to be established by the Department Head. Annual leave will be approved in advance of each absence, except in unusual circumstances. Failure to comply with this requirement may result in an absence being treated as unauthorized leave.

Annual leave shall not be used in units of less than one hour.

4. Requests for Annual Leave: Requests for annual leave will be made by employees as far in advance as possible of the time desired, with at least two weeks' notice being preferred. Requests should be submitted in writing to the employee's supervisor or Department for approval or disapproval.

5. Advances: Up to two days of annual leave may be advanced to an employee who has

² Employees may roll over annual leave granted in 2024 until December 31, 2025. As of January 1, 2026, any annual leave over the employee's annual allotment will be forfeited.

been employed for at least one year for extenuating circumstances at the discretion of their Department Head.

6. Maximum leave time per week: Employees will only be allowed to use annual leave to cover absences they have up to the amount of time they are regularly scheduled to work. For example, an employee who is regularly scheduled to work 40 hours and works 10 hours on Monday, nine hours on Tuesday, and eight hours on Wednesday before taking annual leave on Thursday and Friday will be paid 27 hours for the time they worked and 13 hours of annual leave.

7. Pay Upon Separation: Upon voluntary separation from County service, an individual hired on or after April 19, 2000, will be paid for unused annual leave up to a maximum of 160 hours. For employees hired before April 19, 2000, upon voluntary separation from County service, these individuals will be paid for unused annual leave up to the amount of annual leave time that was accrued as of May 22, 2024 with a maximum pay out of 360 hours.

C. Sick Leave

Sick leave is a benefit provided to Appointed and Classified Employees. It is provided to ensure that eligible employees who are unable to work due to illness or injury do not feel compelled to do so for financial reasons.

1. Accrual of Sick Leave: Appointed and full-time Classified Employees will earn sick leave credit at the rate of 8.0 hours per full calendar month worked. Earned sick leave will be credited to an employee's leave account in the amount of 4.0 hours at the end of the first two pay periods in a month. A probationary employee such as a new hire or a transfer from regular part-time to regular full-time status will accrue sick leave credits but shall not be authorized to use them until they has completed the probationary period. The maximum amount of sick leave that can be accrued is 1,136 hours.

2. Non-Pay Status: Eligible employees will not earn any sick leave credit for any pay period in which they are in a non-pay status for more than five scheduled working days.

3. Use of Sick Leave: Sick leave with pay will be granted to an eligible employee for any of the following types of reasons:

- a. When an employee is unable to work due to personal illness, injury incurred off-duty, or when the employee's presence may endanger the health of fellow workers;
- b. Keeping a doctor, dentist, chiropractor, or optometrist appointment;
- c. Any impairment related to pregnancy and/or actual confinement. A female employee who requests time away from work for pregnancy, maternity, and childbirth will be treated equally to other employees with other forms of disability or sickness who request leave; or
- d. Serious illness of a member of the immediate family (for purposes of this section, immediate family includes the employee's spouse, children including stepchildren, and parents).

4. General Requirements for Use: To be granted sick leave, an employee should notify their supervisor before the normal workday begins, or as soon as possible thereafter, of their inability to report to work. Failure to do so may be cause for denial of sick leave for the period of absence. Denial of sick leave will result in the employee being charged with annual leave, or placed in some non-pay status, at the discretion of their Department Head.

5. Requirements for Extended Use: For a period of absence of three or more consecutive working days, or anytime at the request of the Department Head, the employee may be required to submit a medical report signed by a licensed physician stating that they have been incapacitated for work for the period of absence and when it is anticipated that the employee will again be physically able to perform work duties. The Department Head may also require an employee returning to work after a sickness or injury to undergo a medical examination to determine whether or not the employee is able to return to work. Such examination, when required, will be paid for by the County and will be conducted by a physician, or physicians, as designated by the County Commission. If an employee is out on sick leave for three or more consecutive working days and qualifies for protection under the Family and Medical Leave Act (FMLA), the supervisor is responsible for notifying the Human Resources Director who is responsible for ensuring that all FMLA guidelines are followed.

6. Fraudulent Use Prohibited: Any unjustified or fraudulent use of sick leave may result in loss of pay, charged as annual leave, and/or punished by disciplinary action (to include dismissal when appropriate).

7. Maximum leave time per week: Employees will only be allowed to use sick leave to cover absences they have up to the amount of time they are regularly scheduled to work. For example, an employee who is regularly scheduled to work 40 hours and works 10 hours on Monday, nine hours on Tuesday, and eight hours on Wednesday before taking sick leave on Thursday and Friday will be paid 27 hours for the time they worked and 13 hours of sick leave.

8. No Advances: Sick leave will not be advanced to any employee.

9. Donated Sick Leave: Employees can donate sick leave time to fellow employees under extreme circumstances such as a terminal illness, severe injury (non-job related), and medical treatment requiring extensive leave from employment. To be eligible to donate sick leave, an employee scheduled to work at least 40 hours per week must have a balance of 80 hours of sick leave following the donation.

10. Separation: Upon separation, accrued sick leave hours will not be paid. An employee who retires from County service may convert up to 1,040 hours of sick leave to retirement credit under the Retirement Systems of Alabama's policies. If the individual is rehired by the County Commission within two years of their separation date in a service category that is eligible to accrue sick leave, the employee will have their previous sick leave balance restored upon completion of six months of service.

D. Bereavement Leave

Leave will be granted to employees who have a death in their immediate family. For purpose of this leave, immediate family is defined to include the employee's spouse, parents, grandparents, children, grandchildren, brother, sister, and equivalent relations of the employee's spouse. Bereavement leave will not exceed three calendar days in length and an employee will only receive pay for regularly scheduled workdays. If additional time is required, the employee may request annual leave, sick leave, or leave without pay.

E. Administrative Leave

Appointed and Classified Employees will be granted administrative leave with pay in accordance with the following guidelines provided the absence is on a normally scheduled workday for the employees. The number of hours of leave granted for each day will not exceed the number of hours the employee would normally have been scheduled to work for that day. Administrative leave will not be charged against the annual or sick leave of an employee who earns such leaves. The following types of administrative leave are provided by the County:

1. **Civil/Legal:** Leave will be granted to eligible employees for jury duty, court attendance as a witness in a case not involving personal litigation, or voting. The length of time granted for voting will be the reasonable time necessary to vote and normally will be granted at the start or end of a workday. When an employee is granted leave for jury duty or court attendance, they will return to work immediately upon release by the court. Upon receipt of a jury/court summons, notice must immediately be given to the supervisor and Human Resources Director.

2. **On-duty Court Appearances:** Attendance in court by employees who are acting in an official capacity will not be considered as administrative leave but as regular work time. The provisions of any law or County policy that requires any fees provided an employee who is attending court in an official capacity to be turned in to the County will be observed. In other situations, any fees paid employees will be retained by the employee in addition to administrative leave pay.

3. **County Investigation or Pending Disciplinary Action:** An employee may be placed on administrative leave with or without pay during a County investigation into alleged acts of misconduct or until a final determination is made regarding proposed disciplinary action.

F. Leave Without Pay:

1. Leave without pay may be taken only if all accrued annual and sick leave has been exhausted. However, if an employee has exhausted all annual leave, they may not use sick leave unless they meet the requirements set out for use of sick leave as set out above in Section C. Department Heads in consultation with the Human Resources Director may approve up to, but not more than, 40 hours of leave without pay, per employee, in a 52-week period. Employees in a leave-without-pay status the day before or the day after a holiday will not be eligible for holiday pay. Leave without pay may be granted to a Probationary Employee for reasons of sickness and emergencies.

2. No county paid benefits (sick leave, insurance premiums, etc.) will be provided to an employee for any month in which the employee was placed in a leave-without-pay status for a period that exceeds 10 working days. An employee who is on leave without pay for more than 10 working days in a month will be required to reimburse the County for any benefit costs paid on behalf of the employee for that month. An employee in a leave-without-pay status will not accrue credit toward longevity or pay increases.

3. Employees who use more than 40 hours of leave without pay, and are not on an approved leave of absence, are subject to progressive disciplinary action.

4. Employees desiring leave without pay under the Family and Medical Leave Act must comply with the Family and Medical Leave Act policy. When an employee is in a leave-without-pay status and has used all Family Medical Leave and accumulated leave time, they shall no longer be eligible to remain on the County's insurance plan but may be allowed to continue coverage through COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985, Public Law 99-272, Title X).

G. Leave of Absence

1. If an employee exhausts all of their annual, sick, and FMLA leave and still needs additional time off for personal or health reasons, they may apply for an unpaid leave of absence for a period of up to 90 days. The request for leave must be given to the employee's Department Head at least 30 days prior to the start of the requested leave date unless the leave is an emergency. Any request for a leave of absence must be approved or denied by the County Commission.



To request a leave of absence, submit a written request to your Department Head at least 30 days in advance, unless the leave is an emergency. State the reason for the leave, date you want it to begin and date you expect to return to work. It must be approved by the County Commission.

2. Regardless of the reason for the leave, it is essential that the Human Resources Director be notified to ensure that benefits are properly administered.

3. The Russell County Commission may or may not approve the request for a leave of absence. The decision is at their discretion. Factors considered in approving the request are the employee's length of service, employment record, and the reason for the absence and whether the leave will cause an undue hardship on the County. The Employee understands that that they may be required to return to work before the leave expires and that failure to report for duty promptly when requested or at the end of the leave will be considered a resignation and the employee will be separated.

4. Employees will not accumulate leave time or benefits while on a leave of absence or in a leave-without-pay status and shall not receive Russell County Commission contributions to insurance premiums.

5. When an employee is in a leave-without-pay status and has used all Family Medical Leave and accumulated leave time, they shall no longer be eligible to remain on the County's insurance plan but may be allowed to continue coverage through COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985, Public Law 99-272, Title X).

6. The employee must notify their supervisor or Department Head of the anticipated return to work date prior to that date. The supervisor is responsible for immediately notifying the Human Resources Director.

7. If an employee fails to return to work at the conclusion of the leave of absence without pay, they shall be terminated from employment.

8. There may be changes in employee benefits during a leave of absence. Please contact the Human Resources Director to determine what changes may be experienced.

H. Political Leave of Absence

1. A County employee desiring to campaign for political office shall be granted a leave of absence without pay beginning on the date they qualify until they complete their participation in the election process.

2. If the employee is elected, the employee will resign from their Classified or Appointed position with the County and assume elected office, or if the employee is defeated for political office, the employee may, within five working days, be reinstated to their former position or one of comparable rank and pay. An employee may elect to be paid for any accumulated annual leave upon beginning the leave of absence without pay to campaign for public office. No County employee or official shall campaign or otherwise engage in political activity in support of or against any candidate or any cause during normal working hours, or while being in normal pay status (aka, on the clock) for employees. No employee shall be rewarded or penalized in any way for authorized political leave.

I. Expiration of Leave of Absence

When a leave of absence expires, the employee will be reinstated to the position they held at the time the leave was granted or to a similar position if the previous position is no longer available. However, the employee is not guaranteed a position if there has been a Reduction in Force (RIF) in the employee's department and they would have been separated due to the RIF. Under such circumstances, the guidelines pertaining to RIF actions will apply.

VII. General Health and Safety Rules

The Russell County Commission makes every effort to provide a workplace free of recognized hazards. The Russell County Commission, therefore, reserves the right to amend, modify, or rescind any provisions contained herein. These general rules are for guidance. Employees must be familiar with the rules set forth herein.

Because of the variation in the work in the departments, it is impossible to include in this Handbook all the rules governing safety of operations. Rules that apply to specific operations or departments will be brought to the employee's attention by his/her supervisor. The following are examples of such rules but are not all inclusive.

A. Safety Rules

1. Only approved safety equipment will be used in the performance of an employee's official duties. Safety glasses/goggles, steel-toed safety boots, ear plugs, and hard hats are required to be worn in certain areas as a condition of employment. All steel-toed boots shall be sturdy work boots only. The adequacy or type of protection required must be commensurate with the potential hazard of each job assignment. This will be determined by the Appointing Authority or Department Head.

2. A face shield or safety glasses are required when employees are using a grinder, weed eater, lawnmower, trimmer, chainsaw, mulcher, chipper, etc., or when performing other operations where sparks or small pieces of debris can become airborne.

3. Any employee welding must use a welding shield. Any employee using a torch must wear the appropriate shaded lens or shield.

4. Never operate any piece of equipment, machine, crane, tractor, forklift, etc., unless trained and instructed to do so. Training should be approved by the Department Head.

5. Never operate a machine unless all guards are in place. If a guard is missing or in need of repair, it is the employee's responsibility to notify his/her supervisor immediately.

6. Report unsafe acts and unsafe conditions to the Department Head or supervisor immediately.

7. Be sure the machine has stopped running before it is cleaned or adjusted. Follow the guidelines set forth by OSHA for de-energizing equipment.

8. Always wear chaps when operating a chainsaw.

9. Long pants/trousers are required to be worn while operating weed eaters, trimmers, saws, lawnmowers, etc., in order to help reduce the number of potential injuries associated with the operation of such equipment.

10. At no time should any part of the body be placed in a potential area that may result in contact with moving machinery.

11. At no time is an employee permitted to climb on, walk on, stand on, or jump over machinery or other equipment in contravention or violation of the safety and/or operations manual for the machinery or equipment.

12. At no time should an employee use defective tools or equipment. Always inspect any tool or piece of equipment about to be used. If a tool or piece of equipment is defective, it is the employee's responsibility to notify his/her supervisor immediately. Always use the proper tool for the job. Do not use tools with mushroomed heads. All files must have handles.

13. Only authorized employees are permitted to service or maintain electrical equipment.

14. All aisles, walkways, gates, etc., must be kept clear of debris at all times.

15. Never turn compressed air on yourself or anyone else. Do not clean your person or clothing with compressed air. As little as four pounds of air pressure can rupture an eyeball or an eardrum. Employees must always properly wear a face shield when using compressed air.

16. Lift the right way to avoid strain. Bend at the knees, keep the body erect and then push upward with the legs. Never lift any item that is too heavy. Get help.

17. Employees are prohibited from riding on the forklifts, cables, slings, or any other part of any machine or crane. Only authorized personnel are permitted to operate forklifts and other powered industrial trucks. The operator is the only person authorized to ride on a forklift or powered industrial truck.

18. Any employee who is in a man lift or basket of any kind must properly wear a safety harness and lanyard while in the basket or man lift.

19. Never walk or stand under a suspended load.

20. Do not use lifting slings, hooks, or chains without inspecting them first. If faulty, do not use them. Employees must contact their supervisor for proper inspection procedures or to report faulty equipment. Do not use "homemade" slings, hooks, or other lifting devices for any load bearing purpose. Slings and chains should have a manufacturer tag or label on them, which tells the date the item was made and its rated load capacity. Homemade lifting devices such as hooks and slings are not to be used.

21. Never use a makeshift or defective scaffold.

22. Gloves must be worn when working on jobs that present hand hazards.

23. All employees who are working from an elevated platform of any kind over six feet high without the proper guard rails are required to properly wear fall protection equipment.

24. Only authorized employees are allowed to enter a confined space at any time.

25. Each employee working in or on a piece of equipment that is required to be locked out must attach his/her own individual lock out device to the machinery or equipment.

B. Health Rules

1. In case of injury, no matter how slight, immediately report it to the Department Head or supervisor.

2. Keep the workplace clean. Put all rags, trash, cups, and waste in containers provided for that purpose.

3. All personnel who are required to wear a respirator must successfully pass a PFT (Pulmonary Function Test).

4. All personnel who wear a respirator or dust mask are required to be clean-shaven at the time that the respirator or dust mask is used.

5. Use extreme care in handling all chemicals.

6. If you work with oil or toxic combustibles, be particular about washing and scrubbing your hands.

C. Fire and Environmental Rules

1. Report any fire or emergency immediately to the Department Head or supervisor.

2. All employees are to be familiar with emergency exits, emergency evacuation meeting areas, and firefighting equipment such as fire extinguishers. Fire extinguishers are located throughout County buildings. These extinguishers have instructions on how to operate the extinguisher and for what type of fire they are designed to be used.

3. Never block an exit or firefighting equipment.

4. All flammable liquids must be maintained in approved containers. All bulk flammable material must be stored in a flammable storage locker or equivalent.

5. All containers must be labeled as to their contents.

6. Rags saturated with flammables must be kept in approved safety containers.

7. Never pour oil, flammable liquids, or other unauthorized chemicals into any sewer or drain.

8. Smoking is prohibited in restricted areas.

9. Employees should strive to protect the environment, minimize waste, meet all established environmental goals and objectives, and strive for continuous improvement.

10. In the event of a chemical or oil spill, please notify the Department Head or supervisor immediately.

Violation of any safety, health, fire, or environmental rule may result in appropriate corrective action that may vary from a verbal warning to termination of employment, depending on the seriousness of the violation.

VIII. Employee Separations

A. Resignations

1. If a Classified Employee wants to resign their position, they should notify their immediate supervisor or the Department Head in writing no less than 14 calendar days before the expected resignation date. If an Appointed Employee wants to resign their position, they should notify their Department Head or the Commission in writing no less than 30 calendar days before the expected resignation date. Failure to provide such a notice will be recorded in the employee's personnel file and may constitute grounds for "no-rehire." Employees who resign shall schedule an appointment with Human Resources Director in order to complete an exit interview. At the time of the separation and prior to final payment, all records, assets, and other items of County property in the employee's custody shall be transferred to the employee's supervisor or Department Head. Any amount due and owed to the County by the employee because of shortage in the above shall be withheld from the employee's final check.

2. After an employee gives notice and prior to the expiration of the notice period, their Department Head can release the employee from the job, provided that all state and federal legal requirements are met. If the Department Head releases the employee prior to the end of the notice period, the employee will not be paid for the rest of that period and has no grievance rights.

3. Immediately upon receipt of a notice of resignation, the Department Head must forward the notice to the Human Resources Director.

4. An employee may withdraw their request to resign up to 14 days after the effective date of the resignation subject to the approval of the Department Head. If the employee's request for withdrawal of the resignation is denied, the employee will be separated on the effective date of the resignation. If the employee's request to withdraw the resignation is approved, the employee will suffer no loss of service, benefits, entitlements, or pay.

5. Any unauthorized or unjustified absence from work for a period of three consecutive working days may be considered as a voluntary resignation by the employee's Department Head.

6. The Human Resources Director reserves the right to make deductions from an employee's paycheck for failure to return County equipment or uniforms (upon leaving employment.) The employee's final check will include all annual leave payout (if applicable) and will be processed by the next pay day following the date of termination.

7. An exit interview may be conducted with employees before their last scheduled workday in order to inform the employee of his/her rights pertaining to retirement, COBRA, or any other information necessary. The Human Resources Director will contact the employee to schedule a time for the exit interview.



To resign your job, give a written notice to either your immediate supervisor or Department Head. Classified Employees must do this at least 14 calendar days before your last day of work and Appointed Employees must do this at least 30 calendar days before your last day of work.

B. Furloughs

1. The Commission may implement a furlough by temporarily reducing the hours of work of employees within a department due to budgetary constraints when the Commission determines that revenue is not available to meet the obligations of a department. The furlough is limited to a maximum of one unpaid regularly scheduled workday per pay period for a maximum of 26 days per fiscal year and may be less than one day per pay period depending on the financial needs of the department. The Commission may implement the furlough in hourly increments, as long as the reduction does not exceed one day per pay period. The furlough may be implemented department-wide, by classification, or by classification series.

2. An employee may volunteer for furlough, but the Department Head may accept or reject the employee's request. An employee may not use leave in lieu of the scheduled furlough. Employees who are placed on furlough shall be considered in full pay status for benefit purposes, including leave accrual and seniority.

3. If the employee is required to work on a designated furlough day, the employee shall take another day off.

4. The status of a salaried exempt employee will remain the same as long as the employee continues to meet the salary basis requirements of exemption. The Commission may implement the furlough in the salary equivalent of hourly increments as long as the reduction does not exceed the equivalent of one day per pay period.

C. Reduction in Force

1. Whenever it becomes necessary, through lack of funds, curtailment of work, reorganization, or for other causes, to reduce the number of employees in a given department, the Commission shall determine the procedure for layoff or a reduction in the workforce (RIF). Typically, employees assigned to a job that has been identified in a RIF will be separated based upon their work status, the critical nature of each position in the department, and their work performance; however, the County Commission will determine the procedure to be used. Generally, separation will be of temporary employees, then probationary employees, and then classified employees.

2. If an employee is discharged because of a reduction in the workforce, as determined by the County Commission, they are considered separated from employment, unless another position is offered, and the employee accepts another position.

3. The County Commission or Department Head may propose when a reduction in the workforce is warranted and which employee(s) will be released, and the County Commission shall make the decision whether to approve or deny the reduction in the workforce, subject to any modifications deemed necessary by the County Commission, in its discretion. If an employee loses his/her job through a reduction in the workforce, the employee may apply for other posted positions, now or in the future.

4. A reduction in the workforce is a separation of employment. The progressive discipline process is not followed when there is a reduction in force, and the appeals process is not available since it is not deemed a disciplinary action.

5. All layoffs or reductions in the workforce must be approved by the Russell County Commission.

D. Retirement

When an employee meets the eligibility requirements set forth in the County's retirement program, they may elect to retire and receive benefits earned under the provisions of the retirement program. An employee who wishes to retire should notify their Department Head of the planned retirement and shall provide a written Notice of Retirement to the Human Resources Director no more than three months and no later than 30 days prior to the requested effective date.

E. Disability

Any employee may be separated when the employee cannot perform the essential functions of their job because of an extended physical or mental impairment. The County Commission will endeavor to reasonably accommodate the employee pursuant to Section *III.E. Americans with Disabilities Act*. For detailed information on Disability Retirement employees should consult with the Human Resources Director.

F. Death

Separation is effective as of the date of death of the employee. All compensation due to the employee as of that date will be paid to the employee's bank account or estate, except for such sums that must be paid as required by law. Any indebtedness owed to the County Commission will be withheld from the employee's final compensation, unless waived by the County Commission.

G. Termination

1. An employee may be terminated for violation of Russell County Commission's Workplace Rules of Conduct. For detailed information see Section *XII*.

2. An exit interview may be conducted with employees before their last scheduled workday in order to inform the employee of his/her rights pertaining to retirement, COBRA, or any other information necessary. The Human Resources Director will contact the employee to schedule a time for the exit interview.

IX. Workers' Compensation

A. Reporting On the Job Injuries

1. All employees are protected under the State of Alabama's Workers' Compensation Law for injuries and occupational diseases that result "out of and in the course of employment." This includes injuries that take place when the employee is performing tasks they were hired to perform at times and in places where they were hired to work.

2. For all life threatening injuries or illnesses, please notify 911.

3. If an employee requires emergency medical treatment for "life threatening" injuries, they should use the emergency room at the local hospital. Only one visit to the emergency room will be covered by Workers' Compensation for each work-related incident. The Human Resources Director should immediately be made aware of the injury.

4. If an employee experiences an on-the-job, non-life-threatening injury or illness, they are required to:

- a. Immediately report the incident to their supervisor.
- b. Provide written notification of how the injury occurred to the supervisor within 24 hours.
- c. Provide information to the supervisor so that the supervisor can notify the Human Resources Director who will complete the Alabama First Report of Injury.
- d. All initial non-life-threatening medical visits are to be coordinated through the Human Resources Director. All life-threatening injuries should be taken to the nearest hospital.

5. After the employee's claim has been received by the Human Resources Director, it will be submitted to a Workers' Compensation claims adjuster who will determine whether it is approved. The employee will be notified if a problem arises in the process of making that decision.

6. If a Workers' Compensation claim is rejected as a Workers' Compensation injury, it may be applied to the employee's medical insurance.

7. The goal is to process Workers' Compensation claims as quickly and as fairly as possible while providing the employee with the best medical care possible. The length of time required for approval will vary for each claim.

8. Most employees who have an on-the-job injury will be required to receive a Post-accident Drug Screen immediately after the reported incident.

9. Official medical records in regards to Workers' Compensation and Drug Screen Testing should only be maintained by the Human Resources Director. At no time should any medical information (personally identifiable information) be retained at any location other than in the County Administration Office unless written consent has been otherwise given.

B. Medical Treatment

1. Following the initial medical treatment/appointment, all related follow-up visits for treatment should be with the initial medical provider or the current medical provider for the Russell County Commission.

2. If there is a follow-up appointment required after the initial visit to the emergency room, then the follow-up visit **MUST** be scheduled with the current medical provider for the Russell County Commission. The employee's Workers' Compensation case manager will assist the Human Resources Director in scheduling this appointment for the employee. The employee is not authorized to return to the emergency room for follow-up treatment (i.e., removal of stitches, change of injury dressings, etc.).



Only one visit to the emergency room will be covered by Workers' Compensation. All follow-up appointments must be scheduled at the current medical provider for the Russell County Commission.

3. Every employee injured on the job is required to:

- a. Keep all scheduled appointments with physicians/therapist as scheduled;
- b. Be aware that Russell County Commission has a Transitional Duty Program;
- c. Notify their supervisor immediately if the physician advises the employee not to return to work or to work with restrictions and when they releases you to full duty; and
- d. Give the supervisor a copy of the Return to Work and/or Work Restriction Form(s) received from the physician. A copy must be given to the Human Resources Director so that it may be retained in the employee Workers' Compensation file.

4. Prescription medications should be filed under Workers' Compensation and should not be put on the employee's personal insurance.

5. If the employee's authorized treating physician releases the employee to return to work with specific temporary restrictions (i.e., transitional duty) and Russell County can provide a job within the recommended restrictions, they must return to work and attempt the transitional duty. Transitional duty is offered at the will of the County and is only offered on a temporary basis.

6. The employee's authorized physician determines what transitional duty work is appropriate. If clarification of transitional duty restrictions is needed, the Human Resources Director should be contacted. Failure to report for the assigned transitional duty work as authorized may result in the employee having to use their sick or leave time to cover the employee's absence. An employee may qualify for benefits if Russell County cannot provide a job within the restrictions given by the authorized physician.



You must return to work and attempt transitional (light) duty if authorized by your treating physician. Failure to report for light duty may result in termination of disability benefits.

C. Workers' Compensation Payments

1. The employee will be paid a full day's pay for the day of the injury. The following three days can be charged to annual leave, sick leave, or leave without pay. These "following three" days will be reimbursed under the Workers' Compensation benefits after the employee remains off work for a period of 21 calendar days. If an employee remains off work for a period of 21 days, they must reimburse the County for the "following three" days that was paid to the employee.

2. The only check an employee who has filed for Workers' Compensation benefits will receive is a check received from the Workers' Compensation insurance carrier for Russell County.

3. While on Workers' Compensation leave, the employee shall be placed in a leave-without-pay status. The employee will not accumulate annual or sick leave while on Workers' Compensation leave.

4. All individual health insurance premiums paid by Russell County for an employee will remain in force and continue to be paid by the County. All employees are required to continue to pay their portion of health insurance premiums. Employees will be issued an invoice from the Commission Office.

5. If, while on Workers' Compensation leave, the employee wishes to continue dependent coverage or other items that are customarily deducted from their paycheck, the employee must contact the County Payroll Clerk for payment procedures. If payments are not submitted in a timely manner, coverages are subject to cancellation.

6. An employee (who has depleted their sick leave, annual leave, and FMLA) out on Workers' Compensation leave, who has reached "Maximum Medical Improvement (MMI)," shall be terminated if they do not return to work.

D. Transitional Duty

1. The Temporary Transitional Duty Policy is intended to support injured and ill employees who have temporary restrictions due to work related injuries and are expected to return to their regular assignments following recovery. This policy and procedure does not cover employees with permanent restrictions and is offered at the will of the Russell County Commission and may be terminated at any time. Each case presented for possible Temporary Transitional Duty will be evaluated on a case-by-case basis by the Human Resources Director and Department Head.

2. Eligible Personnel.

The guidelines for eligible personnel are as follows:

- a. Any probationary or permanent employee of Russell County is eligible for consideration of a Temporary Transitional Duty Assignment;

- b. A physician's note detailing the employee's temporary work restrictions is required to be eligible for a Temporary Transitional Duty Assignment;
- c. Work restrictions are defined as physician specified work activities that are limited due to an occupational illness or injury, regardless of whether the employee has lost time from work or not (e.g. limited hours, limited functions, need for equipment, etc.);
- d. The employee must provide their supervisor a physician's note identifying temporary work restrictions or time off, within one business day of the employee's receipt of the note;
- e. The supervisor is then responsible to notify their Department Head or supervisor of the request for Temporary Transitional Duty; and
- f. The relevant Department Head or supervisor is responsible for coordinating with the Human Resources Director to authorize Temporary Transitional Duty.

3. Non-Eligible Personnel.

The following are personnel who are ineligible:

- a. Contractors, volunteers, inmates, interns, or Temporary Employees;
- b. Employees who have a common, contagious illness (e.g. cough, cold, or flu) or an injury that has no impact on the ability to perform their regular job duties (e.g. an employee who works sitting at a desk and has a sprained ankle);
- c. Employees on non-medical leave (e.g. military, bonding, etc.); or
- d. Employees who have permanent restrictions that do not fall within the normal scope of their job activities.

4. Identify Potential Eligible Employees.

The guidelines used to identify potential eligible employees are as follows:

- a. The supervisor shall identify an employee who has been, or will be, off work due to an occupational injury or illness;
- b. The employee shall self-identify by providing temporary work restrictions to their supervisor;
- c. Clarification of restrictions may be needed; and
- d. The relevant Department Head and the Human Resources Director shall review medical records to identify potentially eligible employees. This determination will be made on a case-by-case basis, while considering the best interest of the employee and Russell County during the evaluation.

5. Assess Work Restrictions and Develop Assignment.

- a. The department should make every effort within five working days, or as early as possible, to do the following:
 - i. Provide a Temporary Transitional Duty Assignment, if feasible, for all work-related injuries. The Department Head must send the proposed Temporary

Transitional Duty Assignment and its duration to the Human Resources Director;

- ii. Request assistance in the development of the Temporary Transitional Duty Assignment. Assistance from the Human Resources Director may include clarification from the medical provider, a need for equipment beyond internal resource availability, assessment of possible alternate job duties or special projects, or an assessment of the appropriateness of the modification; and
- iii. Notify the Human Resources Director if at any time the department is unable to provide a Temporary Transitional Duty Assignment.

6. Communication of Assignment to Employee.

- a. The Department Head or their designee will discuss the Temporary Transitional Duty Assignment with the employee.
- b. Assignments are determined based upon the employee's temporary work restrictions, skills, the duration of time required for the assignment, and the needs of the department. The employee will act in accordance with the duties assigned in a Temporary Transitional Duty Assignment.
- c. The refusal to do so may result in the loss of Workers' Compensation wage replacement benefits, in accordance with state law or long-term disability benefits.

7. Completion of Temporary Transitional Duty Letter.

The relevant Department Head or their designee Head is responsible for the following:

- a. Completing the Letter of Temporary Transitional Duty Assignment (TTD) along with the Human Resources Director;
- b. Sending a copy of the TTD Letter to the immediate supervisor and the Human Resources Director;
- c. Making certain that the employee begins their work in that assignment once the TTD letter is completed;
- d. Meeting with the Human Resources Director for a discussion of the Temporary Transitional Duty Assignment; and
- e. Meeting with the employee for a discussion of the Temporary Transitional Duty Assignment.

8. Work Restrictions and Assignment Modification.

The relevant Department Head or their designee is responsible for:

- a. Monitoring the assignment and the employee for compliance;
- b. Re-assessing the assignment upon any change of temporary work restrictions or as the needs of the department change. This will also require a new TTD Letter.

9. The employee is responsible for providing within one business day, any medical documentation detailing the revised temporary work restrictions to the department designee, if the temporary work restrictions change at any time during the current assignment.

10. Duration of Assignment.

- a. The duration of the Temporary Transitional Duty Assignment for occupational illnesses or injuries will be up to 90 days, as the needs of the department allow;
- b. For any change in duration or temporary work restrictions, the department must complete a new Letter of Temporary Transitional Duty Assignment; and
- c. The duration shall not exceed 90 days from the original date of the Temporary Transitional Duty Assignment, without approval from the relevant Department Head and the Human Resources Director.

11. Extension of Assignment.

Extensions may be considered for occupational illness or injury. An extension beyond 90 days may be granted with approval from the relevant Department Head and the Human Resources Director. In no event shall Temporary Transitional Duty Assignments exceed 365 days for an occupational illness or injury.

12. Extension Requirements.

In order for an extension to be considered, the following requirements must be made:

- a. The department and the employee both request an extension;
- b. The employee has made progress in transitioning back to the regular assignment during their 90-day Temporary Transitional Duty Assignment; and
- c. The extension is for a specific, short period of time due to the employee's medical physician indicating that the employee is progressing as expected toward returning to work in their regular assignment.

13. Transitional Duty Assignment Termination.

- a. The Temporary Transitional Duty Assignment will terminate at any time, if the needs of the department change or when a department determines that the employee is not acting in accordance with the stated restrictions or is unable to perform the duties as assigned within the stated restrictions.
- b. The Temporary Transitional Duty Assignment will terminate at any time if the physician:
 - i. Releases the employee to full duty without restrictions;
 - ii. Removes the employee from work; or
 - iii. Indicates the employee has permanent restrictions.

14. Where restrictions are permanent, the relevant Department Head or their designee should refer to the Human Resources Director for additional guidance and directives.

15. The Temporary Transitional Duty Assignment automatically terminates at the end of the approved assignment unless an extension has been requested and approved per the policy. If the department is terminating the Temporary Transitional Duty Assignment prior to the agreed upon end date, the Department Head shall give the employee as much notice as possible. Early agreement termination must be approved by the relevant Department Head and the Human Resources Director.

16. Dispute Resolution.

In the case of disputes regarding the denial of a Temporary Transitional Duty Assignment or the denial of an extension of a Transitional Duty Assignment, the employee or department may follow the grievance procedure as shown in Section *II.B Equal Employment Opportunity/Employment Grievance Procedures*.

X. Vehicle/Fleet Policy

The use of a County vehicle is a privilege that is granted by the Russell County Commission and is not a right of County employees. The County reserves the right to revoke the use of a County vehicle at any time and from any County employee. These procedures are not all inclusive but are put forth in a good faith effort by the County to ensure the safety and well-being of all County employees and provide the minimum standards for drivers of Russell County Commission vehicles.

A. General Policies and Procedures

1. Only Russell County employees or other drivers specifically authorized by the Russell County Commission may be authorized to drive or operate County vehicles and/or equipment and County vehicles shall only be used for official County business with reasonable consideration of use for meals or other items, in accordance with Alabama Ethics Laws, while in the course of performing business on behalf of Russell County.

2. Passengers who are not on official business should not be transported in most circumstances unless such passengers are direct family members of the employee accompanying the employee on official business, as allowed by the Russell County Commission.

3. Gasoline is to be used for County vehicles and equipment only. Any employee violating this policy may receive disciplinary action, including but not limited to termination of employment and/or be subject to prosecution under the Alabama Ethics Law.

4. Smoking is not allowed in County vehicles. This includes e-cigarettes and vaping. Smoking in a County vehicle may result in disciplinary action.

5. All Russell County owned vehicles (except for law enforcement vehicles) will have visible Russell County Commission decals affixed to them. Decals on automobiles will be located on each side door (driver's front and front passenger doors). The size and placement of the decals must be approved by the County Administrator before any decal is ordered or placed on a vehicle.

B. Driver Qualifications

1. Each driver of any County-owned vehicle must have and maintain a valid driver's license. Any employee who drives as a part of their job duties must report the suspension, revocation, or loss of their driver's license to their immediate supervisor on the date this occurs or on the next date the employee works or is scheduled to work.

2. It is the Russell County policy for employment that every employee should submit and successfully pass a motor vehicle record (MVR) check and meet the grading requirements listed below. This MVR policy applies both to drivers of County-owned vehicles as well as employees using personal vehicles in the course of County business. Employees subject to this policy are subject to an annual review (at a minimum) of their motor vehicle driving record (MVR) with the Alabama Department of Public Safety. Those employees found to be high risk or who have failed

to report violations and or accidents to the County, will have their vehicle driving privileges revoked, resulting in possible dismissal for employees in positions where vehicular transportation is deemed an essential job function.

3. MVRs will be examined prior to the start of employment and are subject to be examined at a minimum of annually thereafter. Any job offer made to an employee or potential employee candidate for a position with driving duties shall be contingent upon an MVR meeting the required standards outlined below:

- a. All operators must have a valid driver’s license for at least three years;
- b. No new driver will be hired with a “poor” MVR;
- c. MVRs will be graded on the table below, as a minimum requirement for new employees;
- d. Driving records must remain “acceptable” or “clear” as graded on the table below for continued employment in the position that may require driving duties. A “borderline” record will be evaluated for appropriate action as deemed necessary by the Relevant Department Head and Human Resources Director;
- e. Any exceptions to these guidelines must meet the approval of the Human Resources Director for written approval. The County’s auto insurance provider will be consulted on any MVR not meeting the minimum requirement; and
- f. The motor vehicle grading system may be based on the last five years of the employee’s MVR.

Number of Type “B” and/or Type “C” Violations	Number of At-fault Accidents			
	0	1	2	3 or more
0	Clear	Acceptable	Borderline	Poor
1	Acceptable	Acceptable	Borderline	Poor
2	Acceptable	Borderline	Poor	Poor
3	Borderline	Poor	Poor	Poor
4 or more	Poor	Poor	Poor	Poor
Any Type “A” Violations.	Poor	Poor	Poor	Poor

4. If at any time the employee of the Russell County Commission is required to drive as part of their job duties, then the employee must notify their supervisor of any citation, arrest, conviction, suspension, or revocation (whether temporary or permanent) in regards to any DUI, Substance Abuse or Motor Vehicle (Traffic) Violations, or Accidents whether on or off duty, before 9 a.m. on the next business day. Failure to notify the supervisor may result in disciplinary action up to, but not limited to, termination. It is the supervisor’s responsibility to immediately notify the Department Head. The Department Head is responsible for immediately notifying the Human Resources Director of any such related event.

5. Employees will not qualify for a County vehicle if, during the last 60 months, the driver had any of the following experiences:

- a. Been convicted of a felony;

- b. Been convicted for the sale, handling, distributing, or illegal use of drugs or any controlled substance;
 - c. Had automobile insurance canceled, declined, or not renewed by their insurance company due to fault of the employee;
 - d. Had driver's license suspended or revoked; or
 - e. Been involved in two or more "chargeable" accidents which resulted in a citation being issued.
6. If required, an employee must meet special operator licensing requirements as necessary:
- a. Class "A" Operators License: allows the employee to operate vehicles which tow trailers or other vehicles with a gross vehicle weight rating (GVWR) over 10,000 lbs. A Class "A" license also allows the employee to operate Class B and C vehicles;
 - b. Class "B" Operators License: allows the employee to operate single vehicles with a GVWR of 26,001 lbs. or more or a gross combination weight rating (GCWR) of 26,001 lbs. or more, towing trailers/vehicles rated at 10,000 lbs. GVWR or less. A Class "B" license also allows the operation of Class C vehicles; and
 - c. Class "C" Operators License: allows the employee to operate vehicles under 26,001 lbs. GVWR, that would normally not require a commercial driver's license (CDL); except when they are designed to transport 16 or more persons including the driver; or that carry 15 or less people (including the driver) transporting children to or from school and home regularly for compensation or carry hazardous materials in amounts requiring it to be placard. Applicable endorsements are required.

C. Safety Rules

1. The use of a County vehicle or personal vehicle while performing work duties while under the influence of intoxicants and other drugs (which could impair driving ability) is forbidden and is sufficient cause for discipline up to and including termination of employment.
2. Employees driving County vehicles are required to obey all motor vehicle laws and regulations. Employees must operate the vehicle in a safe and courteous manner and follow all safety related policies and procedures while operating County-owned vehicles.
3. Possession, transportation, or consumption of alcohol or illegal drugs by anyone in a County vehicle is strictly prohibited.
4. Cell phone use in commercial vehicles will be restricted. Drivers are prohibited from using even one hand to hold a mobile phone to conduct a voice communication. Drivers are not allowed to dial or answer a mobile phone by pressing more than a single button. Reaching for a mobile phone in a manner that requires the driver to maneuver so that they are no longer in a seated, belted, or driving position is also prohibited. Drivers may use a wireless communication device as a global positioning or navigation system to receive driving directions which has been pre-programmed with the desired coordinates. The programming of coordinates while operating a

vehicle remains a violation of this section. Drivers may receive or send texts if parked on the shoulder of the highway, road, or street.

5. No driver shall operate a County vehicle or personal vehicle while performing work duties when their ability to do so safely has been impaired by illness, fatigue, injury, or medication.

6. All drivers and passengers operating or riding in a County vehicle ***are required*** to wear seat belts or other available personal restraints required by law, even if air bags are available.

7. No unauthorized personnel are allowed to ride in County vehicles.

8. Drivers are responsible for the security of County vehicles assigned to them. The vehicle engine must be shut off, ignition keys removed, and vehicle doors locked whenever the vehicle is left unattended.

9. Headlights shall be used two hours before sunset and until two hours after sunrise or during inclement weather or at any time when an estimated distance of 500 feet ahead of the vehicle cannot be clearly seen.

D. Assignment of Vehicles

1. Certain employees will be assigned County vehicles for use in their positions and are authorized to drive the vehicle to and from work. Employees authorized to drive County vehicles home are designated as on call for County or Department emergencies. Any other circumstance must be authorized by the Department Head and submitted to the Human Resources Director.

2. County vehicles are normally assigned to an individual at the start of their work period and are the employee's responsibility until the completion of the assigned work period when the vehicle is returned.

3. Employees should inspect the County-owned vehicle on a daily basis (i.e. oil, tires, transmission fluid, etc.). It is the responsibility of the County employee to keep their assigned vehicle clean (inside and outside).

4. It is the responsibility of the driver to make sure that the County-owned vehicle is equipped with proof of insurance, current registration, and gas card. These items are issued to the vehicle, not the driver, and must not be removed under any circumstances.

5. If the employee is going on vacation or will be off work for any length of time, the employee's supervisor may require the employee to park the County-owned vehicle at the workplace.

6. County employees authorized to use their personal vehicles for periodic County business may be reimbursed for mileage at the rate established by the Internal Revenue Service, as approved by the County Commission.

7. Russell County will not pay for any traffic tickets or parking fines of an employee operating a County-owned vehicle, nor will the County pay if the employee is authorized to use their personal vehicle on County business. An employee found guilty of moving violations while in County vehicles may be subject to disciplinary action by the County. All such related fines received by the employee are their personal responsibility.

8. An employee receiving a travel allowance and using a personal car for County business assumes liability for bodily injuries or property damage arising out of an accident occurring in connection with operation of their personal vehicle.

9. If an employee of Russell County has been assigned a permanent county vehicle, the *Public Law 99-44* requires that employee be taxed on the value of their personal use of employer provided vehicles effective January 1, 1985, unless they fall into an exempted category. Under the special rules in the value applied to three dollars (\$3) per day of use. Employees who use county vehicles for transportation between their house and work will be charged for vehicle usage in accordance with the Internal Revenue Service Code.

10. Department heads must certify to the Human Resources Department a listing of all employees under their provision who are provided county vehicles for home to work commuting. An updated listing will be provided to the Human Resources Department prior to October 1st of each year.

11. Each applicable employee's pay will include the value of the employee's personal use (\$3.00 X number of days used) in their gross income total and will be included on their W-2 form. See the Human Resources Department for forms.

E. Vehicle Accident Procedures

Regardless of the situation, the following procedures must be followed in the event of an accident or incident with any County-owned vehicle or property:

1. Immediate notification of proper law enforcement agency for accident investigation and report as applicable.

2. Immediate notification of the employee's supervisor or Department Head.

3. Notification of the Human Resources within 24 hours of the accident/incident.

4. Prepare a Russell County Vehicle Accident Report. This, along with a copy of the law enforcement report as applicable, should be turned in to the Human Resources Director within 24 hours of the accident/incident.

5. If necessary, a First Report of Injury must be submitted to the Human Resources Director within 24 hours of the accident/incident.

6. Securing accident repair estimates and approval of actual repairs is the responsibility of the relevant Department Head or their designee.
7. In the event of an accident in a County vehicle or while on official County business:
 - a. Do not admit negligence or liability.
 - b. Do not discuss the accident with anyone except appropriate law enforcement personnel and/or official County representatives.
 - c. Do not attempt settlement regardless of how minor.
 - d. Get the name, address, and phone number of any injured person and any witness if possible.
 - e. Exchange vehicle identification and County insurance name and policy numbers with other drivers or law enforcement personnel, if applicable.
 - f. Take a photograph of the scene of the accident, if possible.
 - g. If needed, notify 911 for requested ambulance, fire department, and law enforcement personnel.
 - h. Law enforcement should be notified if the accident involves another vehicle or a pedestrian.
 - i. Complete the Russell County Accident Report in regards to this accident/incident; and turn all information over to the supervisor within 24 hours of the accident/incident.

F. Post-Accident Substance Abuse Testing

1. See Section *VIII. Workers' Compensation* for further guidance involving an accident, incident, or injury.
2. If it is suspected that an employee is impaired by alcohol and/or drugs at any time while on duty or while operating a County-owned vehicle or equipment, then efforts will be made to safely remove that employee from the workplace and/or County vehicle or any personal vehicle being used for County business; and
3. Any disciplinary action that is decided will be based on the totality of the circumstances surrounding the event, the Russell Drug and Alcohol Policy, and the past work history of the employee. Actions may or may not include a Last Chance Assistance Agreement, referral and evaluation by a substance abuse counselor, or termination. For additional substance abuse guidelines, you must refer to the Russell County Substance Abuse Policy or contact the Human Resources Director.

XI. Code of Ethics

A. Ethical Conduct

1. It is the policy of the Russell County Commission to uphold, promote, and demand the highest standards of ethics from all employees and officials, whether elected or appointed. Accordingly, all County employees should maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties; avoid any improprieties in their roles as public servants; and never use their County position or powers for improper personal gain.

2. Every employee of the Russell County Commission is a “public employee”. The taxpayers of this County entrust every employee with the responsibility of carrying on business beneficial to the taxpayer.

3. Employees of the Russell County Commission are subject to the provision of the Alabama Ethics Law (codified at §§36-25-1, et.seq., Code of Alabama 1975, as amended from time to time) (sometimes referred to as the “Alabama Ethics Law” or the “Ethics Law”) and the decisions and enforcement of the Alabama Ethics Commission. Employees may visit the Ethics Commission’s website to acquire further information of interest at www.ethics.alabama.gov.

B. Statement of Economic Interests

Some employees will have to complete an annual questionnaire for the Alabama Ethics Commission. The Human Resources Director will provide these employees with the required forms, upon request. These employees are responsible for filing the reports in a timely manner. Section 36-25-4.2 states that “[a]ll public employees required to file the Statement of Economic Interests required by Section 36-25-14, shall participate in an online educational review of the Alabama Ethics Law provided on the official website of the commission. Employees hired after January 1, 2011, shall have 90 days to comply with this subsection.”

C. Political Activity

1. Employees may individually exercise their right to vote and privately express their views as a citizen, including becoming a candidate for public office. However, an employee shall not engage in political activities during their work time. Without limitation, Russell County expressly prohibits employees from soliciting political financial contributions, distributing political literature, or wearing political buttons or similar insignia during their work time. Employees who are issued uniforms by Russell County are prohibited from wearing their uniforms while engaging in political activities.

2. Russell County also prohibits employees from distributing political literature or printed or other material of any kind in working areas at any time. Employees may not use any equipment owned by Russell County, including but not limited to, copiers and fax machines, to engage in political activities.

3. This prohibition against soliciting other employees for political purposes covers Russell County's telephonic and computer equipment. Thus, no employee is permitted to use Russell County's electronic mail, internet, voicemail, telephones, computers, or other related equipment for the purpose of soliciting others for political activities or for preparing, duplicating, or distributing political literature or other material to other employees or non-employees.

4. The Personnel Director is available to answer any questions regarding proper employee political activity. This policy does not authorize a County employee to engage in political activity in violation of federal or state law.

D. Secondary Employment

1. Russell County Commission employees shall not engage in any outside employment which adversely affects their work performance as an employee of the County or creates a conflict of interest.

2. If an employee engages in other employment, they must notify their Department Head in writing stating the name of the employer, the nature of work or business, specific duties, and hours worked per week. The supervisor will send a copy of these statements to the Human Resources Director for placement in the employee's personnel file. If the Department Head believes there may be a potential incompatibility between the outside employment and County employment due to either the number of work hours or nature of work or scheduling requirements, they shall submit appropriate recommendations to the Human Resources Director. The final decision will be made jointly by the Human Resources Director and the Department Head.

3. The employee shall at all times give first priority to the performance of their Russell County Commission job. County work schedules will not be adjusted to accommodate non-County work schedules.

E. Reporting Arrests and Off Work Accidents

1. Any employee of the County who has been arrested for any reason must report the arrest and surrounding circumstances to their immediate supervisor within one day of returning to work. Failure to comply with this policy may result in disciplinary action up to and including termination. Supervisors are required to forward the information to the Department Head and Human Resources Director.

2. Any employee of the County who drives a vehicle for the County as part of their work assignment must report any motor vehicle accident or major moving violation including speeding, reckless driving, or driving under the influence violations to their immediate supervisor within one day of returning to work. Failure to comply with this policy may result in disciplinary action up to and including termination. Supervisors are required to forward the information to the Department Head and Human Resources Director.

XII. Workplace Rules of Conduct and Progressive Discipline

One of the County's paramount goals is for County officials and County employees to demonstrate respect and dignity in service to the citizens of Russell County and interactions with each other. To assure orderly operations and provide the best possible work environment, the County from time to time establishes general work rules. Although it is not possible to list all the forms of behavior that are considered unacceptable in the workplace, the following are examples of the types of infractions which can result in disciplinary action up to and including termination. In order to avoid such severe consequences, employees should use simple common sense, read and understand this list of examples, and ask management before engaging in any questionable activity.

1. Group One Offenses: Group One workplace rules of conduct for which an employee will be subject to progressive discipline, from counseling up to and including termination as set forth in the Progressive Disciplinary Policy, include but are not limited to the following:

- a. Insubordination or lack of cooperation;
- b. Failing to follow instructions or to perform work as requested;
- c. Failing to meet reasonable standards of efficiency and productivity, or otherwise unsatisfactory job performance, and/or repeated substandard work;
- d. Unauthorized or excessive absences (including failure to report for work, late arrival, early departure, or unauthorized absence from duty) from work;
- e. Excessive break time or repeatedly attending to personal affairs on work time;
- f. Sleeping or giving the appearance of sleeping while on County property or during the time in which the employee is supposed to be working; or
- g. Failure to prepare and submit required reports and/or records in a timely manner.

2. Group Two Offenses: Group two workplace rules of conduct for which an employee may be subject to a letter of reprimand or other disciplinary action up to and including immediate termination, as set forth in the Progressive Disciplinary Policy, include but are not limited to the following:

- a. Abusing, damaging, wasting, stealing, inappropriately removing, or possessing County property, records, or the property of other employees;
- b. Falsifying the employment application or making misrepresentations on any other personnel records;
- c. Falsifying County reports or committing fraud with regard to any records (including time records, expense accounts, absence excuse, etc.);
- d. Fighting, threatening violence, or otherwise starting a disturbance on County premises, or while performing job duties, including, but not limited to, assaulting or intimidating a County employee or non-employee;
- e. Reporting to work in a condition unfit to perform their duties, including reporting to work with measurable amounts of illegal drugs, intoxicants, or controlled substances in the employee's system or being under the influence of alcohol, drugs, or controlled substances;

- f. Possessing, consuming, or selling alcohol, illicit drugs, or controlled substances on County premises or while performing job duties and/or any violation of the County Drug-Free Workplace Policy;
- g. Violating a County safety, health, or fire rule, policy, or practice; or creating or contributing to unhealthy or unsanitary conditions;
- h. Boisterous or disruptive activity or horseplay in the workplace;
- i. Misconduct leading to damage of County property;
- j. Unauthorized disclosure of confidential County information;
- k. Unauthorized solicitation or distribution on County property;
- l. Sexual, racial, or other unlawful harassment or any violation of the Rules of Conduct and Harassment policies;
- m. Failure to fully cooperate in any County investigation;
- n. Failure to notify the County of wrongdoing of co-workers or for violation of any rules, regulations, or law;
- o. Failure to promptly notify the employee's supervisor of an accident;
- p. Abuse of phone or other communication systems;
- q. Abuse or misuse of the County telephone system, computer system, or data;
- r. Entering a restricted area without authorization;
- s. Not being truthful or attempting to mislead or evade a direct question or inquiry from any supervisor or County official; or
- t. Multiple or repeated violations of workplace rules of conduct.
- u. Repeated refusal to perform work as assigned.

The above list is not all encompassing or all-inclusive.

A. Progressive Discipline Procedures

1. In cases where an employee displays inappropriate conduct or poor performance, and the activity does not call for automatic termination, Russell County follows a progressive discipline process. This is a system that consists of corrective action, documentation, and adverse action. The Human Resources Director must be notified in advance of any disciplinary action beyond an employee counseling or written warning.

2. The steps of progressive discipline may include:

- a. Employee Counseling– The first step is usually an employee counseling from the supervisor with the employee to identify the problem and to state the corrective action needed. The supervisor documents this step including dates, times, and details of incidents of improper conduct or poor performance and the date the employee counseling was given. The supervisor sends this documentation to the Human Resources Director who will review it and place it in the employee's personnel file. The employee may submit a separate written statement for the file, if desired.
- b. Written Warning – The second step in the process is usually a written warning with specific examples cited. The supervisor prepares the “Notice of Disciplinary Action” form that states a specific time frame in which the employee must improve

and gives the consequences of failure to improve. Prior to issuing the form, the supervisor must review it with their Department Head. A copy of the original form is forwarded to the Human Resources Director for review and placement in the employee's personnel file and a copy is given to the employee. The employee may submit a separate written statement for the file, if desired.

- c. Adverse Action – If attempts at corrective action fail to produce satisfactory results, some form of adverse action may be taken. The term “adverse action” means action involving suspension, involuntary demotion, or termination. Before any adverse action becomes effective, the supervisor must obtain written approval from the appropriate Department Head.

3. Any employee who receives two documented warnings for any reason within a 12-month period may be subject to termination, unless automatic termination is justified. Depending on the circumstances surrounding a disciplinary action, any step of progressive discipline may be skipped and disciplinary action up to and including termination may be utilized at any time. Furthermore, past performance and disciplinary action may be considered when determining disciplinary action to be taken.

4. In the event that a Classified Employee is serving as an acting or interim Department Head, and in the event disciplinary action is required against the acting or interim Department Head, the County Administrator may, in their discretion, initiate disciplinary action against the employee which shall be subject to the pre-disciplinary hearing and appeals process set forth below.

B. Administrative Leave with Pay Due to Potential Disciplinary Action

An employee may be placed on administrative leave with pay by the Department Head or in consultation with the Human Resources Director for up to one pay period during the course of an investigation to determine whether any disciplinary action should be initiated against the employee. The Department Head or Human Resources Director may approve up to an additional pay period to complete the investigation.

C. Suspensions without Pay

1. The supervisor, in consultation with the Department Head, may suspend an employee without pay as a part of disciplinary action for up to two pay periods.
2. Employees may not use annual leave or sick leave while on suspension.
 - a. The progressive discipline process will be followed prior to suspension unless the situation warrants automatic suspension.

D. Involuntary Demotions

1. An involuntary demotion is an assignment to a job at a lesser basic pay rate. There are two kinds of involuntary demotions:

- a. Involuntary demotion for cause; and
- b. Involuntary demotion due to a reduction in the workforce.

2. Involuntary Demotion for Cause: An involuntary demotion may be made for cause, including, but not limited to, violations of rules, failure to perform job duties adequately, misconduct, or neglect of duty. The progressive discipline process will be followed prior to demotion. All employees involuntarily demoted for cause will receive at least a 5% pay decrease effective upon their demotion.

3. Involuntary Demotion Due to Reduction in the Workforce: If an involuntary demotion is based on a Reduction in the Workforce, the employee will be given consideration, based on seniority and work performance record, for openings in vacant job classifications. An involuntary demotion due to a Reduction in the Workforce is not a disciplinary action and no progressive discipline is warranted and no grievance/appeals process is available.

4. A supervisor, in consultation with the Department Head, may involuntarily demote an employee.

E. Terminations

1. Immediate termination may be made for cause, including, but not limited to, an employee's action or behavior that constitutes:

- a. Insubordination (refusal to follow supervisor's instructions);
- b. Endangering their own health or safety or the health or safety of other employees or citizens;
- c. Theft, vandalism, or willful destruction of County or co-employee property;
- d. Making fraudulent statements on employee applications or job records;
- e. Any violation of the County Alcohol and Drug Policy;
- f. Conviction of a felony offense or of a crime involving moral turpitude;
- g. Conviction of an offense that affects the employee's ability to perform their job duties or insurability, including, but not limited to, loss or suspension of licenses or other credentials; or
- h. Any other infraction when termination is determined to be in the best interest of the County.

2. Terminations that follow the progressive discipline process are permitted for reasons that include, but are not limited to:

- a. Misconduct;
- b. Willful neglect of duties;
- c. Absence from work without authorization or notification;
- d. Failure to perform job duties;
- e. Repeated tardiness or absence;
- f. Violation of departmental rules;
- g. Email abuse; or

h. Internet abuse.

3. Any employee who fails to correct deficiencies after two documented warnings may be subject to termination, unless automatic termination is justified.

4. A supervisor, in consultation with the Department Head, may terminate an employee.

F. Pre-Disciplinary Appeals Procedures for Adverse Action

1. When a Department Head seeks to discipline an employee either through suspension without pay, involuntary demotion for cause, or termination, they will notify the Human Resources Director that such action be taken. The Department Head shall notify the employee in writing that they propose disciplinary action in the form of suspension without pay, involuntary demotion for cause, or termination and the grounds for such proposed action. The employee will then have one working day to request, in writing to the Human Resources Director, a pre-disciplinary hearing before the County Administrator. If the County Administrator made the recommendation then the County Engineer will conduct the hearing.

2. If the employee does not request a hearing, the proposed discipline will become effective at the end of the one working day period.

3. Should the employee request such a pre-disciplinary hearing, the Human Resources Director will inform the employee of the date and time of such hearing which will be held within three working days of the request, unless the County Administrator or County Engineer allows additional time. The hearing will be informal in nature. The employee may have a representative of their choosing present at their own expense.

4. Within three working days after the pre-disciplinary hearing, the Human Resources Director will notify the employee of the County Administrator's or County Engineer's decision on the proposed adverse action. The adversely affected employee may then appeal this decision as set forth below.

G. Post-Disciplinary Appeals Procedure for Adverse Action

1. Appointed Contract Employees and employees who have not completed their probationary period have no appeal rights to the Personnel Review Board.

2. An eligible employee who wishes to appeal the decision of an adverse action following a pre-disciplinary hearing must deliver a written notice of appeal to the Human Resources Director, requesting a hearing within five working days of the decision. No employee shall be penalized in any way for exercising their rights under the appeal procedures.

3. A hearing may be requested for three reasons which include termination, suspension without pay or involuntary demotion. An appeal may be withdrawn at any step without prejudice.

4. Within three working days of receiving the appeal, the Human Resources Director shall file with the Chair of the Personnel Review Board and email or mail to the employee by certified mail a statement specifying the charges against the employee on which the disciplinary action (termination, suspension without pay, or involuntary demotion) was based.

5. Upon receipt of the charges, the Chair of the Personnel Review Board shall call a meeting of the Personnel Review Board to be held within 30 days after the filing of charges to hear the appeal. The employee shall be notified by mail or email of the time and place of the hearing. The Personnel Review Board shall have the authority to continue the hearing from time to time as may be necessary. In preparing for and conducting the hearing, the Chair of the Personnel Review Board shall have the power to administer oaths and to subpoena and require the attendance of witnesses and the production of books, documents, accounts, and other records pertaining to the appeal.

H. The Personnel Review Board

1. An employee who requests a hearing before the Personnel Review Board must have suffered one of the following forms of disciplinary action:

- a. Termination;
- b. Suspension without Pay; or
- c. Involuntary Demotion.

2. The Russell County Personnel Review Board is created and authorized by these policies and procedures, to hear grievances from eligible County employees that cannot be resolved at department levels in accordance with the guidelines established in these policies and procedures.

3. The Personnel Review Board shall consist of seven members who will be known for their good character, ability, and judgment. Board members must be a duly qualified elector of Russell County who continues to reside in Russell County during the term of office and must be over 21 years of age. The members of the Board shall be appointed by the Russell County Commission. The terms of the initial appointees to the Board will be staggered with one member serving one year, two members serving two years, and two members serving three years. Following the terms of the initial appointees, each appointee will serve a term of three years, or until their successor is appointed. If a Board member does not serve their full term, an individual will be appointed to serve the remainder of the term by the Russell County Commission. A Board member may be reappointed to a second successive term on the Board. No person will be eligible for appointment, or to continue to serve as a member of the Board, if that person holds an elective office in the state, county, or any municipality within the County, or if that person is a candidate for elective office. No officer or employee of the Russell County Commission shall be eligible to serve as a member of the Board. No Board member may be eligible for employment with the Russell County Commission for one year after their service on the Board ends. Any Board member who is no longer eligible for Board membership or who fails to or cannot fulfill their responsibilities as a Board member will be asked to resign. If the Board member does not resign, they will be removed by a majority vote of the Board.

4. The Board members will select a Chair by majority vote. The Human Resources Director, or their appointee, is designated as the Board Clerk. The Board Clerk shall assist the Board as necessary in carrying out its duties. The Chair shall, in concert with the Human Resources Director, distribute all statements and establish a hearing date and location.

5. The Board will meet only as needed and the time and place of all meetings will be determined by the Chair. Notice of all meetings will be given by the Board Clerk to Board members, to the County Commission, and to other interested parties.

6. The Board will implement reasonable rules and procedures to be followed by the Board in carrying out those duties assigned to it.

7. The Board will maintain adequate records to ensure proper documentation of all actions. Such records will include minutes of proceedings showing the vote of each member upon any question. All Board records pertaining to grievances by employees will be maintained by the Board Clerk. All records related to grievances will be kept confidential by the Board Clerk and will not be open for review except by order of a court of competent jurisdiction or by written release of the employee who has filed the grievance and the Board Chair.

8. The Board may, with prior approval of the County Commission Chairperson, call upon the County Attorney to render legal interpretation and advice to the Board as the members deem necessary or advisable.

9. The Board shall have access to the personnel records of the County for the transaction of its business. The Human Resources Director will provide the personnel records to the Board Chair and those records shall remain confidential.

10. Members of the Board shall not be compensated for their services but may be reimbursed for necessary and reasonable expenses incurred in the performance of their duties. Such expenses, with the exception of mileage reimbursement, are to be approved by the Russell County Commission prior to being incurred by the Board.

11. The grievance procedure is not intended, and will not be used, to resolve personal differences among employees, to appeal pay reductions which are part of a general plan to reduce salaries, to appeal non-selection for a position when properly established staffing procedures have been followed, or to address any issue not related to a suspension without pay, an involuntary demotion, or termination.

I. Hearings Before the Personnel Review Board

1. All testimony before the Personnel Review Board shall be under oath.

2. The Personnel Review Board has the authority to affirm, to revise, or to amend any previous personnel decisions after a hearing.

3. At the hearing before the Board, the employee and their Department Head shall have the right to be represented by counsel, with the County authorized to employ legal counsel to represent the interest of the County. The hearing shall be governed by rules of practice and procedure as stated below, and in conducting the hearing, the Board shall not be bound by the technical rules of evidence. No informality of procedure in the conduct of the hearing shall invalidate any recommendation made by the Board.

4. Within five work days from the conclusion of the hearing, the Board shall recommend to the Commission the following: (1) that the disciplinary action taken against the employee be affirmed; (2) that the disciplinary action be reversed and that the employee be reinstated with full back pay at the normal rate of pay that would have been in effect for the employee had they not been suspended without pay, demoted, or terminated; or (3) that the disciplinary action be reduced and that the employee be reinstated either with or without pay for any time suspended without pay or demoted. The recommendation shall be in writing to the Chair of the Commission, and the Commission shall act upon such recommendation at its next regular or specially-called meeting. At such meeting, the Commission shall vote its approval or disapproval of the action of the Board with the action becoming a matter of its official public record.

5. The decision of the Russell County Commission is final.

J. Administrative Procedure for the Hearing

The procedure for hearings conducted by the Board shall be as follows:

1. An employee should try to limit opening comments to 15 minutes to present their written appeal and any oral explanation. Employees may present their own appeal or designate a person of their choice to represent them.

2. The Department Head or their representative should attempt to limit opening comments to 15 minutes to present their written disciplinary action and any oral explanation. Department Heads may present their own position or designate a representative of their choice.

3. If applicable, each party may present witnesses. The Board may then ask questions of any parties present, request additional information, or summon any related parties not present. The Board may declare the hearing to be in recess for research or consultation with expert witnesses but must reconvene within three workdays unless the parties otherwise agree.

4. Within five workdays from the conclusion of the hearing, the Board shall return its written recommendation to the Chair of the County Commission and Human Resources Director. The Human Resources Director shall immediately notify the employee and their Department Head. The Russell County Commission shall consider and make a final decision on the matter at its next regularly scheduled meeting.

XIII. Drug and Alcohol Policy

A. Alcohol and Drugs – Drug-Free Workplace Policy

1. The Russell County Commission is committed to providing a safe working environment for all employees while serving the citizens of Russell County. The Russell County Commission recognizes that any employee who improperly uses intoxicating substances, including drugs and alcohol, poses a serious threat to themselves, their coworkers, 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 the Russell County Commission that all employees or any person performing any kind of work for the Russell County Commission 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.

2. 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 or on or about any county property.

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

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

5. No part of this policy shall be construed to create a contract of continued employment or to confer upon any employee or applicant a property interest in their employment. 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. Further provisions of this policy, specifically including, but not limited to, testing procedures, are subject to change in order to remain consistent with the United States Department of Transportation regulations. It is the Russell County Commission’s intent that it be allowed to choose any testing method that is approved by the United States Department of Transportation.*

6. The Russell County Commission has designated the County Human Resources Director as the Drug Program Coordinator. If you have any questions or concerns regarding this policy or its application, please contact the County Human Resources Director at: (334) 298-6426.

7. *Employees of the Russell County Public Transit Service are subject to ALDOT

Substance Abuse Regulations, unless the County's policies are more stringent, in which case the County's policy would apply.

8. The Federal Drug and Alcohol Clearinghouse herein referred to as "Clearinghouse" manages an electronic database that tracks all covered employees with commercial driver's licenses who have tested positive for prohibited drugs or alcohol use, as well as refusals to take required drug tests and other drug and alcohol violations. Additionally, when a covered employee driver has been found to be in violation and then completes the required return-to-duty process, this information will also be recorded in the Clearinghouse.

The Clearinghouse is Required by Federal Law

The County is required to populate the Clearinghouse with the following information:

- Employees' DOT drug and alcohol violations under Part 382 of the Federal Motor Carrier Safety Regulations as part of the hiring process; and
- Posting to the Clearinghouse all prohibited driver activity, who have tested positive for prohibited drugs or alcohol use, as well as refusals to take required drug tests, and other drug and alcohol violations; and
- The requirement to query the Clearinghouse annually for information relating to prohibited drug and alcohol testing behavior by the employee; and
- Verification of a CDL driver's completed steps in the DOT return-to-duty process (if applicable).

Covered DOT Employee Drivers Need to Know Their Rights and Responsibilities

If a covered DOT employee changes companies, he or she will have to register in the Clearinghouse in order to give permission for the new hiring motor carrier to make queries into their clearinghouse testing information. All companies are required to enter selected information into the Clearinghouse, as listed in Section 382.601(b)(12). The following is the best-practices information that all employees should understand:

- All types of inquiries companies will perform consistent with (Section 382.701);
- Employee driver procedures on signing up for access to the Clearinghouse;
- Covered employees be provided information on how they may obtain a copy of their Clearinghouse records (Sections 382.707, 382.709);
- Procedures for correcting information in the database (Section 382.717);
- Awareness that state licensing authorities (DMVs) will have access to the database (Section 382.725); and
- Clarification on an employee's obligation to notify a current employer(s) (in writing) of DOT testing violations occurring under a different employer (Section 382.415)

It is important to understand that all covered DOT employee drivers must give their permission to access their Clearinghouse drug and alcohol information. Which means if the covered employee refuses to allow access to the Clearinghouse, it will result in removal of the employee from their duties and disciplinary action up to and including termination.

Lastly, all covered employee drivers have a right to review their Clearinghouse information, and if the driver finds a discrepancy or disagree with the records, they are encouraged to write to FMCSA and dispute any issues in question and potentially correct any incorrect records. All these processes are easily defined and available online at <https://clearinghouse.fmcsa.dot.gov/>

B. Definitions

1. “Accident” means any on the job accident. “Accident” includes vehicular accidents as well as any acts or omission causing an accident or injury to any person or damage to any equipment or property belonging to the County.

2. “Administrator” means the person or entity that implements drug testing on employees and applicants.

3. “Alcohol” means distilled or fermented beverage containing ethyl alcohol, including, but not limited to, beer and wine.

4. “Chain of Custody” means procedures implemented by the Russell County Commission for the identification and integrity of each urine specimen. The Russell County Commission requires the person responsible for policy implementation to track the handling and storage of each urine specimen from the point of specimen collection to final disposition of the specimen. These procedures include an appropriate drug testing chain of custody form to be used from time of collection to receipt by the testing laboratory. Chain of custody forms shall document the date and purpose of each time a specimen is handled or transferred and shall identify every individual in the chain of custody.

5. “Clearinghouse” means *FMCSA Commercial Driver’s License Drug and Alcohol Clearinghouse*. It is a secure online database that gives employers, the FMCSA, State Driver Licensing Agencies (SDLAs), and state law enforcement personnel real-time information about commercial driver’s license (CDL) and commercial learner’s permit (CLP) holders’ drug and alcohol program violations. The Clearinghouse enables employers to identify drivers who commit a drug and alcohol program violation while working for one employer, but who fail to subsequently inform another employer (as required by current regulations).

6. “Collector” means a person who instructs and assists tested employees and applicants for eligible positions at a collection site and who receives and makes an initial examination of the urine specimens. The collector shall have successfully completed training to carry out this function or shall be a licensed medical professional or technician who shall be provided instructions for collection under this procedure and certifies completion as required herein. In any case, where a collection is observed or monitored by non-medical personnel, the collector shall be a person of the same gender as the employee or applicant.

7. “Collection Site” means a place designated by the Russell County Commission where employees present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of specified controlled substances and alcohol. The site will possess necessary personnel, materials, equipment facilities, and supervision to provide for the collection, security,

temporary storage, and transportation or shipment of the samples to a laboratory.

8. “Controlled Substance” means any substance defined or classified as a controlled substance according to federal or state law. Title II of the Comprehensive Drug Abuse Prevention Act of 1970 (Controlled Substance Act), as it is amended from time to time, provides the basic standard. Controlled substances include, but are not limited to, any and all forms of marijuana and its derivatives regardless of how obtained, and any stimulants or hallucinogens, which are subject to legal prohibitions or restriction on their sale purchase, transfer, use or possession.

9. “County” means Russell County.

10. “DOT Employee” is an employee who is subject to the rules and regulations of the United States Department of Transportation regarding drug and alcohol testing because of the job duties that they perform.

11. “Drug Program Coordinator” is the person designated by the Russell County Commission to ensure compliance with this Policy, including, but not limited to, ensuring that proper testing procedures are followed, ensuring that the lab(s) used by the Russell County Commission are properly certified and ensuring that the Medical Review Officer is properly credentialed. The Russell County Commission has designated the Human Resources Director as the Drug Program Coordinator.

12. “Employer Premises” includes all property owned, leased, used, or under the control of the Russell County Commission, including, but not limited to, the job site of any employee, structures, building offices, facilities, vehicles and equipment or transportation to and from those locations while in the course and scope of County employment.

13. “Employee” means any and all employees of the Russell County Commission.

14. “Illegal/Unauthorized Drug” means any drug (1) which is legally obtainable but has not been legally obtained or, even if legally obtained, is not being used in accordance with instructions given either by a physician or, if over-the-counter, on the drug’s label; or (2) all illegal drugs, including, but not limited to, methamphetamine, cocaine, heroin, marijuana etc.

15. “Intoxicating Substance” means any substance, whether legal or illegal, that may have an intoxicating or mind-altering effect when ingested, snorted, smoked, or otherwise introduced into the body. Intoxicating substances include, but are not limited to, “bath salts,” nitrous oxide, glues, solvents, cannabidiol (CBD) derivatives, or herbs or other plants such as salvia.

16. “Legal Drug” means prescribed drugs and over-the-counter drugs which have been legally obtained and are being used appropriately for their intended purpose in accordance with directions given either on the label or by an employee’s treating physician.

17. “Medical Marijuana” refers to marijuana or any of its derivatives that is prescribed in accordance with the laws of a State.

18. “Medical Review Officer” (MRO) means a licensed physician (medical doctor) responsible for receiving laboratory results generated by the county’s drug testing program. The MRO shall have knowledge of substance abuse disorders and have appropriate medical training to interpret and evaluate an individual’s confirmed positive test result, together with their medical history and any other relevant biomedical information.

19. “Possession” means actual or constructive care, custody, control, or immediate access.

20. “Random Selection Process” is the process used to ensure that each employee holding a safety-sensitive position has an equal chance of being drug-tested every time that random drug tests are conducted. This process means that some employees may be tested multiple times in any given year.

21. “Reasonable Cause” means that the County believes the actions, appearance, or conduct of an employee on duty are indicative of the use of a controlled substance or alcohol.

22. “Safety-Sensitive Employees” are those persons who are subject to random drug and alcohol testing. These employees include, but are not limited to, persons who inspect, service, repair, or maintain a vehicle or other heavy equipment, operate or load a vehicle or heavy equipment, use tools, including both power and hand tools, that have the capacity to injure any person, and those who are authorized to carry weapons of any kind. An employee is engaged in a safety-sensitive function at all times from the time that an employee begins to work or is required to be in readiness to work until the time they are relieved from work and all responsibility for performing work. A list of all positions that are designated as “safety sensitive” is maintained by the Human Resources Director.

23. “Under the Influence” means being unable to perform work in a safe and productive manner; being in a physical or mental condition which creates a risk to the safety and well-being of the individual, other employees or the public; and/or having any laboratory evidence of the presence of drugs, alcohol, or prohibited or controlled substance in the employee’s body.

C. Persons Subject to Testing

1. The following employees have been designated by the Russell County Commission to submit at any time to be tested for illegal drug abuse and alcohol abuse:

- a. All employees who hold positions or regularly perform duties that have been designated to be “safety-sensitive” by the Russell County Commission;
- b. Any employee who, during the course of said employee’s employment, is involved in an accident causing physical injury to any person or damage to any property; and
- c. Any employee, regardless of whether they holds a safety-sensitive position, whose conduct, behavior, or physical symptoms establishes reasonable cause to believe that said employee is under the influence of any drug and/or alcohol while performing their job duties or while being physically present on the premises of the Russell County Commission’s property during any activity sponsored or supervised by the Russell County Commission or in which the Russell County Commission

participates.

D. Types of Testing

1. Pursuant to Russell County Commission's Policy and Procedures, employees will undergo testing as follows:

- a. **Pre-Employment Testing:** All employees applying for a position that has been designated as safety-sensitive will be required to submit to a pre-employment drug and alcohol test before a final offer of employment is extended. All pre-testing offers of employment to such persons are explicitly conditioned on the employee successfully taking and passing the drug and alcohol test. Pre-employment testing will also be done when an employee transfers from a non safety-sensitive position to a safety-sensitive position;
- b. **Random Testing:** All employees holding safety-sensitive positions will be subject to testing on a random basis without advance notice to them;
- c. **Reasonable Cause Testing:** Russell County Commission may schedule a drug/alcohol test when behavioral observations indicate to the employee's supervisor that any employee may be involved in illegal use of a controlled substance, use of alcohol, or abuse of legal drugs. Before testing, the employee's supervisor shall either (1) contact another supervisor to observe the employee's behavior and to concur with the decision to test the employee or (2) review the employee's behavior with another supervisor to obtain concurrence with the decision to test the employee. The employee shall be promptly escorted to the collection site for testing by the employee's supervisor or designee;
- d. Employees arrested or convicted for the off-the-job use or possession of illegal or controlled substances shall undergo testing to assist Russell County Commission in determining fitness for duty. If the employee tests positive, the Russell County Commission shall discharge the employee;
- e. **Post-Accident Testing:** All employees are required to report all injury or damage related accidents and submit to a post-accident drug/alcohol test as set out in this policy. 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 their designee shall schedule the drug screening test immediately following a reportable incident or a reportable accident; and
- f. **Return-To-Duty Testing:** If an employee has violated the prohibited drug and alcohol rules, they must take and pass a drug and alcohol test before returning to work. Further, any employee who has violated the prohibited drug and alcohol rules is required to take a drug and/or alcohol test before returning to safety-sensitive functions for *any* DOT regulated employer and is also subject to unannounced follow-up testing at least six times in the first 12 months following a return to active safety-sensitive service.

2. Any and all drug testing conducted by the Russell County Commission will not be used to identify the existence of any disability.

3. In the event there is reasonable suspicion of a violation of this policy, the Russell County Commission also reserves the right to search all property, cabinets, tool boxes, vehicles, including personal vehicles brought onto Russell County Commission's property or any other property on the Russell County Commission's property, under control of any employee or in the personal vehicle of any employee and located on the Russell County Commission's property and used by said employee in commuting to work or in that employee's duty as an employee.

E. Safety-Sensitive Employees

1. Employees are considered to be "safety-sensitive" when their job duties regularly require them to engage in activities that have the potential to cause physical injury to themselves or others or to cause serious property damage. Such activities include, but are not limited to:

- a. Maintaining or repairing motor vehicles or heavy equipment, including, but not limited to, bulldozers, tractors and riding mowers;
- b. Maintaining or repairing tools that have the capacity to seriously injure the user or another person, including, but not limiting to, chainsaws or weed-eaters;
- c. Regularly operating motor vehicles or heavy equipment as part of their job duties, including equipment such as tractors or riding mowers for which licensure is not required by the State of Alabama;
- d. Regularly operating tools that have the capacity to seriously injure the user or another person;
- e. Loading and unloading vehicles or heavy equipment;
- f. Any activity related to the safe operation of a mass transit system, including dispatching vehicles;
- g. Carrying any weapon, or object for the purpose of performing job duties that could reasonably be used as a weapon, including, but not limited to, firearms, knives, machetes, blades, tasers, or batons;
- h. Answering emergency calls and/or directing the provision of emergency services;
or
- i. Providing emergency medical services.

2. A list of positions that have been designated as safety-sensitive by Russell County is available for view with the Human Resources Director. Some safety-sensitive positions are specifically subject to regulation by the Department of Transportation (DOT). These positions are indicated by an asterisk. An accredited testing laboratory will maintain two different random testing pools, including one pool for persons specifically subject to regulation by DOT and one pool for all other safety-sensitive employees.

3. All employees are subject to drug and alcohol testing when there is reasonable cause to believe that they have violated this policy and after any accident involving physical injury or serious property damage. However, employees who have been designated as safety-sensitive are also subject to pre-employment testing and random testing. Random drug tests can be performed any time a safety-sensitive employee is on duty. An alcohol test can be performed when the safety-sensitive employee is performing a safety-sensitive duty, just before or just after the performance of a safety-sensitive duty.

4. Medical marijuana prescribed pursuant to State law is not a valid explanation for a positive test result for a safety-sensitive employee. Employees may not perform safety-sensitive functions while taking medical marijuana. Employees who are prescribed medical marijuana in accordance with State law must inform Employer of their prescription prior to first use. Reasonable accommodations will be made for an employee who complies with this procedure, depending on the individual circumstances; however, failure to properly report may result in termination for cause.

5. In addition, employees occupying positions deemed to be “safety-sensitive” must promptly report any arrests, charges or convictions for drug or alcohol related criminal offenses, including both misdemeanors and felonies, to their supervisor. **Failure to report such arrests, charges or convictions may be grounds for discipline, up to and including immediate dismissal.**

F. Necessity of Compliance with Testing Requirements

1. All employees are subject to reasonable suspicion and post-accident testing as a condition of their employment. In addition, all safety-sensitive employees will be subject to pre-employment and random drug and alcohol testing urine, breath, or any other method approved by the Department of Transportation as a condition of employment.

2. Any employee who refuses to take a drug and/or alcohol test to which they are properly subject shall be considered to have a verified positive test result. An employee who has a verified positive test result, including by refusal, shall be immediately removed from their duties and may be subject to immediate termination. In addition, any employee subject to DOT regulations will receive educational and rehabilitative information and a referral to a Substance Abuse Professional.

- a. Refusals can include a variety of behaviors, including the following:
 - i. Failure to appear for any test (except for pre-employment) within a reasonable time, as determined by the Russell County Commission;
 - ii. Failure to remain at the testing site until the testing process is complete;
 - iii. Failure to provide a urine specimen for any required drug test;
 - iv. Failure to permit the observation or monitoring of the specimen collection when required to do so;
 - v. Failure to provide a sufficient amount of urine when directed without an adequate medical explanation for this failure;
 - vi. Failure to take a second test when directed to do so by the Russell County Commission or collector;
 - vii. Failure to undergo a medical examination when directed to do so by the MRO or the Russell County Commission;
 - viii. Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, or fail to wash hands after being directed to do so by the collector);

- ix. Failure to follow the observer's instructions during an observed collection, including instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process;
- x. Possess or wear a prosthetic or other device that could be used to interfere with the collection process;
- xi. Admit to the collector or MRO that the specimen has been adulterated or substituted;
- xii. Failure to sign step two of the alcohol test form; or
- xiii. Leaving the scene of an accident without a valid reason before post-accident tests have been completed. Failure to remain "readily available."

G. Off-Duty Conduct

1. 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.

H. Prescription Drugs

The proper use of medication prescribed by a physician is not prohibited; except that safety-sensitive employees may not use medical marijuana; however, the Russell County Commission prohibits the misuse of prescribed and/or over-the-counter medications or other intoxicating substances and requires all employees using drugs at the direction of a physician to notify the Russell County Commission's Medical Review Officer (MRO) or their Drug Program Coordinator/Human Resources Director, when these drugs may affect their job performance, such as by causing drowsiness, dizziness, or otherwise interfered with performance or cognition. Employees may not perform safety-sensitive functions while using any controlled substances, unless the employee's physician certifies that the substances will not adversely affect the employee's ability to perform their job. All employees should also be aware that the use of such medications will not excuse misconduct or violations of policy; however, depending on the circumstances, an employee may be entitled to a reasonable accommodation if they inform their supervisor of their need to use such substances prior to an incident.

Employees should be aware that there is a risk that the use of certain supplements and topical lotions, oils, creams, etc., including, but not limited to, products containing CBD oils, may cause a positive drug test result. The use of such products may not provide a medical justification for a positive test result.

I. Persons Subject to Testing

1. All safety-sensitive applicants shall undergo urine drug testing using either urinalysis or any other method approved by the Department of Transportation prior to performing safety-sensitive duties. This requirement also affects employees who are not in safety-sensitive positions

who seek reclassification into a safety-sensitive position. Receipt by the Russell County Commission of a negative test result is required prior to performing safety-sensitive duties in a covered position. A cancelled test result is not acceptable and must be retaken. If the applicant has a positive pre-employment drug test, they cannot be hired for a safety-sensitive position.

2. A negative result on a pre-employment test by a job applicant is valid for thirty days. If a current covered employee has not performed a safety-sensitive duty for 90 days or longer and has been removed from the random pool, the employee must submit to a new pre-employment test and receive a negative result before resuming safety-sensitive duties.

3. Any person who is subject to DOT testing will be required to undergo pre-employment testing if they have been removed from the DOT random testing pool for more than 30 days.

4. An MRO may report negative pre-employment test results for individuals who are unable to provide sufficient volume due to permanent disability but has a medical evaluation that indicates no chemical evidence of illegal drug use.

5. All applicants for safety-sensitive positions will be notified in writing that they will be required to undergo pre-employment/reclassification drug testing prior to their employment and that they will be subject to drug and alcohol testing throughout the period of their employment. Applicants will acknowledge in writing their understanding of these provisions for their application and employment. The Russell County Commission will retain on file the negative drug test results of all new hires.

6. In addition to undergoing pre-employment testing, applicants for a safety-sensitive position will be asked to sign forms for release of information from any previous employer for whom the applicant performed safety-sensitive functions. Failure to sign this form will result in not being hired. When a covered applicant has previously failed a pre-employment drug test with a prior employer, the employee must present proof of having successfully completed a referral, evaluation and treatment plan.

J. Reasonable Cause

1. All employees (whether or not safety-sensitive) will be required to submit to screening whenever a supervisor observes circumstances which provide reasonable cause to believe an employee has used a controlled substance or has otherwise violated the substance abuse rules. Examples of circumstances that may establish reasonable cause to warrant testing include supervisor observation, co-worker complaints, performance decline, attendance or behavior changes, involvement in workplace or vehicular accident or other actions which indicate a possible error in judgment or negligence or other violations of the drug or other Commission policy. Before testing the employee, another supervisor shall be contacted to observe the employee's behavior and to concur with the decision to test the employee or the observing supervisor will review the employee's behavior with another supervisor either face to face or via telephone to obtain concurrence with the decision to test the employee. The documentation of the employee's conduct shall be prepared and signed by the witnesses within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier.

2. Upon the reasonable suspicion determination being made, the Russell County Commission shall ensure that the employee is transported immediately to a collection site for the collection of a urine sample. The employee shall be counseled not to drive a vehicle and a supervisor shall provide transportation for the employee to the collection site.

3. All persons designated to make a determination that reasonable suspicion exists to require an employee to undergo testing under this provision shall receive at least 60 minutes of training on both alcohol and controlled substance use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

4. Any employee refusing to submit to reasonable suspicion testing or any employee having a positive drug and/or alcohol test will be terminated.

K. Random Testing

1. The Russell County Commission will conduct random unannounced screening of all designated employees at unannounced times throughout the year. An accredited laboratory will maintain two computerized random testing pools including one DOT pool and one non-DOT pool. There will be no maximum number of samples that any one individual will be required to provide during the testing schedule in either pool.

2. **Employees will be required to report to the designated collection site for testing as soon as possible, but in no case later than two hours following notification.** Failure to report for drug/alcohol screening within two hours of notification will be treated as a positive test result.

L. Post-Accident Testing

1. Employees are required to immediately notify the Drug Program Coordinator/Human Resources Director or designee of any accident resulting in injury or damage to any County property or personnel.

2. Each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to an accident shall provide a urine specimen to be tested for the use of controlled substances and/or alcohol as soon as possible after the accident, but in no case later than eight hours for alcohol testing and 32 hours for drug testing.

3. Employees will be required to undergo drug and alcohol testing using urine, breath, or any other method approved by the Department of Transportation if they are involved in an accident that results in a fatality. A post-accident test will also be conducted in situations where there is no fatality but the following occurs: (1) an individual requires immediate transport to a medical treatment facility as a result of collision or non-collision; (2) any time one or more vehicles incur disabling damage that prevents any of the vehicles involved from leaving the scene of the occurrence in its usual manner in daylight after simple repairs; or (3) with respect to any occurrence in which a vehicle including a mass transit vehicle (rail car, trolley car, trolley bus or vessel) is removed from operation. In a non-fatal accident as previously described, post-accident testing will

be conducted, unless the operator's performance (and any other covered employees whose performance could have contributed to the accident) can be completely discounted as a contributing factor to the accident as determined by the Russell County Commission using the best information at the time of the decision. In addition, drug screening and alcohol screening will be required for any driver receiving a citation for any moving violation resulting from an accident.

4. After notification of any accident, the County will arrange for the employee to be taken as soon as practicable to the collection site designated by the County. The supervisor or designee will schedule the employee and assure that they are tested the same day as the reportable accident, if possible.

5. If an employee is injured, unconscious or otherwise unable to evidence consent to the drug test, all reasonable steps must be taken to obtain a urine sample. A supervisor may elect not to test under these circumstances, but such a decision must be made based upon information received as a result of an investigation of the accident. *Nothing in this document should be construed to require the delay of necessary medical attention for injured people following an accident or prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.*

6. Any employee subject to post-accident testing must refrain from consuming alcohol or taking any controlled substance for eight hours following an accident or until they submit to an alcohol test, whichever comes first. As stated above, the employee will be tested not to exceed eight hours following an accident for alcohol and not to exceed 32 hours post-accident for drug testing. If there is a delay of greater than two hours for an alcohol test, a reason must be given in writing, retained in a file for possible later referral and the employer must still attempt to administer an alcohol test for up to eight hours following the accident or until the employee undergoes a post-accident alcohol test.

7. An employee who is subject to post-accident testing must remain available and follow these guidelines or the County may consider the employee to have refused to submit to testing.

8. The Commission will discipline or terminate any employee who fails to report an accident or submit to substance screening where required by law or this policy. The Drug Program Coordinator/Human Resources Director shall ensure that an accident report is filed in compliance with Commission policy and applicable laws and regulations.

M. General Testing Procedures

1. The Russell County Commission will contract with a properly certified testing laboratory that will ensure that all proper testing procedures are followed in accordance with this Policy and all applicable laws. The following is a list of the general procedures that will be followed for all drug and alcohol testing, regardless of the reason why the test is being performed:

- a. All testing procedures, including collections, will be performed by certified technicians and/or laboratories;
- b. Upon arrival at the collection site, the employee must provide proof of

identification. The employee will be required to read and sign the controlled substance testing consent form provided by the County. The signature shall be witnessed by the collector. Acceptable proof of identification shall be a current driver's license, with photo, other form of picture identification or identification by a County representative;

- c. The employee shall complete a drug testing custody and control form;
- d. The Drug Program Coordinator/Human Resources Director shall notify the employee directly of the results of any positive drug test in order to give the employee an opportunity to challenge the findings. The County may, but shall not be required to, reanalyze the employee's original sample to clarify the findings;
- e. Controlled substance testing must follow split sample procedures. Under this provision, an employee whose urine sample has tested positive for a controlled substance has the option of having the other portion of the split sample tested at another laboratory. The employee must notify the County within 72 hours after notification of a positive sample that they desire a retest under this provision;
- f. If a split sample test produces a negative result or if their second portion is not available, the test is considered negative, and no sanctions will be imposed; and
- g. All persons who receive information by County regarding drug tests shall maintain this information on a confidential basis.
- h. In the event that the United States Department of Transportation approves additional and/or alternative testing methods, devices, or procedures, including, but not limited to, Oral Fluid Testing, Employer reserves the right to utilize such methods, devices, or procedures as allowed in the applicable regulations.

2. Both the Russell County Commission and the laboratory shall rely, when practical, on the guidance of the Federal Department of Transportation's procedures for transportation workplace drug testing programs.

N. Substances Tested For

1. DOT employees will regularly be tested for:
 - a. Marijuana (THC Metabolite);
 - b. Cocaine;
 - c. Amphetamines (including when appropriated, amphetamine, methamphetamine, MDMA, and MDA);
 - d. Opiates (including codeine, morphine, heroin, hydrocodone, hydromorphone, oxycodone, and oxymorphone);
 - e. Phencyclidine (PCP); and
 - f. Alcohol
2. Non-DOT employees may be tested for other substances without advance notice. DOT employees may also be separately tested for other substances without advance notice by the County for safety purposes. Such tests will be coordinated with the Drug Program Coordinator/Human Resources Director.

O. Collection Sites

1. The Russell County Commission will designate a collection site in a reasonably accessible location.

P. Collection Procedures

1. Drug testing is conducted by analyzing an employee's urine specimen. The analysis is performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS). The employee provides a urine specimen in a location that affords privacy. The collector seals and labels the specimen, completes a chain of custody document and prepares the specimen and accompanying paperwork for shipment to a drug-testing laboratory. The specimen collection procedures and chain of custody ensure the specimen's security, proper identification and integrity is not compromised.

2. Split specimen procedures:

- a. Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen;
- b. Both bottles are sent to a laboratory;
- c. Only "primary" specimen is opened and used for analysis;
- d. "Split" specimen remains sealed and stored at the laboratory;
- e. If the "primary" specimen confirms the presence of illegal, controlled substances, the employee has 72 hours to request in writing the "split" specimen be sent to another DHHS certified laboratory for analysis;
- f. If it is positive for one or more of the drugs, then a continuation test is performed for each drug using state-of-the-art gas chromatography/mass spectrometry ("GC/MS") analysis; and
- g. GC/MS confirmation ensures that over-the-counter medications or prescriptions are not reported as positive results.
- h. Any portion of a sample provided during the collection event will be discarded if an employee fails to provide a sufficient specimen by the end of the three-hour wait period.

3. Direct Observation.

- a. Observed collections are required in a number of situations for DOT employees. Any employee subject to a drug test may also be required to undergo observed collection. The purpose of direct observation is to guard against employee attempts to mask the testing process. Observed collections are required in the following circumstances:
 - i. All return-to-duty tests;
 - ii. All follow-up tests;
 - iii. Anytime the employee is directed to provide another specimen, because the temperature on the original specimen was out of the accepted temperature range

- of 90 – 100 degrees Fahrenheit;
- iv. Anytime the employee is directed to provide another specimen because the original specimen appears to have been tampered with;
 - v. Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
 - vi. Anytime the employee is directed to provide another specimen, because the laboratory reported to the MRO that the original specimen was invalid and the MRO determines that there is not an adequate medical explanation for the result; or
 - vii. Anytime the employee is directed to provide another specimen, because the MRO determined that the original specimen was positive, adulterated or substituted, but had to be cancelled because the test of the split specimen could not be performed.
- b. The employee who is being observed will be required to raise their shirt, blouse or dress/skirt as appropriate, above the waist, lower clothing and underpants and turn around completely at the direction of the observer in order to show that they are not wearing any prosthetic device.
 - c. When necessary, a Russell County Commission representative or medical personnel may obtain a specimen outside of a designated collection site (such as the emergency room following an accident investigation, etc.).

Q. Alcohol Testing Procedures

1. 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 hours prior to going on duty.*** A Blood Alcohol Content (BAC) of 0.04 will be accepted as presumptive evidence of intoxication.

2. Any employee may be subject to alcohol testing either 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. Safety-sensitive employees with a BAC of 0.02 will be immediately removed from their safety-sensitive duties for a period of at least 24 hours.

3. All alcohol tests will be conducted using evidentiary breath testing devices approved by the National Highway Traffic Safety Administration by a properly trained person. Any result showing greater than a 0.02 BAC will be repeated.

R. Evaluation and Return of Results

1. The MRO will be responsible for reviewing the quantified test results of employees and confirming that the individuals testing positive have used drugs in violation of policy. Prior to making a final decision, the MRO shall give the individuals testing positive an opportunity to discuss the result either face to face or over the telephone. If the test result is negative dilute, the MRO may decide that the employee must take another test. If this second test results in a negative

dilute result, the test will ordinarily be considered to be a negative and no additional testing will be required unless the MRO so directs.

- a. The MRO shall then promptly tell the Drug Program Coordinator/Human Resources Director which employees or applicants test positive.

S. Request for Retest

1. An employee may submit a written request for a retest of the original specimen within 72 hours of receipt of the final test results. Requests must be submitted in writing to the Drug Program Coordinator/Human Resources Director. The employee may be required to pay the associated costs of retest in advance but will be reimbursed if the result of the retest is negative.

T. Release of Test Results

1. Except where otherwise specifically required by law, employee drug testing results and records are maintained under strict confidentiality by the Russell County Commission, the drug testing laboratory and the Medical Review Officer. They cannot be released to others without the written consent of the employee. Exceptions to this confidentiality are limited to DOT agencies when license or certification actions are required or to the decision-maker in arbitration, litigation or administrative proceedings arising from a positive drug test.

2. However, all employees will be required to execute a consent/release form permitting the Russell County Commission to release test results and related information to the Department of Industrial Relations or other relevant government agency. Applicants for safety-sensitive positions will also be required to execute a consent/release form permitting the Russell County Commission to review records of previous drug and alcohol testing information.

U. Retention of Records

1. All records will be maintained so as to preserve confidentiality and prevent unauthorized persons from accessing, releasing or tampering with records. The following records will be maintained:

- a. Records related to the collection process, including:
 - i. Collection logbooks, if used;
 - ii. Documents relating to the random selection process;
 - iii. Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol tests;
 - iv. Documents generated in connection with decisions on post-accident drug and alcohol testing; and
 - v. MRO documents verifying existence of a medical explanation of the inability of an employee to provide adequate urine or breath sample.
 - vi. Records related to test results:

1. The employer's copy of the custody and control form;
 2. Documents related to the refusal of any employee to submit to a test; and
 3. Documents presented by an employee to dispute the result of a test.
- vii. Records related to referral and return to duty and follow-up testing, including records of any DOT employee's entry into and completion of the treatment program recommended by the substance abuse professional.
- viii. Records related to employee training:
1. Training materials on drug use awareness and alcohol misuse, including a copy of the employer's policy on prohibited drug use and alcohol misuse;
 2. Names of employees attending training on prohibited drug use and alcohol misuse and the dates and times of such training;
 3. Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for drug and alcohol testing based on reasonable suspicion; and
 4. Certification that any training conducted under this part complies with the requirements for such training.
- ix. Copies of any annual MIS reports submitted to FTA.
- b. The following records will be maintained for no less than five years:
- i. records of verified positive drug or alcohol test results;
 - ii. documentation of refusals to take required drug or alcohol tests;
 - iii. referrals to the substance abuse professional; and
 - iv. copies of annual MIS reports submitted to FTA.
- c. The following records will be maintained for no less than two years:
- i. records related to the collection process and
 - ii. employee training
- d. The following records will be maintained for no less than one year:
- i. records of negative drug or alcohol test results, with the exception that all post-accident testing records will be maintained for at least three years after an accident.

V. Employee Education and Training

1. The Russell County Commission will provide written information on drug/alcohol use and treatment resources to safety-sensitive employees. The Russell County Commission will provide training for employees on the dangers of controlled substance use annually. All

supervisors of safety-sensitive employees must also attend one hour of training on the signs and symptoms of drug abuse. The training is necessary to assist supervisors in making appropriate determinations for reasonable suspicion testing and decisions regarding work assignments.

W. Employment Assessment

1. Any safety-sensitive employee or applicant who tests positive for the presence of illegal drugs and/or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended or has refused to submit to a drug or alcohol test (except in the case of an applicant) will be referred to a Substance Abuse Professional (SAP). A SAP can be a licensed physician (Medical Doctor or Doctor of Osteopathy) or a licensed or certified psychologist, social worker or employee assistance professional with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders or an addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission. The SAP will follow the protocols and meet the requirements defined in 49 CFR part 40. All employees and applicants will be given contact information for a USDOT qualified SAP if they test positive.

X. Employee Assistance Programs (EAP)

1. The County's EAP shall include:
 - a. Education and training for employees regarding drugs and alcohol; and
 - b. Education and training for supervisors regarding drugs and alcohol, including:
 - i. Effects and consequences of substance use on personal health, safety and work;
 - ii. Manifestations and behavioral causes that may indicate substance use;
 - iii. Documentation of training provided; and
 - iv. A written statement on file and available at the Commission office outlining the EAP.
 - c. The Drug Program Coordinator/Human Resources Director or their designee should be contacted for further guidance.

Y. Investigation/Searches

1. Where a supervisor has reasonable cause to suspect that an employee has violated the substance abuse policy, they may inspect vehicles which an employee brings on the Commission's property, lockers, work areas, desks, purses, briefcases, tool boxes or other belongings and at locations where County related activities are being conducted without prior notice in order to ensure a work environment free of prohibited substances. An employee may be asked to be present and remove a personal lock. Where the employee is not present or refuses to remove a personal lock, the Drug Program Coordinator/Human Resources Director will do so for the employee. The Commission may release any illegal or controlled drugs or paraphernalia to appropriate law enforcement authorities.

2. All searches should be coordinated with the Drug Program Coordinator/Human

Resources Director or their designee.

Z. System Contacts

1. Any questions regarding this policy or any other aspect of the drug free and alcohol-free transit program should contact the following transit system representative:

a. Designated Russell County Commission Representative/Program Manager:

Title: Human Resources Director
Address: 1000 Broad Street
Phenix City, AL 36867
Telephone #: (334) 298-6426

EMPLOYEE HANDBOOK ACKNOWLEDGEMENT FORM

I have received a copy of the Russell County Commission Employee Handbook. I am aware that the policies in the Employee Handbook are not intended to be all inclusive and are subject to change at any time at the sole discretion of the County Commission. The policies in the Employee Handbook are not an expressed or implied contract of employment. I understand that my employment is terminable at will by me or by the employer.

Printed Employee Name

Employee Signature

Date