# Fayette County Policy and Procedure Manual Index


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## PURPOSE

The purpose of this policy is to provide guidelines on the development and management of organizational policies utilizing a consistent format and process for the development, revisions and maintenance of policies.

## POLICY

There shall be consistent and uniform process for the development, maintenance, distribution and management of policies developed by Fayette County Government and its various programs.

## PROCEDURE

### Format

Policy development shall include the following three principal elements.

1. Purpose: Why it's being written.
2. Policy: What will be accomplished?
3. Procedure: How it will be done.

### Development

When the need for a policy is identified or a change to an existing policy is indicated, an initial draft will be written. The responsibility for the initial draft may be assigned to any member of the Department. All drafts will include a "DRAFT" watermark and new language will be highlighted and deleted language will have strikeouts. Once written, the initial draft will be submitted to staff for review. Drafts will be returned to the originator with comments within ten days (originator must be sure to include his/her name on initial draft). The originator will make changes based on staff comments and submit the modified draft to the appropriate Manager who will decide whether to resubmit for further review or to finalize the policy. Upon approval, it will be prepared for publication and distribution. The "DRAFT" heading will not be removed until this point in time. Policy numbers will be assigned by the Department Director however they shall adhere to the following format:

Note: Policies developed requiring Board of Commissioner's approval shall follow the approval process outlined in the Administrative Process Policy 100.05.

The following number scheme shall be utilized for policies.

| | |
|---|---|
| Administrative Policies: | 100.00 |
| Operational Policies: | 200.00 |
| Fiscal Policies: | 300.00 |
| Human Resource Policies: | 400.00 |

**Distribution**

Complete sets of policies and procedures will be maintained in the following locations:

1 County Clerk
1 Individual Departments
1 Human Resources Department

Employees may check out available volumes of these policies and procedures from their respective departments.

**Maintenance of Volumes**

Individuals with assigned sets are charged with the responsibility of maintaining them in a current state (removal of outdated pages and insertion of new ones).

It will be the responsibility of the Department Managers to see that all personnel are informed of (and trained in, when necessary) new or updated policies and procedures. It will also be their responsibility to insure that all sets within their jurisdiction are maintained in a current state.

Any revisions to the original volumes will contain a cover sheet which will state pages to be removed and pages to be replaced. Each revision cover sheet will be given a supplement number. This cover sheet will be kept in the front portion of Volume 1 until the end of the calendar year. At that time a memorandum will be posted indicating the supplement numbers distributed throughout the year. Copies of any missing supplements (revisions) to bring designated volumes up-to-date can be requested up to the date listed on the memorandum. Once all supplements have been included in the Policy and Procedures volumes, all cover sheets for the previous calendar year then can be purged.

Sets assigned to other divisions or offices should be maintained by the supervisor of each area.

## PURPOSE

The purpose of this policy is to provide the Board of Commissioners and staff guidance for the establishment of the Board's Public Meeting and Workshop Agendas.

## POLICY

There shall be a uniform process for the placement of requests on the Agenda requiring Board of Commissioner action during the regularly scheduled meetings of the Board of Commissioners.

## PROCEDURE

The following procedure shall be adhered to for the establishment of the Board's Agenda.

1. Schedule: All requests for placement of an item on the Boards Agenda shall be submitted a minimum of two weeks in advance of the requested Agenda date.

2. Submittal:

    a. Division Directors and Department Heads shall have primary responsibility for the placement of their requests on the Board's Agenda.

    b. Material to be submitted shall consist of an Agenda Request and sufficient background information relative to support the request.

        - All submittals shall be done electronically in a PDF format.
        - Division Directors and Department Heads shall have primary responsibility to ensure that all approvals for the request have been completed.

    c. Late submittals will be deferred to the next scheduled meeting unless there is a compelling reason to adjust the Board's Agenda (adverse legal consequences, adverse fiscal consequences) etc. and then only upon approval of the County Administrator.

    d. Staff Reports shall be limited to providing the Board with information only, reports requiring an action by the BOC shall be properly placed on the Agenda.

3. Review: The Chairman of the Board of Commissioners, County Administrator and Executive Assistant will conduct a formal review of the proposed Agenda prior to the publication of the Agenda.

4. Publication: The Board's Final Agenda shall be published on the Friday preceding the Scheduled Agenda date. The Agenda shall be made available to the general public via the County Web-Site. Departments can utilize either the Web Site or the Common Drive to review and print the Agenda.

## PURPOSE

The purpose of this policy is to provide administrative guidance for the development and or amendment of County codes, ordinances, rules or regulations and policies utilizing a consistent format and process for these initiatives.

## POLICY

There shall be a consistent, equitable and uniform process for the development and or revisions to County Codes, ordinances or regulations to ensure that the Board of Commissioners as the policy setting body of the County are involved in the process and approve any initiatives to create, delete or modify current programs.

## PROCEDURE

### Approving Authority

Development or amendment to County codes, ordinances, or regulations can originate from multiple sources. To ensure that the Board of Commissioners have given appropriate approval for the development or amendment of same, any initiative to create, amend or delete shall adhere to the following process:

1. All initiatives shall be properly vetted.

    a. Staff Proposals: Shall be submitted to the Board with an Agenda Request Form. Included with the Agenda Request Form will be the Executive Summary, a Memorandum detailing the staff requests with substantiation and any additional documentation that may be required for a full understanding of the issue. The appropriate staff member will present the proposal to the Board.

    b. Commissioner Proposals: Commissioners will submit proposals to the County Administrator. The County Administrator will place the item on the agenda. Agenda Request Form will be the Executive Summary, a Memorandum detailing the staff position and any additional documentation that may be required for a full understanding of the issue. The originating Commissioner will present the proposal to the full Board for consideration.

    c. Citizen Proposals: A citizen may submit a proposal when all other available remedies for their particular situation have been exhausted. A Citizen Request will be completed by the citizen and forwarded to the Administration Department. The County Administrator will decide whether or not to place the item on the agenda. Nothing prevents a citizen from discussing a specific request or make comments during the Public Comment Period at regularly scheduled meetings of the Board of Commissioners.

d. Various advisory groups may initiate a proposal for consideration. Such bodies shall utilize designated staff liaisons for submittal of proposals to the Board of Commissioners.

**Maintenance**

The Office of the County Clerk shall have primary responsibility for the maintenance of all current codes, ordinances, rules/regulations and policies consistent as outlined in Policy 100.01.

## PURPOSE

The purpose of this policy is to provide guidelines for the issuance, approval, and fees associated with the granting of permits for filming by television companies, movie companies, or other media in Fayette County.

## POLICY

Fayette County requires a Film Permit to be obtained by any person, company or agency filming on County-owned property, County road right-of-way or inside County buildings. There shall be a consistent and uniform process for the issuance of Film Permits in Fayette County.

## PROCEDURE

### 1. Obtaining and Submitting Film Permits

A. Film Permits may be obtained through Fayette County's Administration Office upon meeting the conditions set out in this policy. An application for a film permit can be obtained by contacting said office.

B. An application for a Film Permit should be accompanied by a copy of a Certificate of Liability Insurance for the person, company or agency filming, with no less than $1,000,000 of liability insurance. The Certificate of Liability should list the "Fayette County Board of Commissioners" as additional insured.

C. In the event that special provisions are made to secure locations, including parking areas, for traffic enforcement, or other items/issues of an exclusive nature, supporting documentation should be attached to the Film Permit Application.

D. Upon request by the County, a copy of the portion of the script of the scene that will be filmed on Fayette County property must be included with the Film Permit Application.

### 2. Review of Submitted Film Permit Applications

E. A Film Permit Committee is hereby established and will consist of the Fayette County Administrator, the County Clerk to the Board of Commissioners, and the Sheriff, or their designees.

F. The Film Permit Committee shall review the portion of the script of the scene that will be filmed on County property. Fayette County reserves the right to issue or deny a film permit based on script content described in the script provided. The Committee may request further information or explanation of script content.

G. Fayette County reserves the right to issue or deny a Film Permit based on expected disruption to the County's business/operations and in cases deemed to be detrimental to the County's best interests.

H. The Film Committee shall reach a consensus on whether or not a Film Permit should be issued and shall have the authority to approve or deny the request for a permit. If consensus cannot be reached, the final decision shall be made by the County Administrator.

I. Every effort will be made by Fayette County to expedite the processing of a Film Permit Application. However, if the timeframe for which the Permit is needed is not deemed reasonable by the County for processing, Fayette County reserves the right to reject an application for a Film Permit immediately upon receipt.

## 3. Film Permit Fees

J. A fee shall be charged for filming at Fayette County's properties or buildings in the following amounts:

a. One Hundred Dollars ($100) per day for filming at passive locations that do not produce excessive disruption to routine County business/operations or to the general public.

b. Five Hundred Dollars ($500) per day for filming at active locations that may produce excessive disruption to routine County business/operations or to the general public.

## 4. Retention of Film Permit Records

K. At the conclusion of the application process and granting of a Film Permit, two copies of the Film Permit should be signed by the County Administrator or in his absence by the County Clerk to the Board of Commissioners, and by the authorized representative of the company or agency applying for the permit. One copy of the approved permit, along with any supporting documentation, should be kept on file in the County's Office of Administration. The second copy shall be kept on the site of the filming and is the property of the person listed on the permit application. Electronic copies of these documents may also be kept in the same manner as described.

# Film Permit Application

## General Information

Fayette County requires a Film Permit to be obtained by any person, company or agency filming on County-owned property, county road right-of-way or inside County buildings.

Fees: $100/day for filming at passive locations that do not produce excessive disruption to routine County business/operations or to the general public.

$500/day for filming at active locations that may produce excessive disruption to routine County business/operations or to the general public.

Certificate of Liability Insurance is required for the person, company or agency filming, with no less than $1,000,000 of liability insurance. The Certificate of Liability should list the "Fayette County Board of Commissioners" as additional insured.

Production Company Name:

_____

Company Address:

_____

Email_____Phone_____Fax_____

Applicant Name:

_____

Email_____Phone_____

On-Site Contact:

_____

Email_____Phone_____Fax_____

Type of Filming:

| | | |
|---|---|---|
| ____Commercial | ____Music Video | ____Multimedia CD/DVD/Internet |
| ____TV Movie | ____Feature Film | ____Documentary |
| ____TV Series | ____Stills | ____Sports/Exercise |

Film Location Address:

_____

Prep/Film Dates/Times:

_____

Cast/Crew size:

_____

Equipment:

_____

Vehicles:

_____

Parking Plans:

_____

## PURPOSE

The purpose of this policy is to provide guidelines for the disposition of requests for assistance with the interment or cremation of deceased persons who are determined to be "indigent" and for whom no other responsible party is available to provide for the final arrangements of the decedent.

## POLICY

In accordance with Georgia law, the governing authority of all counties is required to provide for the "decent interment" of eligible deceased persons. Requests for assistance by the County are processed by the Office of the Board of Commissioners. A determination of eligibility for assistance is made through a variety of means, depending upon the circumstances involved in each request. Requests for assistance come from numerous sources, including but not limited to:

1. The deceased is discovered by a Public Safety agency and no family is found;

2. The deceased died at Piedmont Fayette Hospital or other care facility inside Fayette County and no family is available or family is not able to pay final expenses;

3. Family of the deceased contacts the County because there are no funds or assets available from the estate of the deceased or from family to pay for burial;

4. The County is contacted by a funeral home that has had contact with the family of a deceased who has no visible means for paying burial expenses;

5. The Department of Family and Children's Services refers clients to the County;

6. The deceased has a legal guardian who is not able to pay burial expenses;

7. Other.

Requests for assistance will be processed in accordance with the Procedure outline below. The process allows for careful consideration of all circumstances involved with each request and for discretion to be used in each case. However, no exceptions will be made to the following:

1. The deceased must have died in Fayette County;

2. If cremation is the option chosen, all requirements for creation in Georgia must be met;

3. No funds are paid to family members, guardians, heirs or others involved in the application for assistance from the County. The County must receive an invoice from a funeral home or crematory to which payment will be made;

4. Payment by the County will not include any expense for any type of funeral service, such as a "viewing" or "wake";

5. If an inmate dies while in the Fayette County Jail, all applicable requirements shall be met, based on whether or not the inmate is a "state" or "county" inmate, whether or not the inmate can be considered indigent, and circumstances surrounding the inmate's death.

**PROCEDURE**

**1. Receiving and Review of Applications for Assistance**

Requests for assistance with final expenses for eligible deceased persons are processed by the County Clerk for the Board of Commissioners or his/her designee. An application form must be completed by staff for evaluation. At a minimum, the application shall include such information about the deceased as circumstances of his/her death, and details about the financial condition of the deceased.

**2. Determining Eligibility for Assistance by the County**

The County shall evaluate the financial situation of the deceased by using whatever means necessary. The County may consider receipt of Social Security Disability, Food Stamps, or Medicaid benefits as a substantial element of eligibility. Proof of these benefits can be obtained from the Department of Family and Children's Services or from the Social Security Administration, if proof is not provided by a family member, guardian, or other associate. National Poverty Guidelines may be considered. Every effort will be made to determine if the deceased owned assets sufficient to warrant the effort necessary for the County to obtain the asset(s) in order to recover funds paid out by the County toward final expenses.

Next-of-kin, guardians, case workers, neighbors and others may be interviewed as a part of the process of determining indigence of the deceased.

Effort should be made to determine if next-of-kin or the legal guardian of the deceased is able to contribute financially to the burial expense of the decedent.

**3. Determining Where Interment Shall Be**

The County owns a limited number of burial plots which are available for the remains of an eligible indigent person. When an application for assistance is received, a determination is made as to the availability of an existing burial plot for the deceased. If no plot is available, the County will provide a plot. If cremation is chosen and no one is available to accept the cremation remains, the County will likewise provide a place for burial of the cremation remains.

**4. Determining Final Arrangements**

The County Clerk for the Board of Commissioners or his/her designee will ensure that the final arrangements for the interment or cremation of an eligible decedent are made in a timely manner,

typically within 5 to 10 days. Once a determination is made that the County will provide indigent burial assistance, the Clerk is authorized to negotiate with funeral homes and/or crematories for the most reasonable and economical burial or cremation available. There is no obligation on the part of the County to use local providers of these services, as long as the chosen provider is licensed in the State of Georgia.

**Cremation.** Though cremation is an ever-increasing practice, it is not mandatory that remains of an eligible decedent for whom the County pays final expenses must be cremated. The County may offer next-of-kin the option of cremation of the deceased. If the next-of-kin agrees to cremation of the deceased, it shall be the responsibility of the service provider to ensure that compliance with State law occurs, including proper execution of all required documentation. The service provider shall be the primary custodian of said documents. When there is no known next-of-kin, guardian, or other party involved in the final arrangements of an eligible indigent decedent, the County *shall not* cremate the remains but will inter the remains in a burial plot provided by the County.

**5. Determining Level of Assistance**

Based on all available information concerning the eligibility of the deceased for burial assistance by the County, considering any availability of a donated burial plot, assets of the deceased, donations or contributions toward burial costs by family, friends, church members, or others, and negotiations with a funeral home or crematory, the County Clerk or his/her designee will determine the amount of funding Fayette County will pay to provide for the "decent interment" of the eligible deceased.

The County will only pay the cost of opening and closing the grave, an economy vault and an economy casket made of wood or metal. In the case of cremation, the County will only pay the cost of cremation which includes a standard container for the ash remains. On occasion, there may be a cost associated with transporting a body from a morgue or the State Crime Lab to a funeral home or crematory. The County will review this cost and will make a determination as to whether or not the County will pay this expense.

**6. Final Payment**

Upon receipt of an invoice from the approved funeral home or crematory, the County will pay the agreed upon cost for the final arrangements for the deceased.

## PURPOSE

The purpose of this policy is to provide guidelines for the use of property and buildings owned, leased or managed by Fayette County by eligible persons, agencies, organizations or groups other than the Fayette County Government.

## POLICY

Fayette County allows limited use of certain properties owned, leased, or managed by Fayette County (hereafter called "county property") by eligible persons, groups, and agencies under certain conditions. There shall be a consistent and uniform process for permitting use of Fayette County's buildings and grounds. This policy addresses use of all such properties in general and addresses in particular specific locations not addressed in the Fayette County Policy and Procedures Manual or otherwise.

### A. <u>Rules Pertaining to the Use of All Property Owned, Leased, or Managed by Fayette County</u>

*The following rules shall be applicable to all properties owned, leased or managed by Fayette County:*

1. All applicable federal, state, and local laws and ordinances shall be observed at all times on property owned, leased, or managed by Fayette County. In particular, laws regulating noise, lighting, signage, and the opening and closing times for county properties must be observed.

2. Requests for use of county grounds and buildings by other governments shall take priority over other applications. Requests which conflict with use of the property by county departments will not be considered. Activities which are deemed disruptive to the operation of county government will not be allowed.

3. County property shall not be reserved for commercial uses or use by "For-profit" entities. Commercial entities may be invited to participate in activities on county property sponsored and presented by a county department or by another eligible government or "Not-for-profit" entity which has express permission from the county to do so.

4. There shall be no fundraising on county property unless the activity is sponsored by a county department or another eligible government entity which has express permission from the county to do so.

5. The person or organization in whose name the reservation for use of county property has been made shall be the same person or organization responsible for conducting the activity. Applicants must be at least 21 years of age and must be a resident of Fayette County. The applicant shall be held responsible for ensuring that event attendees comply with the County's terms and conditions, particularly regarding the security and safe-keeping of county property, including buildings, grounds, and structures, interior and

exterior.

6. No smoking is permitted inside any county building or facility.

7. No alcohol use will be permitted on county property without the express approval of the Fayette County Board of Commissioners in accordance with Fayette County Ordinance No. 2009-05.

8. The County retains the right to charge a security deposit and/or fees to recover the cost of utilities, supplies, or personnel time required during or after an event. The County also reserves the right to require a waiver of liability and/or a Certificate of Insurance for the purpose of holding Fayette County harmless for injuries or death occurring on county property during an event.

9. County property must be left clean and orderly, including the removal of trash and debris, signage, flyers, and brochures or other materials used during the event. Failure to leave the county property clean and orderly can result in the denial of future requests. Any security deposit will be forfeited.

10. The County does not provide personnel to assist in the set-up for an event, assistance during an event, or clean-up after an event. The County does not provide supplies, equipment, or other materials needed to conduct an event.

11. No permanent fixture, appurtenance, or apparatus shall be affixed to county property. No action that leaves damages or defaces county property, including buildings, paved/concrete surfaces or walls, or permanently alters the appearance or condition of the county property shall be allowed. The County will take necessary appropriate action to recover the cost of repairs to damage to county property.

12. Reservations for the use of county property are granted on a "first come, first served" basis, assuming an application meets the terms and conditions of this Policy and unless otherwise noted. The County reserves the right to withdraw its approval of an event on county property if subsequent information suggests the event is not in the best interest of the community.

13. Political activities on county property.

    a. Political rallies or campaign activities or gatherings by or on behalf of any current candidate for public office, regardless of elected status or political party, are not permitted on any county property.

    b. This section is not intended to prohibit sitting elected officials, whether local, state, or federal level, from holding public meetings or hearings, "town hall meetings", or other informational or educational gatherings on county property for the purpose of disseminating information or soliciting input from constituents concerning current or on-going issues.

c. Activities commonly known as "candidate debates" or "political forums" are allowed to be held in the Fayette County Public Library Meeting Room and the Public Meeting Room of the Fayette County Administrative Complex, with certain stipulations. No county department shall propose, sponsor, host, or promote such an event. In order for a request for a reservation for such an event to be approved, the applicant must agree that all candidates for the positions for which the event is held, regardless of party, incumbency, or lack thereof, shall be invited to participate.

14. Exceptions. Properties operated by the Fayette Senior Services, the Fayette Counseling Center and the Fayette County Water System have specific provisions and exclusions unique to their operation and are not reserved for use under the terms and conditions of this Policy.

This policy is not intended to replace policies already established governing other Fayette County properties, including the Parks and Recreation Department properties and the Fayette County Public Library. Please refer to the Policy and Procedures Manual for policies related to Recreation Department properties, the Public Library, and filming on county property.

**B. <u>Use of Specific Properties Administered by This Policy</u>**

1. Requests for use of the following county property are specifically administered by this Policy:

a. The Public Meeting Room (aka Meeting Chambers)
b. Administrative Complex Parking Lot, Lobby, and Restrooms
c. The Historic County Courthouse (Grounds)
d. Heritage Park

*Conditions for the use of each of these properties vary from site to site. Conditions for each site are described individually below.*

2. The Fayette County Justice Center, Jail, and Sheriff's Offices are not addressed by this policy and are not permitted to be used for purposes other than their designated normal business uses during normal business hours under any circumstances without the express approval of the Board of Commissioners. Requests for use of these specified facilities should be directed to the Board of Commissioners.

**PROCEDURE**

**<u>C. Applications for Use of County Property and Grounds Administered by This Policy</u>**

1. Applications for use of county property administered by this policy may be obtained by contacting the Office of the Board of Commissioners located at 140 Stonewall Avenue West in Fayetteville. A copy of this Policy and an application form will be provided upon request. The applicant must complete and sign the application, indicating agreement with the terms and conditions of this Policy.

2. Only "Not-for-profit" entities, including local, state, or federal level government entities are eligible to apply for use of county property. The applicant representing the entity must be 21 years of age and a resident of Fayette County. A "Not-for-profit" entity may be asked to provide proof of "Not-for-profit" status by the Internal Revenue Service.

3. Fayette County may require a waiver of liability and/or a Certificate of Insurance Indemnification for the purpose of holding Fayette County harmless for damages, injuries or death occurring on county property during an event. If these documents are not provided when requested, the application will be denied.

4. The decision to approve or disapprove an application for use of county property, except where otherwise specified, shall be made by the County Clerk, the County Administrator, or their designee.

*The following conditions shall be applicable to these certain locations:*

a. Public Meeting Room (Meeting Chambers)

i. The Public Meeting Room is available for use by county departments, officials, and boards, committees or agencies to which the Board of Commissioners appoints members. It is not reserved for use by commercial or "Not-for-profit" entities.

ii. Other government entities are permitted to use the Public Meeting Room during normal business hours.

iii. Sitting elected officials, whether local, state, or federal level, are allowed to use the Public Meeting Room for the purpose of holding public meetings or hearings, "town hall meetings", or other informational or educational gatherings on county property for the purpose of disseminating information or soliciting input from constituents concerning current or on-going issues.

iv. Activities commonly known as "candidate debates" or "political forums" are allowed to be held in the Public Meeting Room with certain stipulations. In order for a request for a reservation for such an event to be approved, the applicant must agree that all candidates for the positions for which the event is held, regardless of party, incumbency, or lack thereof, shall be invited to participate.

v. No food or drinks are allowed in the Public Meeting Room.

vi. Limited audio, visual, and other electronic equipment is available in the Public Meeting Room upon request. Special arrangements must be made in order to use the equipment, including instructions on use and safe-keeping of the equipment.

b. Administrative Complex Lobby and Restrooms

i. The first floor of the Administrative Complex Lobby and the restrooms located on the first floor may be made available for events held on the Administrative Complex site.

ii. Special arrangements to have the Lobby and restrooms open must be made. Restrooms inside office suites cannot be made available during events. If portable restrooms are used by sponsors of an event, the location for the portable restrooms must be approved by the County prior to them being installed.

c. Administrative Complex Parking Lot

i. The parking lot of the Administrative Complex can be reserved for events that meet the terms and conditions of this policy. While temporary markings are allowed on the parking surface, no permanent paint, holes, or other permanent alterations are allowed. Signs of any kind are not allowed in the parking lot other than on the day of an event or during the set-up for an event.

ii. From time to time, use of the Administrative Complex may require assistance from the Marshals' Office for restricting the movement or parking of vehicles to accommodate an event. The Marshals' Office will work directly with the event sponsor to determine the level and type of assistance needed.

d. Historic County Courthouse (Grounds)

i. The Historic Fayette County Courthouse is currently under lease and is in use. Requests for events, tours, or visits involving the interior of the structure must be made through the lessor.

ii. The grounds of the Historic Courthouse are available for special events that comply with the terms and conditions of this Policy and which do not disrupt the business of the lessor. Government entities and "Not-for-profit" entities can reserve the grounds under the conditions of this Policy. Commercial entities are not allowed to reserve use of the grounds. However, commercial and "For-profit" entities may be invited to participate in events sponsored by an eligible government or "Not-for-profit" entity.

iii. Temporary signs announcing upcoming events are allowed to be posted on the northwest corner of the grounds of the Historic Courthouse, provided the signs are posted by an eligible government or "Not-for-profit" entity, as allowed by this Policy. Signs are allowed for a period of

14 days each. Only one sign on the site is allowed at one time. "Not-for-profit entities are limited to two reservations for signs per calendar year.

f. Heritage Park

i. Heritage Park is a passive facility designed to recognize and honor the history of Fayette County, as well Veterans of our Armed Forces. Reservations for limited use of Heritage Park for special events by eligible government entities and "Not-for-profit" entities will be considered on a case-by case basis, after consultation with the County's Facilities Manager. Considerations include the nature of the event, use of a stage or other appurtenances, anticipated volume of attendees, potential damage to marble, granite and brick surfaces, turf and other landscaping.

**ENFORCEMENT**

The Fayette County Marshal's Office is responsible for enforcing the terms of this policy.

As all contingencies cannot be anticipated by this Policy, exceptions to this Policy may be considered and approved only by the Fayette County Administrator. Exceptions will not include requests related to the Fayette County Justice Center, Jail, or Sheriff's Office.

## PURPOSE

The Georgia Security and immigration Compliance Act (Senate Bill 529) was passed in 2006. It was amended by House Bill 2 in 2009, and again by Senate Bill 447 in 2010. The Act added provisions to Georgia law which require all local governments, their contractors and their subcontractors, to verify that new employees are eligible to work in the United States. They also require verification of aliens; eligibility to receive public benefits. Relevant portions of the Georgia code are as follows:

Title 13: Article 3 of this Title was created to require public employers to verify the eligibility of every newly hired person for employment in the United States. It also prohibits local governments from entering into a "contract for the physical performance of services within this state" unless the contractor verifies the employment eligibility status of all employees. Local governments, their contractors, and their subcontractors are to perform the work-eligibility verification by using the federal work authorization program (the current program, E-Verify, is operated by U.S. Citizenship and Immigration Services [USCIS], which is part of the U.S. Department of Homeland Security).

Title 50: Chapter 36 of this Title was created to require local government to "verify the lawful presence in the United States of any natural person 18 years of age or older" who applies for public benefits. For this purpose, "public benefits" include alcoholic beverage licenses, canvasser or solicitor licenses, professional licenses, and various other government services as defined in Georgia Code Section 50-36-1 [the current federal program for this purpose, Systematic Alien Verification for Entitlements (SAVE), is also operated by USCIS].

The purpose of this policy is to assure compliance with the Georgia Security and Immigration Compliance Act and related laws, rules, and regulations.

## DEFINITIONS

*Alien*: Any person who is not a citizen or national of the United States.

*Breach:* In safeguarding personally identifiable information, a "breach" occurs when there is a loss of control, unauthorized disclosure, unauthorized access, or other compromise of personal information in electronic or physical form.

*Immigrant:* An alien who has been granted the right by USCIS to reside permanently in the U.S., and to work without restrictions.

*National:* All U.S. citizens are nationals. Non-citizen nationals include individuals who were born outside the U.S. territories such as American Samoa or the Northern Mariana Islands.

*Nonimmigrant:* An alien who has been granted the right by USCIS to reside temporarily in the U.S. Aliens in some nonimmigrant statuses are allowed to be employed in the U.S., and others are not. Examples of nonimmigrant are foreign student, diplomat, or a visitor for business.

*OMB:* THE Office of Management and Budget, which is organizationally within the Executive Office of the President.

*Physical performance of service:* As defined in Georgia Code Section 13-10-90, this means "the building, altering, repairing, improving, or demolishing of any public structure or building or other public improvements of any kind to public real property, including the construction, reconstruction, or maintenance of all or part of a public road; or any other performance of labor for a public employer under a contract or other bidding process."

## POLICY

Fayette County will abide by federal and state laws, rules, and regulations to bring about reasonable assurance that United States citizens or qualified immigrants receive employment opportunities, benefits, or services to which they are legally entitled.

## PROCEDURES

Georgia Code Section 13-10-91 instructs the Georgia Department of labor (DOL) to "prescribe forms and promulgate rules and regulations" for local governments to use in meeting the requirements of the state law for newly hired employees and for requirements in dealing with contractors or subcontractors (except for transportation contracts). The same code section instructs the Georgia Department of Transportation (DOT) to prescribe forms, rules and regulations for local governments to follow with any contract relating to public transportation. The resulting DOL and DOT rules are posted on the two departments' web sites.

In complying with Georgia code and state agencies' rules for verification of employment eligibility, and rules for verification of eligibility to receive public benefits, the county will employ the following procedures.

### I. Display of user identification number:

The count will permanently display its federally-issued E-Verify user identification number (#47566), as issued by USCIS, and date of authorization (July 2007) on the county website, as required by Georgia Code Section 13-10-91(a).

### II. Newly hired county employees:

DOL Rule 300-10-1-.02 states that every public employer must participate in a "federal work authorization program" to verify the eligibility of all new employees to work in the United States. The current federal program used for this purpose, E-Verify, can be accessed from the USCIS internet web site (www.uscis.gov). The county's Human Resources (HR) Department will use this program, or successor programs as applicable, to verify that any newly hired person is eligible for employment.

DOL Rule 300-10-1-.05 requires the county to "designate an individual to monitor new employee work eligibility verification" and to "maintain a file of all written records required under these rules for public inspection," in accordance with the county's records retention schedule and applicable federal law. For this purpose, the Director of Human Resources, or the Director's designee, shall be the individual responsible for performance of these duties.

Georgia Code Section 50-36-1 requires that anyone who applies for a public benefit must sign an affidavit attesting that they are either a U.S. citizen or a legal alien. The term "public benefit" has been interpreted to include retirement, health, and disability benefits which are provided by employers. The Human Resources Department will obtain signed, notarized affidavits from all newly-hired county employees that declare that they are either U.S. Citizens or aliens who are authorized to work in the United States.

The Human Resources Department will verify that all newly hired employees are eligible to work in the U.S. through the federal E-Verify program. This process will be initiated within three business days after the new employee has been hired.

The E-Verify program Memorandum of Understanding contains various additional responsibilities which the Human Resources Department must comply with These include, but are not limited to, the following:

- Safeguard the information received through E-Verify, and limit access to the information to authorized individuals.
- Prominently display notices from the Department of Homeland Security regarding employment eligibility verification.
- If an employee presents a DHS Form I-551 (commonly called a Green Card) or Form I-766 (Employment Authorization Document) as part of the eligibility documentation process, HR staff will make a photocopy of the Form and keep it with the employee's file.
- Do not use E-Verify for pre-screening purposes.
- Permit the Department of Homeland Security or the Social Security Administration access to review employment records and interview staff

regarding the use of E-Verify, and cooperate with their compliance monitoring.

**III. Bids and Contracts:**

Georgia Code Section 13-10-91(b) requires that most contractors and subcontractors verify the work eligibility status of newly hired employees. The requirement includes any person or entity which contractors for the "physical performance of services within the state." This term refers to contractors that have a physical presence and employees who perform work in the state. If, for example, the county does business with a software company in Texas, and all services are provided via the internet or telephone, then the company is excluded from this regulation.

***A. Bids:*** In compliance with Georgia Code Section 13-10-91(b)(1), any bid for services covered by the policy must include a signed, notarized affidavit which includes the following:

1. A statement that the bidder has register with, and is authorized to use, the federal work authorization verification program;
2. The bidder's user identification number as assigned by the U.S. Department of Homeland Security, and the date of authorization; and
3. A statement that the bidder is using and will continue to use, the federal work authorization verification program throughout the contract period.

The Purchasing Director or the Director's designee will assure that all invitations for bids or requests for proposals comply with this requirement, if the winning bid will lead to a contract for the physical performance of services within the state. In the event a bid or request for proposals is prepared without the direct involvement of the Purchasing Department, the head of the administering department will assure compliance with this requirement.

***B. Contracts (other than contracts related to transportation):*** In compliance with the Georgia Department of Labor's regulation 300-10-1-.03, each new contract executed by the county shall contain the following language:

1. Contractor agrees to comply with all requirements of Georgia law which are contained in O.C.G.A. 13-10-91, and Georgia Department of Labor's Rule 300-10-1-.02.
2. Contractor attests, by placing a checkmark, initials, or other affirmative indicator, that contractor currently employs the following number of persons:

_____ 500 or more employees
_____ 100 or more employees
_____ Fewer than 100 employees

In the event the contractor employs or contracts with any subcontractor(s) in connection with this contract, then contractor will secure from the subcontractor(s) a statement of the number of people employed by the subcontractor, using the same three categories as shown above.

- Contractor attests to compliance with the requirements of O.C.G.A. 13-10-91 and the Georgia Department of labor's Rule 300-10-1-.02 by inclusion of the signed and notarized Contractor Affidavit and Agreement as part of this contract.
- Contractor attests to the compliance of any subcontractor(s) connected with this contract, with the requirements of O.C.G.A. 13-10-91 and the Georgia Department of Labor's Rule 300-10-1-.02 by inclusion of signed, notarized Subcontractor Affidavit for each subcontractor as part of this contract. Contractor further agrees to maintain records of such attestation for inspection by Fayette County at any time.

Each new contract will contain a stipulation that requires the contractor to notify the county upon the contractor's hiring a new subcontractor, or if a subcontractor hires a new subcontractor. The contract will require that notification be provided within five business days of hiring the new subcontractor. The notification must include an affidavit from the new subcontractor that attests to the new subcontractor's name and address, user identification number, and date of authorization to sue the federal work authorization program.

The Purchasing Director or the Director's designee will incorporate the above language and affidavits into all future contracts that are covered by this section. In the event a contract is executed without the direct involvement of the Purchasing Department, the head of the administering department will assure compliance with the requirement.

***C. Contracts related to transportation:*** In compliance with DOT rules and regulations, a contractor must execute and include as part of the contract an affidavit, in the format prescribed by DOT, which certifies the contractor's participation in the federal work authorization program operated by the U.S. Department of Homeland Security (currently E-Verify).

An additional affidavit must be submitted for each subcontractor, as in the format prescribed by DOT, if any, for contracts related to transportation.

Each new transportation-related contract will contain a stipulation that requires the contractor to notify the county upon the contractor's hiring a new subcontractor, or if a subcontractor hires a new subcontractor. The contract will require the notification be provided within five business days of hiring the new subcontractor. The notification must include an affidavit from the new

subcontractor that attests to the new subcontractor's name and address, user identification number, and date of authorization to use the federal work authorization program.

The Purchasing Director or the Director's designee will incorporate these affidavits into all future transportation-related contracts which are covered by this section. In the event a transportation-related contract is executed without the direct involvement of the Purchasing Department, the head of the administering department will assure compliance with this requirement.

**IV. Public Benefits:**

In compliance with Title 50, Chapter 36 of Georgia Code, the county will verify the lawful presence in the United States of any applicant for covered public benefits, whether it is a first-time application or renewal, as defined in Code Section 50-36-1. Public benefits applicable to the county, and the Department Director or Director's designee responsible for meeting the requirements of the Policy and Procedures, are as follows:

| Public Benefit | Responsible Department |
|---|---|
| Alcoholic beverage licenses | Planning & Zoning |
| Canvasser or solicitor licenses | Planning & Zoning |
| Business licenses | Code Enforcement |
| Taxi/limousine services licenses | Code Enforcement |

*Note; The term "public benefit" does not include recreation, animal control or emergency services, burn permits, or similar services provided by the county.*

Each applicant for a license must provide a signed, notarized affidavit which declares that the applicant is either:

- A United States citizen; or
- Other than a United States citizen, but lawfully present in this country.

If the applicant for a business license or other benefit is a sole proprietorship, the proprietor is the person authorized to sign the affidavit. If the business is a partnership, any of the legally registered partners may sign. If the application is for a corporation, any corporate officer or the corporation's attorney-in-fact may sign the affidavit.

**A. U.S. Citizens**

If the affidavit states that the applicant is a United States citizen, no further action will be required to establish citizenship. *It should be noted that any applicant*

*who makes a false statement on the affidavit is subject to a maximum of five years in prison or a fine of up to $1,000 as provide by Georgia Code Section 16-10-20.*

**B. Non-Citizens**

If the affidavit states that the applicant is other than a United States citizen, the county must establish eligibility for public benefits through the entitlement verification program designated by the U.S. Department of Homeland Security (the SAVE program).

*{Note: it is important that the applicant include his or her Alien Registration Number, often called an A#, on the affidavit as required by Georgia law at Code Section 50-36-1(e)(2). This is an eight- or nine-digit number which appears on Form I-55 (known as a Green Card). The federal Department of Homeland Security assigns this number when an alien applies for a Green Card.*
*There may be legitimate cases in which a non-citizen applicant for public benefits does not have an Alien Registration Number. In such a case, the applicant must supply their federal alien number which has been assigned by the Department of Homeland Security or other federal agency, in the space provided at the bottom of the affidavit. This exception to provision of the Alien Registration Number from the Green Card is allowed by Georgia Code Section 50-36-1(e)(2).}*

Upon receipt of an affidavit from a non-citizen, designated staff will verify eligibility for public benefits as follows:

1. Require the non-citizen applicant to present (original) immigration or naturalization documentation that contains the information (e.g. name and alien registration number) required by the SAVE program. Physically examine the documents to ascertain that the document(s) reasonably appear to be genuine, and related to the applicant. Make a copy of the document(s), and keep with all other records for the applicant.

2. Provide the applicant's information to USCIS' SAVE program. If the SAVE program confirms the applicant's eligibility to receive public benefits, the verification process is complete. Staff will issue the license, certificate or other public benefit.

3. If the SAVE program responds that eligibility is not verified, it will prompt the county to "institute additional verification". Staff will seek to obtain additional information from the applicant if necessary. Upon receipt of the needed information, staff will submit it as instructed by SAVE.

4. If the federal agency still cannot verify eligibility, it will send instructions through SAVE to resubmit the application by mailing federal Form G-845 along with copies of the applicant's immigration document(s) to:

   U.S. Citizenship and Immigration Service
   10 Fountain Plaza, 3rd Floor
   Buffalo, NY 14202-2200

   Attn: Status Verification Office

5. The SAVE program will respond with the applicant's eligibility status, or options for how to seek resolution of any outstanding issue if it remains unsolved after all of the above steps have been completed.

   *{Note: In the case of a verification which is completed with the first step above, the federal response will often take only a few seconds, allowing the public benefit to be issued on the spot. A verification which goes through all three steps may take approximately two to three weeks to complete}.*

**C. Process for Notification of Denial of Benefits, or to Correct Erroneous Information:**

If an applicant's eligibility for public benefits cannot be established, staff of the responsible department will send a certified letter with return receipt, to the applicant, notifying him or her of the inability to verify eligibility. The applicant will be given an opportunity to correct USCIS records. A Fact Sheet, developed by USCIS, will accompany the letter and provide the applicant with information about how to correct the federal records. The letter allows the applicant 30 days to resolve any outstanding issues with USCIS. Otherwise, at the end of the 30 days, the application for public benefits will be denied.

*{Note: According to Office of Management and Budget Guidelines on the Conduct of Matching Programs, non-federal agencies must "not take adverse action against an individual as a result of any information developed in a matching program unless the information has been independently verified and until 30 days after the individual has been notified of the finding s and given an opportunity to contest them." The guidelines also say "the civil remedies provision of the Privacy Act are available to matching record subjects who can demonstrate that they have been harmed by an agency's violation of the Privacy Act or its own regulations." A successful litigant is entitled under the Privacy Act to receive at least $1,000 and reasonable attorney's fees.}*

Georgia Code Section 50-36-1(f) provides that a properly executed affidavit may be presumed to be proof of lawful presence in the United States until federal verification is received through the SAVE program. If there is a delay in verification because of computer system unavailability or other processing issues, the signed and notarized affidavit may be presumed to be proof of the applicant's eligibility until the formal verification can be completed.

**D. Annual Report**

The county will file an annual report with the Georgia Department of Community Affairs (DCA) on or before January 1 of each year. It will identify each public benefit provided by the county, and other information as prescribed by DCA, in compliance with Georgia Code Section 50-36-1(i).

**E. Safeguarding of Information**

OMB Memorandum M-07-16 is titled "Safeguarding Against and Responding to the Breach of Personally Identifiable Information." If provides guidance to federal agencies in assuring the security of personally identifiable information, and what they should do if there is a breach in the security of this information.

To help assure that personally identifiable information pertaining to the SAVE program is not breached or compromised at county offices, the following procedures will be followed:

All documents pertaining to an application by a non-citizen for public benefits will be kept in files which will be secured by lock when not in use.

Personally identifiable information that is not needed will be destroyed by shredding or other similarly effective means.

Files related to eh SAVE program will be retained for 10 years, in conformance with USCIS' federal retention schedule (based on the statute of limitations for prosecuting most types of crimes involving the misuse of this type of information [18 U.S.C. § 3291]). After that time, they will be destroyed or disposed of in a manner that will not put personally identifiable information at risk.

Any information obtained from USCIS through the SAVE program will be used solely for determining the eligibility of persons applying for public benefits.

No information obtained through the SAVE program will be disclosed to any unauthorized person without the prior written consent of USCIS.

If there is a suspected or confirmed breach of personally identifying information which was obtained through the SAVE program, and breach has occurred as a result of county action or inaction, the incident will be brought to the attention of the County Administrator as soon as it is discovered. If the County Administrator determines that the breach causes significant risk of harm to economic or property interest, identify theft or fraud, or other harm to affected individuals, the county's SAVE program coordinator will promptly notify the federal SAVE program and SAVE Monitoring and Compliance.

**F. Financial Records**

An allocation of estimated amounts of funds needed for the SAVE program will be recorded separately in the county budget. Expenditures will be recorded so that SAVE costs can be distinguished separately from other costs.

**G. SAVE Training**

County staff who verify applicant information through the SAVE program must have the opportunity to learn how to use the system. The SAVE Program Guide, Web tutorials, a copy of the SAVE Memorandum of Agreement and any other relevant instructional materials will be made available to relevant county staff as they become available to the county.

**H. Access to County records by SAVE officials**

SAVE Monitoring and Compliance officials have the authority to review the county's SAVE policy, procedures, guidance, training records, financial records, usage patterns and other relevant data. This may involve site visits, desk audits, performance audits, interview, or other methods federal official may need to employ in conducting their reviews. County staff will provide access to all relevant files, documents, or other records to facilitate this work.

## PURPOSE

To establish guidelines for providing cell phone service to specified County employees or officials.

## POLICY

Specified employees or officials may be required to have a cell phone to assist them with carrying out their job duties. Some employees may be required to have a cell phone available at all times, while others may only need access to one during their assigned work hours or while in temporary "on call" status. Depending on the evolution of technology and market competition, the types of cell phones and communications devices and levels of service plans available will vary over time. The County has established this policy with consideration of both the need for specified employees or officials to have a cell phone available and ever-changing wireless communications technology, in order to achieve what is best for the County.

## PROCEDURE

All cell phone needs are subject to the review, discretion, and approval of the County Administrator. Department Heads are required to obtain approval from the County Administrator for the addition of or change in the use of any official cell phone for his/her department.

<u>On Call Employees</u>

Employees required by the County to be "on call" primarily at all times may choose one of the following two options:

### Stipend Option

1. The employee will acquire his/her own cell phone and service plan in his/her name and shall provide the County with the cell phone number to ensure "on call" access. The employee will be reimbursed at a monthly rate as determined periodically by the Finance Director and County Administrator. Maintenance of the phone and payment for the monthly service plan are the responsibility of the employee.

2. The County will purchase a phone and pay for a monthly plan to be determined periodically by the Finance Director and County Administrator. The County will own the phone and the number. The bill will come to the County for review and payment monthly. The employee may only use the phone for official business and the County will be responsible for maintenance, upgrades, and payment for the monthly service.

**Enhancement Option**

3. The County will purchase a Verizon smart cell phone under the government preferred pricing package and will pay a monthly plan as determined periodically by the Finance Director and County Administrator. The bill will come to the County for review and payment monthly. Employee will pay the difference between the stipend and enhancement option (currently $15 per month) via payroll deduction. Any employee costs for personal use overages and additional charges unrelated to official business will be charged in arrears each month. The County will share the phone number with the employee but the bill will come to the County for review and payment monthly. The employee is responsible for maintenance, upgrades, and breakage unrelated to conducting official business.

Department Shared Phones

Cell phones for use by specified employees only during their assigned work hours will be provided by the County. The County will own the phone and the number and the monthly bill for service will come to the County to be reviewed and paid. These phones are to be used only for County business and will remain at the workplace when not in use. Department heads may assign phones to employees who are traveling on official County business. The County will be responsible for the maintenance, upgrades, and payment of the phones.

In Departments where employees share the responsibility of being “on call” for specified periods, a cell phone owned by the County can be assigned by the Department Head to the “on call” employee(s) as needed. The County will own the phone and the number. The phone(s) are to be used only for County business.

Violation of Policy

Employees who violate this policy will be subject to disciplinary action under the County’s disciplinary policy.

## PURPOSE

The purpose of this policy is to provide guidelines for the acquisition of private property for the construction of transportation projects by Fayette County.

## POLICY

There shall be a uniform process for the acquisition of private property by the County for transportation projects in Fayette County. This policy provides guidance to County officials and property owners for the negotiation of property, information concerning the rights of both parties, and eligibility of property owners related to the relocation, replacement of displacement of real and personal property; and payments therefor.

## PROCEDURE

**The following procedure will be followed in acquiring property for transportation projects in Fayette County:**

Fayette County from time to time must acquire land to improve its transportation system. If a person owns property that will be needed for an existing or proposed transportation project in Fayette County, they will be interested in the procedure the County follows in acquiring the necessary right-of-way.

This policy explains why property may be needed, the rights of the property owner, and provides answers to some of the questions that may be asked. This Policy is not all inclusive, but rather is intended to serve as an outline of how the process will work. The County's representative assigned to the acquisition of property should be able to answer additional questions.

### I. What Determines Whether Property Is Needed?

Many factors are critically analyzed in locating and designing modern transportation systems. The element of need is the first consideration. For many years, as an example, roads were improved and hard-surfaced to meet the needs of the new automobile. Citizens were willing to pay almost any price to get the roads that they wanted and needed. During this time, economics was the main consideration and the best road was almost always the shortest distance between two points. In more recent years, as the Interstate System and other major limited-access highways were built, the tremendous impact of these modern, safe, efficient superhighways came to be felt on the entire society. Planners and designers began to be more concerned with aesthetics and safety than a better location. No longer is money the overriding factor. It is still a very important consideration, for we can build nothing without it, but it is no longer the most important factor, and it should not be. Now roads must do more than just transport people, goods and services. They must be planned and designed to blend with our communities.

## II. The County's Right To Acquire Property

The Constitution of Georgia and the Constitution of the United States provide that private property may be acquired for public purposes and that just compensation be paid for all property acquired for public purposes.

## III. Notification to Property Owners that Property Is Needed.

The County will advise property owners well in advance of when actual negotiations for acquiring property will begin. This is done through public hearings, public and private meetings and personal visits. DO NOT ACT ON RUMORS. Property owners should have facts from the County before making major decisions or changes. The mere fact that a land survey is being made on or near a piece of property does not mean that the final location of a proposed transportation project will cross that certain land.

## IV. What Will Be Paid For Property?

Property owners are entitled to receive fair market value for their property. Market value is defined as the most probable price a property should bring in a competitive and open market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer. The County will negotiate with a property owner to reach an agreeable price for the property. Please note that the County can only pay the fair market value for the property, consequential damages, if any, and other costs, such as moving expenses, fence relocation, etc.

If the parties cannot agree to a price for the acquisition of the property, the value will be determined from appraisals prepared by highly qualified appraisers. Property owners or their designated representative will be given an opportunity to accompany the appraiser during his/her inspection. The appraisals are checked for accuracy to make certain that no items of allowable value have been overlooked or omitted. Property owners will be offered the full amount of the appraiser's estimate of fair market value. This offer will be made in writing.

If the entire property is needed, property owners will be offered the fair market value of the entire property. If only a part of the property is needed, property owners will be offered the fair market value of that part to be acquired, plus any damages accruing to the remaining property. Should the remainder be classified by the County as an uneconomic remnant to the property owner, the County will offer to purchase the remainder of the property

## V. Some Advantages of Selling Property To The County

1. Cash Sale

2. No real estate commission to pay

3. Reimbursement will be made for:

a. Recording and/or cancellation fees, and similar expenses incidental to the conveyance of the acquired property to the County;

b. Penalty costs for pre-payment of any pre-existing recorded mortgage entered into in good faith encumbering such real property;

c. A pro-rated portion, on a calendar year basis, of all real estate property taxes which have been paid or which are due and payable at the time of acquisition;

d. Reasonable survey fees to reestablish existing property corner pins that were removed as a result of the acquisition or construction;

4. The property owner does not pay legal or appraisal fees unless they hire their own attorney or appraiser.

## VI. Who Prepares The Deed And Handles The Closing?

The closing will be similar to that required in any real estate transfer. The County prepares the deed. There will be no charges to the property owner for preparing the deed or other legal documents needed to finalize the transfer of title of the property from the property owner to Fayette County.

Naturally, it may be necessary to use the proceeds from the agreed upon price to satisfy outstanding loans or liens on the property. The County's representative can assist in trying to bring together all parties who have any interest in the property. When an agreement is reached, the County will deliver payment to the property owner, upon satisfaction of any outstanding encumbrances and upon execution of the deed.

## VII. What Happens If An Agreement To Sell Cannot Be Reached?

Since the County must acquire the property in question in order to build the project, if an agreement between the property owner and the County cannot be reached, Georgia law provides that the County can initiate what is known as a "condemnation suit" under eminent domain proceedings that will allow the County to take ownership of the property needed. This suit (petition) would be filed in the Superior Court of Fayette County. One of the following methods would then be used in order to allow the County to take ownership of the property:

### (a) Declaration of Taking

This is the most commonly used method. Upon filing the petition, the County deposits its estimate of just compensation for the property with the court system. At this time, title to the property in question passes to the County.

### (b) Special Master

Under this method, the Judge of the Superior Court appoints an attorney to hear the evidence and makes a determination of value of the property and makes an award based on his/her findings.

**(c) Three Assessors**

Under this method, one assessor is selected by the property owner, one by the County and the third by agreement of the first two, or if agreement cannot be reached, the third is appointed by the Judge of the Superior Court. These three parties review the facts and make an award based on their findings.

## VIII. May I Keep My Home Or Other Buildings?

There are two procedures by which a property owner may retain the home or other buildings located on or partially on the property being acquired by the County as public right-of-way. During negotiations, an agreement will be reached with the owner in regard to such buildings and will be spelled out in the agreement to sell. These procedures are as follows:

1. The owner may wish to retain the buildings on the site at a predetermined retention value set by the County and make arrangements to have the buildings moved to a new location. Under this procedure, the County will pay the owner the appraised value less salvage value, as determined by the County. The owner will be required to post a cash bond until the buildings have been removed. Once the buildings have been removed, the cash bond will be refunded.

2. Improvements on the property not retained under paragraph one (1.) may be sold on the open market if the County finds that there is a market for such improvements. An owner will be furnished a proposal by a representative of the County when the buildings are offered for sale. In some instances, buildings located in the right-of-way of a project may be advertised for sale with the understanding that they will be delivered to the purchaser when and if they are acquired by the county. Offerings for sale prior to acquisition are sometimes necessary in order to coordinate the disposal of buildings for an entire project, expedite demolition or removal after the buildings are acquired and vacated, and to minimize vandalism.

## IX. When Must I Vacate My Property?

The occupants of property required for public rights-of-way will not be required to vacate the property prior to three months from the date they were first and formally contacted in regard to the purchase of the occupied property nor less than two months from the date the property is acquired by the County.

## X. May I Move Prior To Negotiations To Acquire My Property?

It is the property owner's right to move when they wish. In the event a property owner desires to move prior to negotiations for the acquisition of the parcel by the County (occupied property), eligibility for Relocation Assistance Benefits could be forfeited.

## XI. Suppose I Need Assistance In Relocating?

Any person, family, business or farm displaced because of the acquisition of private property by the county shall be offered relocation assistance services for the purpose of locating a comparable

replacement property. Relocation services are provided by qualified personnel employed/engaged by the County. It is their goal and desire to be of service to the displaced parties and to assist in a successful relocation of those affected by the acquisition of property by Fayette County.

A representative of the County will contact all affected persons and explain the services and payments available. Property owners will be provided current lists of comparable replacement housing, available on the open market and considered "decent, safe and sanitary".

The County's representative is familiar with the services provided by other public and private agencies in the community. Please make any needs known to the County's representative; if this representative cannot personally help with specific problems, perhaps the representative knows someone who can.

The County will furnish information concerning local housing ordinances, open housing, building codes, social services, data for such costs as security deposits, closing costs, typical down payments, interest rates and terms, VA and FHA insured loan requirements, real property taxes, consumer education literature on housing and various other subjects.

## XII. An Illegal Alien Is Not Eligible For Relocation Assistance Payments & Benefits

Public Law 105-117, provides that aliens not lawfully present in the United States are not eligible to receive relocation assistance payments and/or any other benefits that are commonly provided to displaced persons. This law requires that persons seeking relocation payments or assistance under the Uniform Act certify, as a condition of eligibility, that they are citizens or are otherwise lawfully present in the United States.

If it is discovered that some of the occupants of the household and/or business are illegal aliens, then any payments or benefits the family or business would have received if all were legally present in the U. S., would only be made payable to the remaining eligible family occupants or business members based on a pro rata share basis of each member's eligible share. The shares of those that are illegal aliens cannot be paid to any of the remaining eligible displaced persons. Under law, the County may deny eligibility only if:

(1) A person fails to provide the required certification; or

(2) The County determines that a person's certification is invalid, based on a fair and nondiscriminatory review of an alien's documentation or other information that the agency considers reliable and appropriate; and

(3) The agency concludes that denial would not result in "exceptional and extremely unusual hardship" situations.

## XIII. Will I Have To Pay Moving Costs To Have My Furniture And Other Personal Property Moved?

If a property owner is displaced, he/she is entitled to be reimbursed, subject to certain limitations and requirements, for reasonable and necessary moving costs. These costs may include the costs

to dismantle, insure, disconnect, transport, crate, unload, load, reconnect and modify personal property. Also service charges necessary to disconnect and reconnect utilities are reimbursable.

This does not include any costs which may be incurred to add to, improve, alter, or make physical changes to the replacement structure. Prior to payment for the moving and reinstallation of personal property, the property owner and the County must agree in writing that the property is personal property and that the County is released from any payment for the property as real property.

Moving costs may include temporary storage of personal property, not to exceed twelve (12) months, if the County determines storage is necessary. In hardship cases, arrangements may be made for payment of moving expenses in advance, but only after the property on which the property owner resides has been acquired by the County.

## XIV. Persons Eligible for Moving Payments

To be eligible for moving expenses, the property must have been acquired by the County and the person must have been:

(1) In legal occupancy on the property at the time the owner is given a written offer for the property to be acquired by the County; or

(2) In legal occupancy on the property at the time the property is acquired by the County.

## XV. Moving Payments – Individuals and Families

Eligible individuals or families may be reimbursed for their reasonable and necessary moving costs by one of the three methods identified as Method “A”, Method “B”, or Method “C”. The method preferred must be selected before the move and indicated on a form entitled “Application for Moving Costs”. Such costs are not applicable to items classified by the County as real property. Property owners cannot combine any parts of the three methods.

There is no limitation on the distance a property owner may move. However, reimbursement for transportation charges is limited to a distance of 50 miles, except with prior approval by the County. Such exceptions will only be allowed when the relocation cannot be accomplished within the 50 mile area and then only to the nearest comparable and available site. Claims must be filed with the County within eighteen (18) months of the date a tenant moves. Owners have eighteen (18) months from the date of moving or the date of final payment for the acquired dwelling, whichever is later.

Occupants of mobile homes are only eligible for payment under Methods “B” or “C” when the mobile home itself is classified as personal property.

### (a) Method A - Fixed Moving Cost

An eligible individual or family may choose to be reimbursed a fixed amount as determined by the County (Not Applicable for Mobile Homes). Determination of this

amount is based upon the number of rooms having adequate furnishings. This amount includes an allowance to assist in utility reconnection charges.

**(b) Method B - Actual Cost**

By written agreement between the County, the mover and property owner, a licensed mover and/or qualified performer of services may be chosen to move personal property. After services have been completed, the mover will present to the property owner an invoice, receipt, statement, or other acceptable documentation of moving costs which the property owner will forward to the County. The mover will be paid directly by the County for all reasonable costs. It may be necessary for more than one mover to complete the move. If so, each must be approved by the County prior to the move. Reconnection charges for utilities, telephones, TV cable, etc., will be reimbursed based on paid actual costs.

**(c) Method C - Self Move**

The property owner may choose to move himself/herself and be reimbursed for actual reasonable expenses incurred, supported by paid receipted bills or other acceptable evidence of costs incurred. Such payments may not exceed the estimated cost of moving by way of a commercial company, based on estimates secured by the County prior to moving.

A claim form will be furnished to the property owner, to which paid receipts must be attached and submitted to the County for payment. The County's representative will assist the property owner in processing their claim. Reconnection charges for utilities, telephone, T.V. cable, etc. will also be reimbursed.

## XVI. Moving Payments - Businesses, Farm Operations, and Nonprofit Organizations

Eligible businesses, farms and nonprofit organizations may be reimbursed for their reasonable and necessary costs for removal, or for moving and reinstallation of personal property by selecting one of the three methods explained below. In hardship cases, arrangements may be made for payment of moving expenses in advance of moving, however, this will only be done after the needed property has been acquired by the County. The displaced business, farm or nonprofit organization must provide the County with seven (7) days advance notice of the approximate date of the start of the move or disposition of the personal property.

The expense of removal, reinstallation, re-establishment and modification of machinery, equipment, appliances and other items which have been considered as personal property, including reconnection of utilities to such items, and which do not constitute an improvement to the replacement site, are eligible for reimbursement.

Prior to payment of any expenses for removal and reinstallation of such property, the owner and the County shall agree in writing that the property is personal property and the County is therefore released from any payment for the property as realty. The owners or operators must (County personnel will assist if needed) prepare and execute a certified inventory of the items to be actually removed and reinstalled. This certified inventory must be prepared and attested to for

all relocations. If the items listed on the certified inventory deviate to a significant extent from the items actually removed and reinstalled, the amount previously agreed will be revised accordingly.

In addition to Method A - Self Move or Method B - Actual Cost (see below), the following moving incidentals will be reimbursed, based on paid receipts, if pre-approved by the County and are considered reasonable and necessary:

(1) Licenses;

(2) Permits;

(3) Re-lettering of signs;

(4) Replacing stationery on hand that is made obsolete;

(5) Connection to available nearby utilities from the right-of-way to improvements at the replacement site;

(6) Professional services performed prior to the purchase or lease of a replacement site to determine its suitability for the displaced person's business operation, including but not limited to, soil testing, feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such site.) At the discretion of the County, a reasonable pre-approved hourly rate may be established;

(7) Impact fees or one time assessments for anticipated heavy utility usage, as determined necessary by the County.

The desired the property owner wishes to use must be selected prior to moving by executing a County form entitled "Application for Moving Costs Benefits." Relocatees will be advised of the amount estimated for payment prior to signing the form. The County's representative must be permitted to make reasonable and timely inspections of the personal property at both the acquired site and the replacement site and to monitor the move. Claims must be filed with the County within eighteen (18) months of the date of the move or date of final payment for the property, whichever is later.

**(a) Method A - Self Move**

If a property owner who must relocate wishes to take full responsibility for the entire move, they may choose to be reimbursed by Method A, known as the Self-Move Method.

The amount of reimbursement will be based on estimates prepared by the County and/or a qualified moving contractor. The relocatee may elect to submit to the County paid receipted bills or other evidence of costs incurred to support the costs of the move. In no case will a payment be made in excess of what would have been paid for a move by a commercial mover.

**(b) Method B - Actual Cost**

An eligible relocatee may elect to be reimbursed by Method B, known as the Moving Contractor Method. The County will secure at least two (2) estimates from licensed moving contractors and will establish payment based on these estimates. Upon completion of the removal and reinstallation of the personal property, the County will make payment directly to the moving contractor.

**(c) Alternate Payments In Addition To Method "A" Or "B"**

Payment for losses of tangible personal property may be made when it is decided not to move such property. A payment of this type requires a bona fide effort to sell the item(s). Reimbursement will also be made for the reasonable expenses incurred to effect the sale.

The property owner should consult the County's representative if they have personal property which may not be moved or which may be replaced at a new location.

## XVII. Re-establishment Costs

The owner of a displaced small business, farm, or nonprofit organization is entitled to receive a payment for actual necessary and reasonable expenses to re-establish at a new location. This payment is limited to a maximum amount of $10,000.00 and will only be paid under Methods "A", "B" or actual direct losses of tangible personal property payments.

*Small Business is a business having not more than 500 employees working at the site being acquired or displaced by a program or project, which site is the location of economic activity. The income generated from the business must have been reported and filed with the IRS and the Georgia Department of Revenue in order to be eligible to receive reimbursement of eligible expenses associated with the re-establishment of the business.

When claiming this expense, the claimant will be required to submit certified copies of their current individual and business income tax returns to the County for verification and documentation.

Sites occupied solely by outdoor advertising signs, displays or devices do not qualify as a business and are not eligible for the re-establishment expense.

"Economic Activity" is when the site of the business is producing or is capable of producing an ongoing legal financial benefit which is currently in operation; or where there has been some kind of economic benefit produced at or by the residence or building within the last twenty four (24) months prior to the beginning of negotiations for the County's acquisition of the site. A detailed list of the charges that were or will be involved in the re-establishment of the business will be reviewed by the County and all eligible costs that were actually incurred and paid will be reimbursed in an amount not to exceed the maximum amount allowed as stated above. These expenses may include the following:

(1) Repairs or improvements to the replacement real property as required by Federal, State or local law, code or ordinance;

(2) Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business;

(3) Construction and installation costs for exterior signage to advertise the business;

(4) Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting;

(5) Advertisement of replacement location;

(6) Estimated increased costs of operation during the first two (2) years at the replacement site for such items as (a) lease or rental charges, (b) personal or real property taxes, (c) insurance premiums, and (d) utility charges, excluding impact fees;

(7) Other items that the County considers essential to the re-establishment of the business.

The following is a non-exclusive listing of re-establishment expenditures not considered to be reasonable, necessary or otherwise eligible:

(1) Purchase or construction of capital assets, such as office furniture, filing cabinets, machinery, or trade fixtures;

(2) Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation;

(3) Interest on money borrowed to make the move or purchase the replacement property;

(4) Payment to a part-time business in the home which does not contribute materially to the household income;

(5) Sites occupied solely by outdoor advertising signs, displays or devices.

## XVIII. Actual Reasonable Expenses In Searching For A Replacement Location

The owner of a displaced business, farm, or nonprofit organization may be reimbursed for the actual reasonable expenses incurred because of searching for a replacement location, not to exceed two thousand and five hundred dollars ($2,500). Such expenses may include transportation expenses, meals, lodging away from home, and the reasonable value of time actually spent in search, including the fees of real estate agents or real estate brokers.

**(a) Method A - Receipted Bills** - All expenses claimed, except the value of time actually spent in search, must be supported by receipted bills.

**(b) Method B - Time Spent in Search** - Payment for a person's time actually spent in search of a replacement location must be documented and the hourly wage rate must be reasonable. Also, a certified statement of the dates and hours spent searching, including the places visited and the persons contacted, must accompany this claim.

**(c) Method C - In Lieu Of "A" Or "B"**

In lieu of payment under Methods "A" or "B" and if actual direct losses of tangible personal property are not desired, an owner of a discontinued or relocated business, farm or nonprofit organization may be eligible to receive a payment equal to the past two (2) tax years average annual net earnings.

Such payment shall not be less than one thousand dollars ($1,000.00) or more than twenty thousand dollars ($20,000.00). A person whose sole business at the displacement site (single or multi-family units) is the rental of such property will not be eligible to receive this payment.

For the owner of a business to be entitled to this payment, the County must determine that:

(1) The business owns or rents personal property which must be moved in connection with such displacement and for which an expense would be incurred in such move; and the business vacates or relocates from its displacement site;

(2) The business cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings);

(3) The business is not part of a commercial enterprise having more than three other establishments which are not being acquired by the County, and which are under the same ownership and are engaged in the same or similar business activity.

(4) The business is not operated at a displacement dwelling solely for the purpose of renting such dwelling to others;

(5) The business is not operated at the displacement site solely for the purpose of renting the site to others;

(6) The business contributed materially to the operator's income during the two [2] taxable years prior to the taxable year displacement occurs as follows:

a. Had average annual gross receipts of at least $5,000; or

b. Had average annual net earnings of at least $1,000; or

c. Contributed at least 33 1/3 percent to the operator's average annual gross income from all sources.

For the owner of a displaced farm operation to be entitled to this payment, the County must determine that:

(1) The farm operation produces products or commodities in sufficient quantity to be capable of contributing materially (as defined in (6) above) to the operator's support;

(2) The farm operator was required by the acquisition to discontinue his entire farm operation at the present location or required to relocate the entire farm operation;

(3) In the case of a partial acquisition of land which was a farm operation before the acquisition, the payment may be made if it is determined that:

a. The acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or

b. The partial acquisition caused a substantial change in the nature of the farm operation.

For a nonprofit organization to be eligible for this payment, the County must determine that the nonprofit organization cannot be relocated without a substantial loss of its existing membership or clientele.

Any payment in excess of $1,000.00 must be supported with financial statements for the two twelve-month periods prior to displacement. The amount to be used for any payment by the County is the average of two (2) years annual gross revenues less administrative expenses.

**(1) Payment Determination - Businesses and Farms**

The term "average annual net earnings" means one-half of any net earnings of the business or farm before Federal, State and local income taxes, during the two taxable years immediately preceding the taxable year in which the business is relocated. "Average annual net earnings" include any compensation paid by the business or farm to the owner, his spouse, or his dependents during the two-year period. Such earnings and compensation may be established by Federal income tax returns filed by the business or farm and its owner, his/her spouse, and their dependents during the two-year period. In the case of a corporate owner of a business or farm, earnings shall include any compensation paid to the spouse or dependent of the owner of a majority interest in the corporation. For the purpose of determining majority ownership, stock held by a husband, his wife and their dependent children shall be treated as one unit.

**(2) A Business or Farm Less Than Two Years**

If the business or farm was not in operation for the full two taxable years prior to displacement, net earnings shall be based on the actual period of operation at the displacement site during the two taxable years prior to displacement, projected to an annual rate.

**(3) Owner Must Provide Information**

For the owner of a business, farm, or nonprofit organization to be entitled to this payment, they must provide information to support the net earnings. City, County, State, or Federal Tax Returns or a certified financial statement prepared by a Certified Public Accountant (C.P.A.) for the tax years in question are the best source of this information and would be accepted as evidence of earnings.

A representative of the County will assist businesses, farm operations, nonprofit organizations and owners of other personal property in processing applications and claims.

## XIX. Replacement Housing Payments To Owners for Federal Aid

If the County's transportation project is funded in whole or in part by federal aid, displaced owner-occupants of a dwelling may receive payments for the additional costs necessary to purchase comparable replacement housing, compensation for the loss of favorable financing of the existing mortgage in the financing of replacement housing and reimbursement for certain closing costs incidental to the purchase of replacement housing.

A "comparable dwelling" is one which, when compared with the dwelling being acquired, is (a) decent, safe and sanitary; (b) functionally equivalent with particular attention to the number of rooms and living space; (c) in an area not subjected to unreasonable adverse environmental conditions; (d) is not generally less desirable than the dwelling being acquired in regard to public utilities and public and commercial facilities; (e) reasonably accessible to the displaced person's place of employment; (f) on a site that is typical in size for residential development with normal site improvements including customary landscaping, excluding special improvements such as outbuildings, swimming pools and greenhouses; (g) available on the market; and (h) within the financial means of the displaced family or individual.

### A. Replacement Housing Payment

The replacement housing payment is the difference, if any, between the amount finally paid for the property acquired and the actual cost which the owner paid for a comparable decent, safe and sanitary dwelling, or the amount determined by the County as necessary to purchase a comparable dwelling, whichever is less.

### B. Increased Mortgage Interest Costs

A property owner will be reimbursed for increased interest costs if the interest rate on a new mortgage exceeds that of the present mortgage. The interest rate on the new mortgage used in determining the amount of the payment shall not exceed the prevailing fixed interest rate for conventional mortgages currently charged by mortgage lending institutions in the area in which the replacement dwelling is located. To be eligible, the acquired dwelling must have been encumbered by a bona fide mortgage which was a valid lien for at least 180 days prior to the initiation of negotiations and the mortgage was for the purchase of or improvements to the dwelling.

The property owner may also be eligible for reimbursement of purchaser points and/or loan origination fees, when such fees are normal to real estate transaction in the area (payment will be based on the remaining balance of the mortgage on the acquired property).

**C. Closing Costs**

A property owner may also be reimbursed for other expenses such as reasonable costs incurred for title search, recording fees and certain other closing costs, but not including prepaid expenses such as real estate taxes and property insurance.

## XX. Owner Retains His Dwelling and Uses It As Replacement Dwelling

It is possible for an owner to retain the present dwelling, move it from the right of way and use it for replacement housing. Please contact the County's representative for details.

## XXI. Replacement Housing Payment Eligibility for Federal-Aid Projects for Owner-Occupant for 180 Days or More.

To be eligible for replacement housing payments for a federal-aid project, the displaced person must have owned and occupied the dwelling for not less than 180 consecutive days immediately prior to the first formal contact by the County in its attempt to acquire the property.

In addition, a property owner must purchase and occupy a decent, safe and sanitary replacement dwelling within one year of the date of the move, receive final payment for the displacement dwelling, or the date the required amount is to be deposited with the court, whichever is later.

Application for the replacement housing payment should be made as soon as possible after replacement housing is purchased and must be made on a form furnished by the County. The claim for payment must be filed within 18 months after the date of displacement or the date of final payment, whichever is later.

Replacement dwellings must be decent, safe and sanitary. In brief, this means that the replacement dwelling must conform to State and Local building, plumbing, electrical, housing and occupancy codes or ordinances, or in the absence of such codes it meets similar criteria established by the County. The County's representative will furnish a copy of these requirements. The replacement dwelling must be inspected by a representative from the County to determine that it meets these standards prior to payment by the County.

## XXII. Inspection Should Be Made Before Any Agreement to Buy Or Rent Replacement Housing Is Made

In the event the replacement dwelling does not meet these standards, the displaced person will be advised in writing of the deficiencies. It is not necessary to buy a comparable house in order to qualify for a supplemental payment, but the replacement dwelling must be decent, safe and sanitary.

If a relocatee elects to construct a new replacement dwelling, the payment will be based on the cost of comparable housing as determined by the County or the cost of construction, whichever is less.

Upon request, the County will verify to any interested party the eligibility of the relocatee for Replacement Housing Payments and the amount of such payment. In addition, the replacement housing payment, closing costs and increased interest costs may be paid at the closing for the purchase of the replacement dwelling. The County's representative will advise a property owner of the County's procedure.

## XXIII. Rental Payments - Down Payments for Federal-Aid Projects

Tenants, owners who prefer to rent, or owners who occupied their dwelling for less than 180 days prior to the initiation of negotiations may be entitled to a supplemental payment to assist them in renting a replacement dwelling if they occupied the property for at least 90 days prior to the initiation of negotiations.

The payment will equal the difference, as determined by the County, between the cost of renting a comparable, decent, safe and sanitary dwelling and the actual or economic rent of the acquired property. The amount of rental payment is determined by subtracting forty-two (42) times the average rent being paid during the last three (3) months or the economic rent from the rental cost over forty-two (42) months at the comparable property. Utilities will be included in the rental for the acquired property and the comparable replacement property when making this calculation. The rental payment will normally be paid in a lump sum unless the County determines otherwise. To qualify for the payment the property owner must rent and occupy a decent, safe and sanitary dwelling within twelve (12) months of the date of the move, and claim for payment must be filed within eighteen (18) months of the date of the move.

If a sleeping room is rented, the supplemental rent payment, if any, will be based on the rent for a comparable sleeping room. The standards of being decent, safe and sanitary will apply; however, a kitchen area need not be provided. Lavatory and toilet facilities must be provided including a door for privacy which can be locked.

A tenant and short term owner may elect to purchase replacement housing. In that event, they may qualify for a down payment on a comparable decent, safe and sanitary dwelling if the County has determined, computed and made the displaced person a rental supplement payment offer.

The displaced person does not qualify for a down payment assistance amount if he/she was not eligible to receive a rent supplement payment amount. The down payment replacement housing payment is not to exceed the amount of the rent supplement, if any, described above, including closing costs (election to purchase must be made within twelve (12) months of the date moved when converting a rent supplement to down payment).

## XXIV. Mobile Homes

Occupants of mobile homes are basically entitled to the same moving and replacement housing payments as occupants of a conventional dwelling.

The various choices and combinations of payments are too numerous to list; however, relocatees who occupy a mobile home will be contacted and advised of the choices, amounts and procedures to claim the moving cost and replacement housing payments.

## XXV. Subsequent Occupants

Persons in occupancy when property is acquired by the County, but who do not qualify as either a 180 day or 90 day occupant prior to the initiation of negotiations, are eligible for advisory services and reimbursement of moving expenses. Also, they may be eligible for financial assistance in obtaining replacement housing if comparable housing is not available within their financial means.

## XXVI. Replacement Housing Payments In The Event Of Condemnation

Since replacement housing payments are determined partially from the amount paid by the County for the property acquired, a final determination of payment due cannot be made in the event of condemnation until the condemnation has been settled. The replacement housing payment will be recomputed based on the verdict by the court compared to the actual price paid for replacement property, or the amount determined by the County necessary to acquire a comparable decent, safe and sanitary dwelling, whichever is less.

An advance payment may be made by the County pending the final determination of condemnation. Such payment would be limited to the amount determined by the County. The owner must execute a promissory note and Deed to Secure Debt in the amount of the advance payment on the replacement property before an advance payment is made. Should the re-computation of benefits due result in a decrease of payment, the difference must be refunded to the County. Should the recomputed benefits result in an increase; the additional payment will be made by the County.

## XXVII. Effects Of Relocation Assistance Benefits On Income

No relocation payment received will be considered as income for the purpose of the Internal Revenue Code or for the purposes of determining eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

## XXVIII. Appeals

### Relocation Assistance & Incidental Expenses

Any disagreement on eligibility for or the amounts of relocation payments and expenses to transfer title to the County may be appealed. An appeal should be made as soon as a person is aggrieved, but the latest an appeal may be filed is twelve (12) months from the date a written notification of the County's determination of eligibility or amounts of payment was received.

The appeal will be handled by the County in accordance with Federal law (42 USC 4601 *et seq.*) in the following manner:

(1) Upon receipt of the appeal, all determinations of benefits will be administratively reviewed by the County's Public Works Director. Prompt notification of the results of the County review will be provided.

(2) If, after the County's review, a further review is desired, a request in writing must be made to the Board of Commissioners.

(3) If the decision of the Board of Commissioners is unsatisfactory to the Appellant or the County, either party may appeal that decision via a writ of certiorari to the Superior Court of Fayette County within 30 days of the Board of Commissioners' decision.

In the event the property being acquired by the County is pending final judgment due to condemnation and the appeal pertains to the cost of replacement housing, the appeal findings will only determine the cost of replacement housing. No payment can be determined until final judgment at which time the County will use this cost in computing the amount of Replacement Housing Payment.

## XXIX. 1968 Fair Housing Law

In Title VIII of the Civil Rights Act of 1968 (the Fair Housing Law), Congress declared a national policy of providing fair housing throughout the United States. This law and later Acts and amendments make discrimination based on race, color, religion, sex, or national origin illegal in connection with the sale or rental of most housing and any vacant land offered for residential construction or use.

## XXX. The Americans with Disabilities Act of 1992

The Americans with Disabilities Act of 1992 requires non-discrimination on the basis of disability in State and Local Government Services. Therefore, no individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the service or activities of a public entity or be subjected to discrimination by any such entity.

## XXXII. Control of Right-Of-Way

Right-of-Way conveyed to the County for public road purposes must be utilized for that purpose exclusively, except such encroachments as may be permissible by permit from the County. The adjacent land owner or other individuals are not permitted to use the right of way for permanent parking, storage of materials, display of merchandise, erection of signs, fences, or other structures. Prior to planning construction adjacent to the right-of-way, the owner should contact the County. On "limited access" projects, no entrances are permissible across the limited access right-of-way.

## XXXIII. Environmental Law

The purchase of property by Fayette County does not limit Environmental responsibility of either the Grantee or Grantor under Federal 40 CFR 280.12 or other applicable State or Federal Environmental Laws.

## PURPOSE

The intent of this policy is to establish procedures for advertising appointments to Fayette County's Boards, Authorities, Committees and similarly established bodies; to establish procedures for accepting applications for advertised positions; and for appointing members to said bodies.

## POLICY

There shall be specific procedures for advertising appointments to Fayette County's Boards, Authorities, Committees and similarly established bodies; procedures for accepting submitted applications for advertised positions; and procedures for appointing members to said bodies.

## PROCEDURE

Inasmuch as it is recognized that in order to promote and protect the integrity of the Board of Commissioners, staff, and Fayette citizens who have expressed interest in and are appointed to the County's Boards, Authorities, and Commissions, the following procedures for the appointment of interested and qualified applicants shall be enacted and applied:

1. All vacancies to Boards, Authorities, Commissions, and similarly established bodies will be advertised.

2. The County Clerk or his/her appointee will advertise for all vacant positions for a period of one month with deadlines for receiving applications to be established by the County Clerk. Advertisements will be provided to the County's legal organ, to other newspapers deemed appropriate by the County Clerk, and will be posted to the County's website.

3. The Chairman of the Board of Commissioners will appoint up to two Commissioners (referred to as the Selection Committee) to receive, review, and recommend an applicant for consideration of appointment to the vacant position.

4. The County Clerk or his/her designee will schedule interviews between the Selection Committee and the applicants.

5. The Selection Committee will inform the County Clerk of their selection once the interviews are completed. The County Clerk will then place the selection on the next available Agenda for the Board of Commissioners' formal appointment.

6. After all applicants have been interviewed, the Selection Committee may unanimously recommend re-advertising the vacancy. This recommendation will be received by the County Clerk and re-advertisement will be authorized upon written approval by the Selection Committee. Once re-advertisement is authorized, the process, as specified in steps 2, 4 and 5, will be repeated.

7. If after the second re-advertisement has occurred and the Selection Committee cannot agree upon a recommendation, the County Clerk will provide each County Commissioner

with all the applications that have been received from both advertisements and seek Board direction.

## ADMINISTRATIVE GUIDELINES

It shall be the responsibility of each employee to be familiar with and to comply with this policy. Department Heads and supervisory personnel shall be responsible for ensuring adherence to this policy. Reasonable limits, including time restrictions, shall be imposed by the department head or other supervisory persons to ensure maximum productivity of all department employees in respect to this policy. Violation of this policy will result in disciplinary action in accordance with the County's Personnel Policy.

## PURPOSE

Fayette County has a responsibility to its citizens to manage, protect, preserve and make available County records. The purpose of this policy is to provide secure and effective controls over the management, retention, and disposition of all records of Fayette County.

## POLICY

There shall be the consistent and uniform management, retention, and disposal of County records. This policy will be implemented through a comprehensive system of procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of the Georgia Records Act (O.C.G.A. 50-18-90 et seq.).

## PROCEDURES

All County records must be managed, maintained, and disposed of in accordance with this policy.

### DEFINITIONS

"*COUNTY RECORD"* – all documents, papers, letters, records, books, maps, drawings, photographs, tapes, computer based or generated information, data, data fields, or similar material prepared, maintained, or received by Fayette County or any of its officers or employees pursuant to law or in the transaction of public business.

"*DEPARTMENT"* - any department, division, commission, authority, committee, task force, or similar entity of the County.

"*DEPARTMENT RECORDS SCHEDULE"* – records schedule from each department listing the record types and retention schedules of all records maintained by the department that correspond with the State of Georgia's Records Retention and Disposal Schedule.

*"ESSENTIAL RECORD"* - any County record necessary to resume or continue operations of the County in an emergency or disaster; recreate the legal and financial status of the County; or to protect and fulfill obligations to the citizens of the County.

*"GEORGIA RECORDS ACT"* - O.C.G.A. § 50-18-90 through 103, are the Georgia laws that govern the duties, responsibilities, and requirements of state and local governments regarding the management, retention, and disposition of government records. The Georgia

Retention Schedules for Local Government Records are based upon the requirements of the Georgia Records Act.

*"GEORGIA OPEN RECORDS ACT"* - O.C.G.A. § 50-14-70 through 77. The Georgia Open Records Act governs which government records are to be open for public inspection.

*"PERMANENT RECORD"* - any County record for which the retention period on a Records Retention and Disposition Schedule is given as permanent.

*"RECORD RETENTION AND DISPOSITION SCHEDULE"* - a set of disposition instructions prescribing how long, where, and in what form a record series shall be kept. The approved "Georgia Retention Schedules for Local Government Records" will be the record retention and disposition schedule for Fayette County. It can be accessed via internet at http://sos.georgia.gov/.

*"RECORDS DISPOSITION"* - the removal or destruction of a County record from a department or Records Center that has passed its minimum legal retention period and no longer has value to the County, or for a permanent County record, transfer of the record to the *RECORDS CENTER* for permanent archival.

*"RECORDS INVENTORY"* - the process of locating, identifying, and describing in detail the records of a department.

*"RECORDS LIAISON"* - a person designated by each Department Head/Chief to implement the Records Management Program in their department.

*"RECORDS MANAGEMENT"* - the creation and implementation of systematic controls for County records from the point where they are created or received through final disposition or archival retention, including distribution, use, maintenance, storage, retrieval, protection, preservation and disposal, for the purpose of achieving adequate and proper documentation of the policies and transactions of County government and reducing costs and improving the efficiency of record keeping. The term includes: development of Records Retention and Disposition Schedules; management of filing and information retrieval systems; protection of essential and permanent records; economical and space-effective storage of non-current records; control over the creation and distribution of forms, reports, and correspondence; management of manual, micrographic, electronic, and other records storage systems; and identification of functional record keeping requirements that ensure County records are created to adequately document the County's business transactions.

*"RECORDS MANAGEMENT COORDINATOR"* - the person appointed by the County Administrator to administer the County's Records Management Program. Fayette County's Record Management Coordinator shall be the County Clerk.

*"RECORDS MANAGEMENT PROGRAM"* - the requirements, policies, and procedures developed by this document.

*"RECORDS CENTER"* - the facility used to provide centralized and secure storage for non-current and permanent County records.

*"RETENTION PERIOD"* - the minimum time that must pass after the creation, recording, or receipt of a County record, or after the fulfillment of certain actions associated with a County record before the record is eligible for disposition.

## OWNERSHIP AND CUSTODY OF COUNTY RECORDS

Every County record is the property of Fayette County. No County officer or employee has any personal or property right to a County record even though they may have developed, compiled, or received the record. The unauthorized alteration, destruction, deletion, or use of a County record is prohibited. A County record exempted from public disclosure under State or federal law is not made subject to disclosure by its designation as County property under this section.

Except when a County record is transferred into the archival custody of the RECORDS CENTER, legal custody of a County record created or received by a department during the course of business remains with the Department Head. The legal custodian, as guardian of the record, does not relinquish responsibility for the care, preservation, or legal disposition of the record even though physical custody of the record for maintenance and preservation purposes may be held by another department or agency. The physical custodian of the record is also responsible for complying with all Records Management Policy requirements and procedures. An original County record may not leave the custody of the department concerned when it is being used by a member of the public.

Every official or employee shall deliver to any successor all County records pertaining to the office held by the County officer or employee. The legal and physical custody of a County record that has continuing historical value to the County may be transferred to the Records Center upon agreement between the Department Head and the Records Management Coordinator. Records Center's custody of the record subsequently will be known as archival custody, and ownership of the record remains with the County. The Records Center shall have legal and physical custody of all County records belonging to any defunct department that does not have a named successor.

## RECORDS CENTER

The Records Center serves as centralized records storage facilities for all departments for storage of non-current County records and is under the direct control and supervision of the Records Management Coordinator. The Records Management Coordinator shall establish policies and procedures regulating the operations and use by County departments. The Records Center shall serve as the repository for permanent and historical County records that are transferred to the Records Management Coordinator by departments.

## RECORDS INVOLVED IN PUBLIC INFORMATION REQUESTS, PENDING LITIGATION OR PENDING AUDITS

The destruction of a County record involved in a pending request under the Georgia Open Records Act, pending litigation, or a pending audit is prohibited, even if the destruction of the record is authorized by an approved Records Retention and Disposition Schedule.

## RECORDS MANAGEMENT COORDINATOR DUTIES / RESPONSIBILITIES

In addition to other duties assigned by this chapter and State law, the Records Management Coordinator shall:

1. Coordinate the County's Records Management Program and provide advice and assistance to Department Heads in its implementation;

2. Prepare the requirements, policies and procedures for the County's Records Management Program;

3. In cooperation with Department Heads, identify essential records and establish a records disaster and recovery plan for each department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense;

4. Monitor retention/disposition schedules and administrative rules issued by the Georgia Secretary of State;

5. Disseminate information concerning State laws and administrative rules relating to County records to the Department Heads;

6. Instruct Records Liaisons and other personnel in the Records Management Program;

7. Direct Records Liaisons and other personnel in the conduct of records inventories;

8. Ensure that the creation, maintenance, preservation, microfilming, electronic storage, destruction, and other disposition of County records are carried out in accordance with the requirements, policies, and procedures of the Records Management Program, this chapter and State law;

9. Bring to the attention of the County Administrator any noncompliance by a Department Head or other personnel with the requirements, policies, and procedures of the Records Management Program, this chapter, or State law;

10. Develop procedures to ensure the permanent preservation of the historically valuable records of the County;

11. Provide uniform standards and efficient controls over the identification, maintenance, preservation, transfer, retention, and disposition of County records. The storage of documents are to be stored in boxes measuring 10”Hx12”Wx15”D.

12. Inspect all County records as necessary to ensure compliance with the Records Management Program, this chapter, and State law;

13. Review County-wide policies to ensure compliance with the Records Management Program, this chapter, and State law;

14. Serve as the County's liaison to the Georgia Secretary of State for Records Management Program requirements.

**DEPARTMENT HEAD DUTIES AND RESPONSIBILITIES**

Every Department Head shall:

1. Appoint a department Records Liaison in accordance with this program;

2. Cooperate with the Records Management Coordinator in carrying out the policies, procedures, and requirements of the Records Management Program, this chapter, and State law. Cooperate with the Records Management Coordinator for the period of time the records are to remain in their department before moving to the records center.

3. Maintain County records in their custody and carry out the preservation, microfilming, electronic storage, destruction, and other disposition of those records only in accordance with the Records Management Program, this chapter, and State law until the time to forward to Records Management Coordinator for recording in the records center.

4. Notify the Records Management Coordinator within 24 hours of the discovery of any

loss, theft, or damage to a County record;

5. Ensure the ability to access records regardless of form or medium; notify the Records Management Coordinator of proposed electronic record keeping systems to ensure compliance with electronic record keeping requirements established by the Records Management Program, this chapter, and State law;

6. Ensure electronic records in the director's custody are migrated forward as technology changes, for as long as the records are determined to have value, and to ensure that requests for funding for new systems or systems enhancements address requirements for backup, recopying, disaster recovery, security, public access, audit trails, and other record keeping requirements in accordance with the Records Management Program, this chapter, and State law;

7. In cooperation with the Records Management Coordinator, identify essential records of the department and establish and maintain a Department Records Schedule and a Records Disaster Recovery Plan to ensure maximum availability of the records to reestablish operations quickly and with minimum disruption and expense;

## RECORDS LIAISON OFFICER DUTIES AND RESPONSIBILITIES

Each Department Head shall designate in writing to the Records Management Coordinator a member of the Department's staff to serve as the Records Liaison for the implementation of the Records Management Program for each department. If the Records Management Coordinator determines that more than one Records Liaison should be designated for a department, the Department Head shall designate the number of Records Liaisons specified by the Records Management Coordinator. The Department Head may serve as Records Liaison for a department.

A person designated as a Records Liaison shall be thoroughly familiar with departmental policies and activities and have full knowledge of and access to all County records created and maintained by the department and by all officers and employees of the department.

If a person designated as a Records Liaison resigns, retires, or is removed by action of the Department Head, the Department Head shall promptly designate another person to fill the vacancy.

In addition to other duties assigned in this chapter or by State law, a Records Liaison shall:

1. In cooperation with the Records Management Coordinator, coordinate and implement the requirements, policies, and procedures of the Records Management Program in the department;

2. Disseminate information to department staff concerning the Records Management Program;

3. In cooperation with the Records Management Coordinator, coordinate the records inventory of the department. The liaison should review the Department's required retention schedules by accessing the latest version of the "Retention Schedules for Local Government Records" at www.sos.state.ga.us (click Archives) or at www.georgiaarchives.org and update their "Department Records Schedule" as necessary.

4. Verify the accuracy, content and completeness of the records inventory and store in the appropriate box prior to submission to the Records Management Coordinator. The records box should have listed on the front of the box the contents within. List the destroy date in the upper right hand corner in permanent black marker. If the records are permanent, print in BOLD black letters with permanent marker in the upper right hand corner: PERMANENT RECORDS. Notify the Records Management Coordinator when the records are ready to be placed in the Records Center. Provide the Coordinator with a description of the records to be recorded in the Records Center's Inventory/Disposal List.

5. Review departmental record keeping practices for compliance with the Records Management Program and, in consultation with the Records Management Coordinator, identify practices that require improvement for the purposes of increasing efficiency or implementing corrective action for program compliance; and; Report any noncompliance with the Records Management Program to the Department Head/Chief in writing; and correct and re-submit to the Records Management Coordinator any records inventory that is incomplete or inaccurate.

6. When documents need to be pulled from Records Center, the liaison must contact the Records Management Coordinator to complete the Records Center Sign In/Sign Out form. When documents are to be returned, the Liaison must return the records to the Records Center and update the Records Center Sign In/Sign Out form.

## RECORDS RETENTION AND DISPOSITION SCHEDULES

The Records Management Coordinator, in cooperation with Department Heads and Records Liaisons, shall follow the "Georgia Retention Schedules for Local Government Records" guidelines on records retention and disposition schedules. Each Department shall also keep current their Department Records Schedule that corresponds with the "Georgia Retention Schedules for Local Government Records".

## IMPLEMENTATION

The Department Heads shall implement the Department Records Schedule in accordance with the requirements, policies, and procedures of the Records Management Program and State law.

A County record whose retention period has expired must be destroyed unless an Open Records Request is pending on the record; the subject matter of the record is pertinent to pending litigation or a pending audit; the Department Head requests to the Records Management Coordinator in writing that the record be retained for an additional period, which request must clearly state the reason for the continued retention; or the Records Management Coordinator sends written notification to a Department Head that the records must be held pending review for historical appraisal.

## DESTRUCTION OF RECORDS:

The Records Management Coordinator shall approve County records proposed for destruction on a regularly scheduled basis, according to the maximum retention and records disposition guidelines provided in the "Georgia Retention Schedules for Local Government Records". The destroy date is always the last day of December for the appropriate destruction year as outlined in schedules. No original record shall be destroyed without the review and concurrence of the Records Management Coordinator and the appropriate Department Head. The Records Management Coordinator is directed to supervise the destruction of records approved for final disposition on a regularly scheduled basis. Any County record, the subject matter of which is in litigation, shall not be destroyed until such litigation is final.

Destruction Of Original Records That Have Been Duplicated - Original paper records that have been duplicated on microfilm, microfiche, data processing or word processing equipment may be destroyed prior to the retention period specified in the records schedule without further approval provided the following three conditions are met:

1. The duplicate copy of the information contained in the original record is maintained for the specified time.

2. The original paper record has not been scheduled for permanent preservation.

3. The Records Management Coordinator has agreed to the destruction of the original paper record and the destruction is recorded.

## UNSCHEDULED RECORDS

Records not on schedule can be destroyed at the Department Head's discretion.

While some records are not required to be retained by the County's Retention and Disposition Schedules, the County recognizes that County information exists that may be subject to Georgia Open Records requests, pending or potential litigation, or may be necessary for the continuing operation of the County. The County, therefore, reserves the right to backup, make copies of, and/or store any County records or data in any format, whether paper or in electronic form.

## ELECTRONIC RECORDS – STORAGE AND DISPOSITION

Georgia retention periods are determined by the content of the record, not by its format. Whether a record is on paper, in electronic form, or on microfilm, it must be retained for as long as the retention schedule specifies. It is important that the County retain electronic files in a manner that permits them to be retrieved and viewed for the full length of the retention period. An electronic record with a 40 year retention period, for example, will need to be retrievable and readable forty years from now, despite hardware and software changes that occur during that period.

The creation, maintenance, preservation, and storage of the electronic County records must comply with the County's Record Retention and Disposition Schedule and State law. For all County records that meet those requirements and for ease of record keeping, it is recommended that departments organize their electronic records into folders and subfolders based on the data type and associated retention schedules. All related County records should be stored on County File Servers or in their associated Application. The Information Systems Department is responsible for performing backups of the County's File Servers. The County's Application Servers are either backed up by the Information Systems Department of the Software Vendor. The backup systems are intended to restore operation of the servers in case of failure and are not intended as a long term archival system to meet the requirements of the County's Record Retention and Disposition Schedule. Typical data retention for backup systems is only two to four weeks so it is imperative that Departments report the loss or accidental deletion of data immediately to the Information Systems Department so that the data can be restored before it expires from the backup system.

Local desktop and laptop hard drives and removable storage are not backed up by the County and should not be used for primary storage of County Records. The County recognizes, however, that there is information on local hard drives that may be subject to Georgia Open Records requests, pending or potential litigation, or may be necessary for the continuing operation of the County. For this reason, the County may choose to backup or make copies of local hard drives of Administrators, Department Heads, Supervisors, or other key employees.

Destruction of Electronic Records – Electronic records that have exceeded their associated

retention schedule shall be treated similar to other County records. The Department Liaison shall notify the Records Management Coordinator when the electronic records have reached their retention schedule and are ready to be deleted. They shall provide the Coordinator with a description of the records to be deleted in a Records Inventory/Disposal List.

Computer printouts and other electronic data input/output may be destroyed without specific authorization and recording provided the following conditions apply:

1. The information is retained on magnetic media (e.g., hard drives, magnetic tape, optical disks, etc.), and the media is scheduled in the Department Records Schedule.
2. The output copy is not specifically listed and scheduled in this Records Retention and Disposition Schedule.

Email - The County's Email Archival System will retain emails for approximately one year from the date the email was sent or received. Based on their content, emails that have a longer retention period must be printed or saved in some other form to comply with the County's Record Retention and Disposition Schedule.

Password Protected Electronic Records - County Records may be password protected as long as the creator of the document provides his/her supervisor with the password.

## PURPOSE

The public sector purchasing function faces the dual challenges of observing laws created by legislation and by case law announced through judges' decisions, while responding to a changing, increasingly complex public service environment. Purchasing functions must go beyond the old model of process management, and provide support services for their departmental customers. This includes flexible processes that respond to the varied and changing needs of the departments, as well as administrative efficiencies that acknowledge the reality of demands outpacing revenues. The policy and procedures in this Section are designed to meet these challenges.

## DEFINITIONS

- Originating department – The department for which a product or service is being purchased.
- Open market purchase – A purchase costing less than the formal procurement threshold for requiring competitive sealed bids or proposals.
- Formal procurement threshold – The dollar amount above which formal sealed bids or proposals are required.
- Quote – An offered price from a vendor for an open market purchase. A quote may be verbal or written, depending on the dollar amount involved. For purposes of obtaining the required number of quotes, a "no-bid" response or non-response may be counted as a quote.
- ITB – Invitation to bid. This results in selection of the lowest bid from a responsive, responsible bidder.
- RFP – Request for proposals. This results in selection of a winning proposal by evaluation of criteria specified in the RFP.

## POLICY

The Purchasing Department will partner with county departments, vendors, and stakeholders to achieve the following results:

- *County departments* will receive appropriate products and services in a timely manner,
- *Vendors* will have access to county business, opportunity to compete, and equity in their dealings with the county, and
- *Stakeholders*, including the Board of Commissioners, the County Administrator, and taxpayers, will realize the efficiencies, savings, and business transparency they require.

These results will be obtained by observance of the procedures listed below, and in other sections of the Policies and Procedures Manual.

*Note: The policy and procedures herein do not apply to the Sheriff's Office or other elected officials when using a separate procurement system.*

## PROCEDURE

### A. Open-Market Purchases

Purchases that have a total cost of less than the formal procurement threshold of $200,000 and which do not go through a sealed bid or proposal process are known as open-market purchases. Open market purchases do not require additional approval by the Board of Commissioners, as long as funds are fully budgeted. The dollar value of an open-market purchase determines the procedures that apply:

- Purchases up to $5,000: Authority is delegated to departments to make purchases up to this amount, if they so choose. For a purchase above $500.00 the originating department must obtain a minimum of 3 documented verbal quotes or 3 written quotes, unless the purchase is made from an existing county or state contract, or qualifies as a sole-source, emergency, or other exception in which price competition is not deemed to be in the best interest of the county. The originating department must send the quotes, or documentation of the exception to this requirement, along with their invoice or other payment request to the Finance Department, where it will be made part of the payment file.

  The Purchasing Department will conduct an audit of purchases on an annual basis, for the purpose of ascertaining adherence to the policy of documenting 3 quotes, or justification of exception, for each purchase. In the event that a department is found to not be in compliance, remedies will apply, including revocation of the department's delegated purchasing authority.

  For any transaction conducted by a department without going through the Purchasing Department, the department must comply with current laws regarding immigration compliance. The originating department must obtain required E-Verify Affidavits or other documents when required. The originating department must forward a copy to the Purchasing Department for inclusion in mandated reports. Each Affidavit or other document must include, at a minimum, a notation of the contract name and date of contract.

- P-Cards: Authorized employees may make purchases up to the amount established by Policy & Procedure 210.01, titled "P-CARD Program." Employees must follow procedures set forth in that Section.

- Store Accounts: The Purchasing Department may open store accounts on behalf of a department, with prior approval of the County Administrator. Store accounts may be authorized with departmental spending limits equal to limits for P-Card purchases.

Purchases over $5,000 must go through the Purchasing Department. The procedures that apply are dependent on the total value of the purchase:

- $5,000.01 - $50,000.00: Purchases within this range require a minimum of three documented verbal quotes, or three written quotes, unless made from an existing county or state contract, or exempted for another authorized reason.

- $50,000.01 - $200,000.00: These purchases require a minimum of three written quotes, unless made from an existing county or state contract, or exempted for another authorized reason.

Employees may not artificially subdivide a purchase to avoid any of the above requirements or limits.

**B. Competitive Sealed Bids / Proposals**

*Road Construction*: The county will use the invitation to bid (ITB) or request for proposals(RFP) process for any road construction contract of $20,000 or more, as required by Georgia Code, Chapter 32-4. For this purpose, the term "contract" is defined in OCGA 32-4-60 to include construction, reconstruction or maintenance of a public road.

*Public Works Construction Projects*: The County will issue an ITB for any public works construction project costing $100,000 or more, as required by Georgia Code, Chapter 36-91.

*Fuel:* Due to the unique nature of the fuel distribution industry, fuel purchases will not follow the sealed bid process, unless and until such time as the county may choose to seek a contract for fuel delivery. The Director of Purchasing may approve fuel purchases up to $75,000. Any fuel purchase above that amount and up to $200,000 may be approved by the County Administrator. Any fuel purchase over $200,000 must be approved by the Board of Commissioners.

*Other Procurement:* For other procurements, the Purchasing Department will issue an ITB or RFP when the total price is expected to be over $200,000. The Purchasing Department may also issue an ITB or RFP for a procurement of a lesser dollar amount when this more formal process can be expected to produce the best results. In such cases, the originating department will initiate the procurement process:

1. For an ITB, the originating department will develop product or service specifications.

2. For an RFP, the originating department will provide the following information, which will become part of the RFP:

    a. Objective
    b. Introduction
    c. Statement of Need
    d. Scope of Work
    e. Proposal Response Requirements
    f. Evaluation Plan
    g. Pricing Structure

3. The originating department will provide other information, such as quantity needed or estimated usage, suggested vendors (if any), or other essential or helpful information.

The Purchasing Department will prepare the terms and conditions, cover letter, immigration affidavits, and other documentation that completes the ITB or RFP.

Once the ITB or RFP package is completed, the Purchasing Department will notify vendors, using any of a variety of available methods, as appropriate. This may include, but is not limited to, the following:

- Bidders list: The Purchasing Department will maintain a bidders list of vendor names and addresses from which bids, proposals or quotations can be solicited.

- State bidders list: The Purchasing Department will use the state's Georgia Procurement Registry for solicitations, as deemed necessary or advantageous; to acquire enough bids to assure adequate price competition.

- Other communications: The Purchasing Department will use other means available to (1) assure that interested vendors have an opportunity to compete, and (2) to generate adequate price competition among vendors. This may include, but not be limited to, Internet, public access cable television, and printed media notifications.

*Public Bid / Proposal Openings*: The Purchasing Department shall open bids and proposals in public view, at the established time and place, with at least one witness. For bids, the opening employee will disclose each vendor and the price(s) bid. For proposals, the opening employee will disclose only each vendor.

*Bid opened in error:* If a county employee inadvertently opens a bid or proposal in error before the established bid opening date and time, upon discovering the error the employee shall reseal the bid, and write on it "Opened in Error." The employee shall ask another employee to witness the re-sealing. One employee shall note the time and date on the envelope, and both employees shall sign it. This action will allow the bid or proposal to maintain its status as a sealed bid.

*Mistakes in bids:* When a mistake is discovered in a bid, the bidder may be allowed an opportunity to correct or withdraw the bid in some circumstances. This must be done in a manner that does not confer upon the bidder an unfair advantage, and in a way that will not prejudice the interests of the public:

- A bidder may modify or withdraw a bid at any time before the bid opening. An authorized representative of the bidder must request the modification or withdrawal of the bid in writing.
- If a mistake is discovered after the bid opening but before award, the Director of Purchasing may allow the bidder to withdraw the bid. The Director may waive a mistake, or permit the bidder to correct it, if the mistake is minor and the true intent of the bid is obvious from the bid document itself.
- After award of a contract, relief for a mistake that is discovered must be considered in light of the circumstances. There may be extenuating considerations, such as an error so

substantial that refusal to grant relief would be unconscionable. In less severe cases, the winning bidder may be held to the bid, at the discretion of the county.

After a bid or proposal opening, the originating department will conduct an evaluation. This may be done by an individual or an evaluation committee, depending on considerations such as the size and complexity of the bid or proposal.

After evaluation is complete, the originating department will provide written recommendations to the Director of Purchasing. For bids, the originating department must include justification or explanations when recommending other than the lowest bid. For proposals, the originating department must provide the evaluation criteria, evaluations, and scores to the Purchasing Department.

Although bids or proposals are required only for procurements over $200,000 sometimes a recommended price may be lower than anticipated. In addition, it may be in the best interest of the county to issue invitations to bid or requests for proposals for certain procurements under $200,000 such as those of a highly technical nature. For recommendations up to $50,000 authority is given to the Director of Purchasing to approve the department's recommendations. For recommendations over $50,000 and up to $200,000 the Director of Purchasing will present the recommendations to the County Administrator for final decision.

After reviewing a recommendation over $200,000 the Director of Purchasing will notify the originating department. The originating department will complete a Board agenda request and forward it for inclusion on the agenda. The Purchasing Department will provide backup data concerning the bid or proposal process.

**C. Sole Source Procurement**

The term "sole source" refers to the source, not the product or service. This can, but does not necessarily, refer to the fact that literally only one vendor provides the product or service. Circumstances may define a sole source situation, such as a need for immediate delivery or repairs at a particular location, when there is only one vendor that can accommodate. The decision to sole-source procurement may be based on a lack of competition, proprietary technology, copyright, or a supplier's unique capability. Sometimes procurement can be sole source in the short term, but not in the long term.

In the event of a need for sole source procurement, the originating department must explain the need in writing. If the procurement is completed without going through the Purchasing Department, the originating department shall include the justification with the invoice for payment, in lieu of documentation of quotes. If the procurement is done through the Purchasing Department, the written justification shall be sent to the Director of Purchasing.

**D. Proprietary Procurement**

A proprietary product or service is one that some person or company has exclusive right to manufacture and/or sell. It may be protected by a patent, copyright, trademark or other exclusive right. This is different from a sole source situation, in that there may be competing vendors with comparable goods or services.

As with other purchases, if the originating department makes a sole-source or other non-competitive procurement, the department shall attach written documentation to the invoice for payment. If the originating department goes through the Purchasing Department, the written justification shall be sent to the Director of Purchasing.

**E. Professional Services**
At times, the county will need to enter into contracts for services that require special skills or present other circumstances in which bids or proposals might not produce the best outcomes. In these instances when it is in the county's best interest, a professional services contract may be negotiated, rather than executed through a sealed competitive process, unless in conflict with existing laws, rules, or regulations.

**F. Purchases from State Contracts**
Purchases may be made through State of Georgia purchasing contracts, inasmuch as they have previously gone through a sealed bid process at the state level. Prior approval from the Board of Commissioners will not be needed, except for purchases over $200,000 or purchases to be made from funds that were not previously budgeted.

**G. Internet Purchases**
Various forms of on-line procurement are available, and others may be anticipated in the future. Purchasing and other departments may consider and use these procurement methods as appropriate, if they do not conflict with state law, county ordinance, or provisions of the Policy and Procedures Manual.

**H. Contracts**
The Purchasing Department will obtain approval of the Board of Commissioners prior to executing contracts in the following situations:

- If the total price of the contract is over $200,000
- If funds to pay the contractor are not budgeted

The Chairman or County Administrator is authorized to sign properly procured contracts that are less than $200,000 and budgeted, without obtaining prior Board approval. Prior to presenting any contract to the Chairman or County Administrator for signature, the party asking for signature (whether originating department or the Purchasing Department) must assure that properly executed immigration documents have been obtained. The originating department must also forward a copy of the immigration documents to the Purchasing Department, noting the contractor and the date of the contract, if the contract was obtained without going through the Purchasing Department.

Contracts must comply with Georgia law for public works bidding and contracting as provided in Georgia Code Chapter 36-91, and for road bidding and contracts as provided in Georgia Code Chapter 32-4.

**I. Emergency Procurement**
In times of emergency, the need for expediency outweighs the desire for price competition. These procedures address two levels of emergency, as described below:

1. A state of emergency may be declared by the Governor, or determined to exist by the county governing authority. During times of declared emergency, procedures for emergency procurement will be in effect, as authorized in the Policy and Procedures Manual or other official documents.

2. An emergency may be caused by an unexpected and urgent situation, but which does not rise to the level of the above-described declared state of emergency. For procurement purposes, this level of emergency is described as an unexpected situation which requires rapid response outside of established purchasing procedures. It may involve danger to health, life or property. It may involve an unexpected delay in delivery, depleted inventory, or an unusually high volume of work, depending on the situation*{however, care must be taken that adequate planning is done so that these situations do not occur when avoidable}.*In event of such a situation, the Director of Purchasing shall have the authority to make necessary purchases, while adhering to established policies and procedures as closely as circumstances allow. If the emergency occurs outside of normal business hours, on weekends, or on holidays, and the Director of Purchasing is unavailable, the Director of the department in question shall have the same authority as the Director of Purchasing. Documentation is to be submitted to the Purchasing Department as soon as possible following the emergency.

   This exception does not apply to a condition in which an emergency situation might potentially occur in the future. It applies to situations in which there is an imminent need such that it is important to disregard normal procedures.

**J. Maintenance and Support Agreements**

It is important that departments give procurement of maintenance or support agreements the same considerations as other purchases. While many agreements are proprietary, they may not necessarily be sole source services, or the most competitively priced.

Maintenance or support agreements constitute legally binding contracts which require the signature of the Board Chairman or another legally empowered official. They may require ~~one or more~~ immigration affidavits, in compliance with Georgia Code.

Departments must process maintenance or support agreements using the same thresholds as outlined in this policy. Contracts or agreements in excess of the formal procurement threshold of $200,000 and those not fully budgeted must be placed on the Board agenda for consideration. For those agreements not going through the Purchasing Department, the originating department must obtain required immigration compliance documents, and forward a copy to the Purchasing Department.

**K. Purchases Using Federal Funds**

For procurements using federal funds, the county must follow federal rules, including the Federal Common Rule. The county must also follow any additional rules or conditions imposed by a pass-through or administering organization, such as a state agency. Instructions for these circumstances are provided elsewhere in the Policies and Procedures Manual.

**L. Budget Availability**
The originating department is responsible for assuring that funds are budgeted before initiating any procurement.

**M. Unauthorized Purchases**
No purchase of materials, supplies, equipment, or services shall be made in the name of the county, or through its purchasing department, except such as are required for official use by the county or one of its departments. Purchases in the name of the county or a department for personal use by an individual or for other than official use are prohibited, and no county funds will be expended or advanced for such purpose.

**ADDENDUM - Public Works Projects Using Federal Funds**
**Engineering & Design Related Services**
**200.01**

**PURPOSE**:

When the county partners with the State of Georgia and the federal government for transportation projects using federal funds, it is the county's obligation to observe and follow rules, regulations, or other requirements that apply. This policy and procedures section provides guidance to county officials in fulfilling that obligation, as it applies to procurement of engineering and design related services.

**DEFINITION**:

- Engineering and design related services: Program management, construction management, feasibility studies, preliminary engineering, design engineering, surveying, mapping, architectural related services, or similar services with respect to a highway construction project.

**POLICY**:

The county will maintain and comply with written policies and procedures for the procurement, management, and administration of engineering and design related consultant services, as appropriate for the use of funds granted by the Federal Highway Administration (FHWA). The county will follow requirements of the common grant rule except where inconsistent with the requirements of 23 CFR 172 and other laws and regulations applicable to the Federal-aid highway program (FAHP). The county will procure engineering and design related services in accordance with the qualifications-based selection procedures prescribed in the Brooks Act (40 U.S.C. 1101 et seq.) and will accept and apply consultant indirect cost rates established by a cognizant Federal or State agency in accordance with the Federal Acquisition Regulation cost principles (48 CFR part 31). It will further be county policy to follow other federal or state laws, rules, or regulations that may apply.

**PROCEDURES**:

A. The county will use the method of procurement that is most appropriate for the particular situation. Methods may include:
   1. ***Small purchases***: This method may be used where an adequate number of qualified sources are reviewed, and the total contract costs do not exceed the federal simplified acquisition threshold in force at the time. A minimum of three consultants will be considered when the small purchase method is used.

   2. ***Competitive Negotiation***: This may include Requests for Proposals (RFP), Requests for Qualifications (RFQ), and/or other appropriate forms of competitive negotiation. When using this method, the county will comply with laws, rules, and regulations that apply, including the Brooks Act, codified under 40 U.S.C. 1101-1104. Costs proposals or elements of cost will be required in a concealed format and separate from technical / qualifications proposals, and not considered in the evaluation,

ranking, and selection phase of procurement. *In-state or local preferences* will not be used; however, a *local presence* may be considered where appropriate. Evaluations will consider the qualifications of the prime consultant and any sub-consultants identified within the proposal. The county will conduct interviews or other discussions with at least three of the most highly qualified consultants. Prior to receipt of the most highly qualified consultant's cost proposal, the county will prepare a detailed independent estimate in conformance with federal requirements.

3. ***Noncompetitive procurement***: When the above-two procurement methods are not appropriate, the county may conduct a noncompetitive procurement. This may involve situations in which the service is available only from a similar source, an emergency exists, or available competition is inadequate.

B. To assure compliance with federal and state laws, rules and regulations, procurements of engineering and design related services will address the following:

1. ***Scope of work and evaluation factors***: The Originating Department will prepare a *scope of work* that adequately describes the services needed, so that potential consultants clearly understand what is needed, and can respond accordingly. *Evaluation factors* will be included, which will convey to potential consultants those things the county considers important for the project in question.

2. ***Solicitation of proposals***: The county will solicit proposals widely enough so that sufficient competition is generated. Solicitation methods may include printed media, Internet-based tools, the county's website, or other available means of advertising.

3. ***Conflicts of Interest***: The county will maintain a written code of standards of conduct governing the performance of employees, including those employees engaged in the award and administration of engineering and design related services contracts.

4. ***Suspension and debarment***: The county will verify suspensions or debarments of consultants as specified in 49 CFR 18.35 and 2 CFR part 180.

5. ***Evaluating proposals and ranking / selection of a consultant***: An Evaluation Committee will be formed to rank proposals and recommend a consultant for contract award. The Committee will use evaluation criteria as specified in the RFQ, RFP, or other advertisement. Evaluation factors may include, but are not limited to, technical approach, work experience, specialized expertise, professional licensure, staff capabilities, workload capacity, past performance, or other criteria pertinent to the project at hand. Price or cost related items will not be used as evaluation criteria. The county may conduct interviews or other discussions as appropriate with at least three of the most highly qualified consultants.

**ADDENDUM - Public Works Projects Using Federal Funds**
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6. ***Independent agency estimate***: Prior to receipt of cost proposals, the county will prepare independent cost estimates as required by federal regulations.

7. ***Contract type, payment method, and provisions***:
   a. The county will use the contract type which is most appropriate for each procurement. It may be a *project-specific contract*, a *multiphase project specific contract*, an *on-call or indefinite delivery / indefinite quantity (IDIQ) contract*, or other as needed.
   b. The method of payment to be used will be spelled out in the solicitation which, in turn, will become part of the contract. Acceptable methods may include lump sum, cost plus fixed fee, cost per unit of work, specific rates of compensation, or other as may be acceptable to the FHWA and the Georgia Department of Transportation.
   c. *Contract provisions* will include those required by the Federal Common Rule at 49 CFR 18.36 and 23 CFR 172.9.

8. ***Contract negotiation***: After potential consultants have been evaluated, the county will negotiate with the most qualified consultant in an attempt to negotiate a contract. If unsuccessful, the county will then negotiate with the next most qualified consultant, and so on until a successful negotiation has been accomplished.

9. ***Elements of costs, indirect cost rates, consultant compliance:*** The county will use *indirect cost rates* established by the State Transportation Agency (STA) in establishing contract costs. Rates will not be limited by administrative or de facto ceilings of any kind. The county will compensate for *direct costs* as provided in 23 CFR 172 and other federal regulations and guidelines.

10. ***Allowable consultant costs***: The county will provide reasonable assurance that consultant contract costs are allowable in accordance with federal cost principles, and consistent with the contract terms and acceptability of the consultant's work.

11. ***Monitoring consultant work:*** County staff will monitor the consultant's work to provide reasonable assurance of compliance with the terms, conditions, and specifications of the contract.

12. ***Consultant's performance evaluation:*** Upon completion of services, county staff will conduct an evaluation of the consultant's performance, to be used in future evaluation and ranking regarding future services. The evaluation report will include, but not be limited to, evaluation of timely completion of work, adherence to contract scope and budget, and quality of the work. The county will provide the consultant a copy of the report, and allow the consultant an opportunity to respond.

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13. ***Contract closeout:*** The responsible county employee will close out a contract only when the service has been completed to the satisfaction of the county, and all direct or indirect costs have been paid. A complete file will be maintained for the length of time established by law or by policy, whichever applies.

14. ***Records retention:*** All required records will be retained for at least three years after the county makes final payment and all other pending matters are closed for all contracts and subcontracts.

15. ***Liability for errors and omissions:*** Where appropriate, a Certificate of Insurance will be required from the consultant, naming Fayette County, Georgia as an additional insured. The insurance limit of liability shall be determined by the nature of the contract, the risks involved, and other pertinent factors.

16. ***Legal remedies:*** In case of a legal dispute, the laws of the State of Georgia shall prevail.

17. ***Dispute resolution:*** The county will be responsible for the settlement of contractual and administrative issues, except for violations of federal law or federal regulations, or other issues reserved for resolution at the federal level.

***C.*** The county will give consideration to Disadvantaged Business Enterprise (DBE) consultants in the procurement of engineering and design related service contract subject to 23 U.S.C. 112(b)(2) in accordance with 49 CFR part 26 and any other laws, rules, or regulations pertinent to DBE.

## PURPOSE

Grants of funds from the federal government, whether received directly from the federal government or through a state agency, require the county to follow laws, rules, and regulations governing the use of the funds. The procedures enumerated below are in compliance with requirements contained in the federal grants management common rule.

## POLICY

The Purchasing Department will follow consistent purchasing procedures to assure the appropriate and prudent use of federal funds that are made available to the county for public purposes.

*Note: Some procurement requirements may vary from one grant to another. For this reason, it is important for any department receiving a grant award to furnish a copy to the Purchasing Department. Purchasing staff will review the grant award and relevant documents pertinent to any invitation for bids (IFB), request for proposals (RFP), or other procurement actions which would use grant funds, comply with purchasing-related requirements, and maintain the documents in the purchasing files. Construction projects carry additional requirements, which should be reviewed carefully before contracts or purchases are executed.*

## I. PROCEDURES – PROCUREMENTS WITH FEDERAL FUNDS

A. The federal Common Rule requires the county to follow specific purchasing rules when spending federal grant funds. The Common Rule stipulates that local governments "will use their own procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this section."

**The standards to be met by the grant-receiving department are:**

1. Maintain a contract administration system which ensures that contractors perform in accordance with the terms, conditions, and specifications of contracts or purchase orders.

2. Conduct a review of proposed procurements to avoid purchase of unnecessary or duplicative items. When appropriate, analyze lease-versus-purchase alternatives

or conduct other appropriate analyses to determine the most economical approach. Consider consolidating or breaking out purchases to reduce total costs.

3. Perform a cost analysis or price analysis in connection with every procurement action. For procurements which involve an IFB or RFP, an estimate must be made before receiving the bids or proposals.

    a. A *price analysis* will be appropriate for most contract procurements, in order to determine the reasonableness of a proposed contract price. This may involve a review of past similar contract prices, other local government experience, directly contacting a trade group, or other appropriate mechanisms.

    b. A *cost analysis* may be appropriate in some cases when offerors are required to submit a breakdown of estimated costs as part of a bid or proposal. Based on experience, this will be an unusual occurrence for the county, and may be necessary when adequate price competition is lacking, for certain sole-source procurements, or similar situations. The county will negotiate profit as a separate element of the price for each contract in which there is no price competition, and in all cases where a cost analysis is performed.

**The standards to be met by the Purchasing Department are:**

4. The county will make awards only to responsible contractors that possess the ability to perform successfully under the terms of a proposed procurement. Consideration will be given to contractor integrity, compliance with public policy, record of past performance, and financial and technical resources, as appropriate.

5. All contracts awarded by the county, and using federal funds covered by these instructions, must contain the following provisions:

    a. Notice of any reporting required by the grant-awarding agency.
    b. Assurance of access by the federal grantor agency, the state, the county, the Comptroller General of the United States, or any duly authorized representative of these agencies to any books, documents, papers, or records of the contractor which are directly pertinent to the contract for the purpose of making audit, examination, excerpts, and transcriptions.
    c. All required records will be retained by the contractor for three years after grantees or sub grantees make final payments and all other pending matters are closed.

6. The county will maintain records of the significant history of a procurement. In addition to information routinely kept, procurement folders will document:

    a. Rationale for the method of procurement (e.g. open-market purchase, IFB, or RFP);
    b. Rationale for selection of contract type, (e.g. sole source contract, cost reimbursement contract, or fixed price contract);
    c. Rationale for contractor selection or rejection; and
    d. Basis for the contract price.

7. The county will use time-and-material type contracts (where the county is charged for direct labor hours and materials costs) only:
    a. After a determination that no other contract is suitable, and
    b. If the contract includes a ceiling price that the contractor exceeds at its own risk.

8. The county will be responsible for settlement of contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims.

9. Procurement transactions will be conducted in a manner providing full and open competition. Examples of situations considered to be restrictive of competition include, but are not limited to:
    a. placing unreasonable requirements on firms in order for them to qualify to do business,
    b. requiring unnecessary experience and excessive bonding,
    c. non-competitive pricing practices between firms or affiliated companies,
    d. non-competitive awards to consultants that are on retainer contracts,
    e. organizational conflicts of interest
    f. specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance of other relevant requirements of the procurement, or
    g. any arbitrary action in the procurement process.

10. The Purchasing Department will make contact with enough qualified vendors to provide for open and free competition. Potential bidders will not be precluded from qualifying during the solicitation period.

11. Contracts over $10,000 must contain a provision for potential termination of the contract for cause, or for convenience by the grantee or the county, including the manner by which termination will be effected and the basis for settlement.

**In addition, the following standards will be met:**

12. The county will maintain a written code of standards of conduct governing the performance of employees, including those engaged in the award and administration of contracts.

13. The county will maintain procedures for vendor protests to resolve procurement-related disputes. In all instances, the county will disclose protests to the grant-awarding agency.

14. The county will abide by all other requirements and standards stipulated in the federal Common Rule for the granting federal agency.

## II. PROCEDURES – VENDOR SELECTION

A. Purchases shall be made in conformance with county ordinances, including *Article V, Purchases; Sales* and county policies and procedures, such as policy #300.11, titled *Grants Management*. The director of purchasing has the authority to make purchases on the open market where the purchase price does not exceed the amount authorized in the ordinance. Other purchases can be made only with prior approval by the Board of Commissioners on a competitive sealed basis.

B. Competitive sealed procurement methods may include Invitations for Bids (IFB) or Requests for Proposals (RFP). Adequate public notice of an IFB or RFP shall be given prior to the bid opening date.

   1. **Invitation for Bids**: Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the IFB. The name of the bidder, the amount bid, and other information deemed relevant shall be recorded. The record and each bid shall be open to public inspection.

      Bids shall be evaluated based on the requirements set forth in the IFB. This may include criteria to determine acceptability such as inspection, testing quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs. The IFB shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluations that are not set forth in the IFB.

      Corrections to, or withdrawal of, inadvertently erroneous bids may be done before an award is made. After bid opening, no changes in bid prices

or other provisions of bids prejudicial to the interest of the county or fair competition shall be permitted. Any decision to permit the correction or withdrawal of a bid, or to cancel an award or contract based on bid mistakes, shall be supported by a written determination made by the director of purchasing and placed in the IFB file.

The contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the IFB.

2. **Request for Proposals**: Adequate public notice shall be given prior to the opening date of an RFP. Proposals shall be opened so as to avoid disclosure of contents to competing offers during the process of negotiation. A Register of Proposals shall be prepared, and shall be open for public inspection after contract award.

   The RFP shall state any and all factors to be used in evaluation of the proposals.

   As provided in the RFP, discussions may be conducted with responsible offerors, for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Revisions of proposals may be permitted after submission and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.

   Award shall be made to the responsible offeror whose proposal conforms to the solicitation and is determined to be the most advantageous to the county, taking into consideration the evaluation factors set forth in the RFP.

C. Purchases other than competitive sealed procurement may be made using the following methods.

   1. **Small purchases** are those not exceeding the authority granted to the director of purchasing by county ordinance. Purchases in this group may be made without sealed competition. Price or rate quotations shall be obtained from an adequate number of qualified sources to assure good value for the county, while promoting free and open competition among vendors. Procurement transactions shall not be artificially divided so as to constitute a small purchase.

2. **Sole source procurements** may be made when the director of the requesting department determines in writing that there is only one source for the required supply, service or other item.

3. **Emergency procurements** may be made in some situations, such as those stipulated in Article V of county policies and procedures, or *An Ordinance Authorizing the Suspension of Portions of the Code of Ordinances and Other Formalities During a State of Emergency*. The director of the requesting department shall provide a written determination of the basis for the emergency to the Purchasing Department, which shall be included in the contract or procurement file.

D. An IFB, RFP, or other solicitation may be cancelled, or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when it is in the best interest of the county. A sound reason for taking this action will be documented and placed in the procurement file.

E. All solicitations shall incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. The description shall not unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured, and may set forth the minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use.

   A "brand name or equal" description may be used as a means to define the performance or other requirements of a procurement. The specific features of the named brand which must be met by offerors shall be clearly stated.

   All solicitations shall identify all requirements which the offerors must fulfill, and all other factors to be used in evaluating bids or proposals.

F. The county will use minority-owned businesses, small businesses, and women's business enterprises when practicable. To accomplish this, the Purchasing Department will:
   1. Place qualified businesses in these groups on the bidders list when they express an interest.
   2. Assure that these businesses are solicited whenever they are potential vendors.
   3. Divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by these businesses.
   4. Establish delivery schedules, where requirements permit, which encourage participation by these businesses.

5. Use the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce.
6. Require any prime contractor(s) to take the steps listed in 1-5 above.

The county will use the following definitions, in conformance with the Georgia Department of Administrative Services:

- **Minority-owned business**: A business owned or controlled at least 51% by person(s) who are African American, Native American, Asian American, Hispanic/Latino, or Pacific Islander.
- **Small business**: An independently owned and operated entity that has either (1) fewer than 100 employees or (2) less than $1 million in gross receipts per year, as defined by O.C.G.A 50-5-121.
- **Women's business enterprise**: A business that is owned or controlled at least 51% by one or more women.

## PURPOSE

In the event that a bidder, offeror, or contractor wishes to protest a solicitation, offer, or award of a contract, a protest can be effected by following the procedures below. The purpose of these procedures is to provide a mechanism to resolve conflicts of this nature in a way that is equitable, to the extent possible, to all concerned parties.

## POLICY

It is the policy of the county to procure goods and services in a way that promotes the financial and other interests of citizens, while maintaining equity and fairness in its dealings with the business community. In the event that a protest should arise, the county's response must reflect a resolution that abides by all federal and state laws and county ordinances; provides equity to involved bidders, offerors, or contractors to the extent possible; and provides the goods or services needed to conduct county business.

## PROCEDURES

An actual or prospective bidder, offeror, or contractor may protest a solicitation, offer, or contract award made by the county.

The protestor must present such protest in writing to the County Administrator. A written protest may be presented in person, through traditional mail, or electronically. It must include the following information:

- Name and address of the protestor
- Identification of the procurement action being protested
- A statement of the reason for the protest.

Protests will be considered for the following three types of procurement actions:

1. **Protest regarding solicitation**: A written protest regarding solicitation must be received by the County Administrator no later than three (3) calendar days prior to the deadline to submit offers. Protests of this type may include claims of exclusionary or discriminatory specifications in the solicitation; challenges to the basis for award; claims that the procurement process violates a federal law, state law, or county ordinance or policy; or similar claims.

Upon receipt of a timely solicitation protest, the county may postpone the deadline for submission of offers until resolution of the protest, if the needs of the county permit.

2. **Protest regarding offer evaluation**: A written protest concerning the evaluation of a bid or offer must be received by the County Administrator no later than five (5) calendar days after the county's award decision is made. This type of protest may challenge the county's determination of responsiveness of offers or errors in evaluation calculations, or may claim that the county violated a federal, law, state law, or county ordinance or policy in awarding the contract.

   Upon receipt of a timely protest regarding the evaluation of offers, the county may suspend its evaluation of offers until resolution of the protest, if the needs of the county permit.

3. **Protest regarding award of contract**: A written protest regarding a contract award must be received by the County Administrator no later than five (5) calendar days after award of the contract. After that time, the protest will not be deemed a valid protest, but may still be considered if deemed appropriate by the county. This type of protest will be considered only if the protestor demonstrates that the county violated a federal law, state law, or county ordinance or policy.

   Upon receipt of a timely protest of contract award, the county may suspend the contract until resolution of the protest, if the needs of the county permit.

The county will notify any protestor of receipt of a timely protest and may, where appropriate, request additional information. The county may, at its sole discretion, meet with the protestor to review the issues raised in the protest.

After review of a protest, the County Administrator will issue a written decision on the basis of the information provided by the protestor, the result of any meetings with the protestor, and the county's investigation of the facts. The decision shall be final. The written decision will include the reasons for the decision made, and any actions taken. A copy of the decision shall be provided to the protestor and any other intervening party.

Decisions will be made, and the protestor and other intervening parties will be notified of the decisions, within 14 calendar days of receipt of a written protest. If a final decision has not been made within that time frame, the protest will be considered denied by default.

If the protest is upheld, the county will take appropriate action to correct the procurement including, but not limited to, re-issuance of the solicitation, revised evaluation of the

offers or the county's conclusion of the evaluations, or termination of the contract. If the protest is denied, the county will remove suspension and proceed with the procurement.

In the event that a contract is terminated, the county will compensate the vendor or contractor for any authorized performance under the contract up to the date of termination. The vendor or contractor will not be entitled to damages or payment for work not done on the contract at the time of termination. The county will not compensate a vendor or contractor for any profits that would have been realized if the purchase order or contract had not been terminated.

## PURPOSE

The purpose of this policy is to provide guidelines by which Fayette County employees can participate in a purchasing card program as an efficient and cost effective means to purchase job related goods and services.

## POLICY

This policy will apply to all employees participating in the purchasing card program and is intended to provide flexibility to make small dollar purchases as well as travel arrangements and seminar/conference reservations when needed. The purchasing card program is intended to reduce the use of petty cash and small dollar purchase orders. Goods requiring solicitation of bids should be directed to the Purchasing Department.

*Note: The policy and procedures herein do not apply to the Sheriff's Office when using confiscated funds for such purchases.*

## PROCEDURES

### A. Issuance of P-Cards

Purchasing cards shall be issued to employees only by the direction of their Department Head.

Elected Officials and the County Administrator may request cards for themselves. P-Cards shall be surrendered and accounts closed upon termination of employment with the County for any reason.

### B. Transaction Limits

The following limits shall apply in regards to purchases made with County P-Cards:

1. Dollar limit per transaction - $500
2. Billing cycle dollar limit - $5,000

Transactions for travel such as hotel stays covering multiple days which exceed $500 must be approved by the Department Head prior to travel. Other transactions not meeting the limits outlined within this policy must be approved by the County Administrator prior to purchase.

### C. Purchases

Under no circumstances is a purchasing card program participant permitted to use the P-Card for personal purchases. All P-Card transactions shall be related to official County business. Purchases shall not be split to stay within the limits established. Allowable purchases include, but are not limited to, employee travel and training, seminars, professional membership dues, building supplies, cleaning supplies, vehicle or computer parts, safety supplies, shipping/postage, office supplies and emergency purchases. Prohibited purchases include, but are not limited to, alcoholic beverages, cash advances, gifts, gift cards, legal services, medical services, computer hardware and software,

personal items and unbudgeted items. In the case of non-travel meals, expenses should be limited to the following events:

**1.** A meeting hosted by the County Administrator or the Board of Commissioners.
**2.** A meeting required by law or authorized by a department director which is anticipated to last more than four (4) hours and which, is scheduled through normal meal times.
**3.** A business meal with someone other than another County official or employee in order to discuss a specific item of county business. Receipts are required for such meals and should detail the nature of the meeting and the number of persons in attendance.

## D. Roles and Responsibilities

1. ***P-Card Program Administrator*** will serve as the liaison with the Bank handling the County's program by coordinating the issuance of cards, maintaining card limits, cancelling cards as necessary and ensuring balances due are paid in a timely manner. The Program Administrator will also monitor the timely receipt from departments of the transaction logs, record each transaction within the accounting system, publish the annual due date schedule for completed transaction logs, assist in maintaining the program policy and procedures, provide training as needed, any preform any other task related to the P-Card program as assigned by the CFO.

2. ***P-Card Holder or Department Designee*** as assigned by the Department Head will be responsible for securing account numbers, expiration dates, and security codes for all purchasing cards assigned to self or to the Department, ensuring only job-related goods or services allowed under the P-Card program are purchased and the purchasing card biweekly billing statement is reconciled. The reconciliation will be considered complete when a completed transaction log is submitted to Finance by the scheduled due date with an itemized receipt or invoice for each transaction attached confirming state sales tax has not been charged (exception-meals). The transaction log must be signed by the card holder or department designee and the Department Head.

3. ***Department Heads/Elected Officials*** are responsible for determining which employees will be issued a purchasing card, notifying Finance when such employee terminates employment with the County, approving and signing each billing statement transaction log for their department's purchases and verifying funds are available in the department's budget. In addition, any suspected abuse should be reported to the CFO immediately.

## E. Audit

The Finance Department Accounting Analysts will review their departments' P-Card transaction logs and verify the receipts submitted did not charge sales taxes (exception-meals), the amounts charged reconcile to the billing statement and the accounting codes assigned are accurate. The CFO or their designee will conduct a bi-weekly audit to verify

the spending activity relative to the established guidelines and compliance with the P-Card policy. The audit will be no less than ten percent (10%) of the number of cards with activity but no less than two (2) cards. The selection process will be based on a random selection process using RANDOM.ORG. The County Administrator, CFO and assigned financial analyst will conduct spot audits of all transactions that warrant a further review or explanation.

**F. Violations**

Failure to comply with the P-Card policy will be considered a violation of the program with the follow actions and / or disciplinary action as appropriate.

1st Violation 30 day P-card suspension
2nd Violation Removal from the P-card program

## PURPOSE

Fayette County owns and uses vehicles, road-construction and other heavy equipment, tractors, trailers, and similar assets in conducting county business. This policy and procedures section is designed to produce the desired outcomes of:

- Predictability in establishing annual budgets for asset replacement.
- Predictability for the Departments in planning replacement and use of assets.
- Minimized wait times between identifying the need to replace an asset and receipt of the new asset.
- Conservation of tax dollars by achieving optimum useful life from each asset.
- Enabling employees to conduct county business by providing appropriate equipment.

## POLICY

Vehicles, heavy equipment, tractors, and similar assets will be purchased, maintained, used, and retired in a manner that provides the best return on investment. The policy for replacement of these classes of assets is designed to accomplish this goal, while assuring that appropriate equipment is available to effectively conduct county business.

Note: Except as otherwise noted, this policy does not pertain to assets acquired with federal or state seizure funds, property obtained through the Georgia Emergency Management Agency's 1033 Excess Property Program, or other non-county resources. Assets used by Water System and Solid Waste will be replaced with enterprise funds, but will follow the process set forth in this policy.

## PROCEDURES

### A. Funding for Asset Replacement

A sinking fund shall be established and maintained for the systematic, timely replacement of vehicles, road machinery, tractors, trailers, and similar assets. This will be a reserve account, with the fund balance carried forward each fiscal year.

As part of the annual budget process, the Finance Department will recommend an estimated amount to be added to the fund. Proposed amounts will be based on an annuity that will enable relatively consistent amounts to be added to the sinking fund each year.

The fund will consist of two amounts:
1) The annuity balance designated to replace vehicles and other assets, as approved by the Board of Commissioners during the annual budget process.

2) An amount to be used for unexpected or infrequent events, such as damaged or wrecked vehicles. This portion of the fund can be used to compensate departments for actual losses

sustained, such as insurance deductibles or repairs that insurance has not covered, upon approval of the Board of Commissioners.

## B. Criteria for Replacement

County departments should use assets until it is no longer advantageous to keep them, due to economic, obsolescence or other reasons. Guidelines as to expected useful life of assets have been established using age, mileage or both as criteria, as appropriate. The guidelines assume proper maintenance and repair of the assets.

Guidelines for replacement of vehicles are based on mileage and age, as follows:

| | | |
|---|---|---|
| 1. | Emergency / pursuit sedans, trucks, & SUV's | 100,000 miles or 5 years |
| 2. | Other sedans and sport-utility vehicles | 150,000 miles or 7 years |
| 3. | Pickup trucks, vans | 150,000 miles or 10 years |
| 4. | Dump trucks | 120,000 miles or 10 years |
| 5. | Ambulances | 250,000 miles or 10 years |
| 6. | Fire apparatus (front-line service) | 15 years |
| 7. | Fire apparatus (reserve – after 15 years front-line) | 5 years |
| 8. | Brush units / BFP units | 10 years |
| 9. | Rescue Units | 15 years |

Guidelines for other assets covered under this policy are:

| | |
|---|---|
| 10. Backhoes, bush hogs, compactors, drum rollers, hay blowers, loaders, rollers, sand & salt spreaders, tack distributors, track hoes, large tractors, and similar equipment. | 15 years |
| 11. Dozers, graders, pan scrapers, skid steer loaders, soil compactors, and similar equipment. | 20 years |
| 12. Trailers | 15 years |
| 13. Grounds equipment, mowers, tractors, attachments | 7 years |

Replacement guidelines for other assets that do not fit these descriptions will be established on a case-by-case basis as needed.

Assets included in Categories 1-11 above will be placed on consent agendas after consideration and approval by the Vehicle Replacement Committee, as described in Part E below. Assets included in Categories 12-13 will not need to go through the Vehicle Replacement Committee for replacement; instead, they can be replaced as approved in the budget development and approval process.

## C. Maintenance and Care of Assets

The department head who is custodian for an asset will be responsible for maintaining it in good repair and working condition until it is replaced. Records should be kept by each department to document regular maintenance and reasonable care that preserve the utility of each asset.

The county's Fleet Maintenance operation is available for most maintenance and many types of repairs. The Sheriff's Department is invited to use this service, especially in instance when they will realize an economic or other benefit. Other departments and offices are to use Fleet Maintenance to repair, maintain and preserve their vehicles or heavy equipment.

## D. Authorized vehicle colors

The color of a county vehicle helps citizens to quickly identify its official purpose. All newly acquired vehicles will be white, with the official logo of the acquiring department, with the following exceptions:

1. The Sheriff has authority to determine the color(s) of the vehicles used by the Sheriff's Office.
2. Vehicles used by the Marshal's Office will be black.
3. Fire and Emergency Medical Services vehicles will be red, or red with white.
4. The vehicle used by the Constable will be beige or a similar color.

Any other color exceptions must be approved by the County Administrator prior to acquisition of the vehicle. When a vehicle is transferred from one department to another, if it is not the authorized color for the receiving department, it must be painted the authorized color.

## E. Replacement Planning

The Finance Department will coordinate development of an annual projection of assets that will meet the guideline criteria for the upcoming fiscal year. The Finance Department will prepare a spread sheet that identifies, based on available information within the asset inventory system, all of the assets that will meet replacement guidelines at the beginning of the upcoming fiscal year. The Finance Department will forward the draft document to other departments, who will update mileage or other data as needed, and return it to the Finance Department. The finished document will be used for planning and budget purposes, to increase the level of predictability in establishing annual contributions to the sinking fund, and to assist departments in planning for asset replacement.

Timeframes and deadlines for this document will be established by the Finance Department each year in order to include the information in the overall budget development process.

## F. Replacement Process

After an asset meets the guideline criteria for replacement, or when it is expected to do so in the upcoming quarter, the department to which the vehicle is assigned will be responsible for

obtaining an inspection by Fleet Maintenance. The Director of Fleet Maintenance will determine if the asset can be economically repaired and returned to duty, or if it should be retired from its present use for safety, economic, or other concerns. If the asset can no longer be appropriately used in its present capacity, the Director of Fleet Maintenance will recommend whether the county should retire the asset, or use it in another capacity. The recommendation will consider the estimated remaining useful life, cost to maintain, anticipated downtime, or any other pertinent facts.

A standing Vehicle Replacement Committee shall consist of:

- the Finance Director or designee(s)
- the Fleet Maintenance Director
- the Chief Marshal
- a representative of the Sheriff's Department
- any other person(s) as decided by the County Administrator

The Committee shall be chaired by the Finance Director or designee. Its primary purpose will be to recommend replacement, re-assignment, or other disposition of vehicles, heavy equipment, tractors, trailers, and similar assets, as requested by department heads.

The Chair of the Vehicle Replacement Committee will schedule quarterly meetings to consider recommendations for asset replacement. Assets will be considered (1) which have met the criteria for replacement, or are anticipated to do so in the upcoming quarter and (2) which have been inspected by Fleet Maintenance prior to the meeting date. The Committee Chair will consider proposals from the Sheriff's Department, Fleet Maintenance, or others regarding the scheduling of meetings to take advantage of manufacturers' production or delivery schedules, urgency of replacing the vehicles, or other considerations.

The Fleet Maintenance Director will bring documentation to Committee meetings that will facilitate the process of developing recommendations for vehicle replacement. The documentation will include the results of the Fleet Maintenance inspection, plus any other observations or information that will be needed to make a good recommendation. Documentation should also note any attachments or components that can economically be removed from the old asset and reassigned to a new one.

The head of the department that owns the asset, or his / her designee, will be a participant in the called meeting, and will provide information as needed by the Committee. The department's representative will provide a list of proposed purchases to replace the asset(s), including any additional components, attachments, or other add-on equipment.

NOTE: The following distinctions are provided to clarify what types of items should be included in an asset replacement proposal, and what types of items should be a separate purchase decision. For this purpose, two categories of property are considered:

1) **Attachment** – tangible property that is usually actually attached to the "parent" asset (e.g. automobile or truck), and they function as one piece of equipment. In general, an attachment should:

a) Have the same person responsible for the parent asset and the attached item.

b) Be financially depreciated in the accounting records with the parent asset.
c) Plan to be disposed of with the parent asset ***or*** removed and transferred to a different parent asset later.

Examples of attachments would include decals, light bars, push bumpers, headlight flashers, or prisoner cages. Although some of these items are often used in more than one vehicle, it is not administratively or financially advantageous to tag, inventory, depreciate and track these items separately.

2) **Component** – tangible property that is related to, but not an integral part of, another asset. Generally, a component will:

a) Be able to function away from the parent asset, either as a stand-alone unit or with another parent.
b) Be financially depreciated (if applicable) separately from the parent asset.
c) Be inventoried and tracked separately from the parent asset.
c) Ordinarily be disposed of separately from the parent asset.

Examples of components include 800 MHz radios, digital video cameras, or shotguns.

The department head should request any *attachment* items along with a new "parent" asset. *Component* items will be part of a separate purchasing decision process and, in general, should be considered as part of the annual budget development process, apart from vehicle or other "parent" asset replacement.

After the Vehicle Replacement Committee has voted to recommend replacement of an asset, the Finance Department will prepare a consent agenda request for the Board of Commissioners' consideration. The request will include the proposed type and cost of the replacement vehicle or other asset, as well as any attachments or other proposed expenditures that are not part of the requesting department's existing Maintenance and Operating budget.

In order to assure that insurance, asset security, and overall accountability are maintained, acquisition or retirement of assets will be addressed by the Board of Commissioners through the consent agenda process as follows:

1. Acquisition of assets:

(a) The Board of Commissioners will give prior approval to the acquisition of any asset that falls within the scope of this policy, whether purchased with county funds, or with enterprise funds such as water system or solid waste disposal revenues.

(b) Assets that are available as a result of federal or state seizure or similar program may be acquired through the court process. To assure that assets are properly insured, registered and titled within timeframes allowed, the Finance Department will need to be notified within two weeks of acquisition.

(c) For the reasons enumerated in (b) above, the Sheriff's Department will need to notify the Finance Department of assets purchased through use of *resources derived* from sources such as federal or state seizure programs (e.g. cash or trade-ins) within two weeks of acquisition.

This will enable the Finance Department to assure that vehicles are properly insured, registered and titled within time frames allowed.

2. Disposal of assets:

(a) The Board of Commissioners will give prior approval to the disposal of any asset that falls within the scope of this policy, and which was purchased with county funds or enterprise funds.

(b) The Board of Commissioners must authorize the Finance Department to take necessary actions associated with the disposal of assets acquired through federal seizure, state seizure, or similar programs. This includes, but is not limited to, such steps as transfer of confidential license tags from an old vehicle to a new one, removing as asset from the county's inventory records, or properly recording financial transactions (e.g. monthly depreciation schedules). So that the county can properly execute these types of transactions, the Sheriff's Department agrees to notify the Finance Department of disposal of federal seizure, state seizure, or similar assets within two weeks of such disposal.

## PURPOSE

The purpose of this policy is to provide guidance on authorized expenditures related to travel and meal expenses incurred by any elected official, County employee, or board member while performing official County business.

## POLICY

There shall be a consistent, equitable and uniform process for the reimbursement of travel expenses by Fayette County.

## PROCEDURE

### A. Appropriation

In conjunction with the annual budget process, the Board of Commissioners shall authorize department expenditures for travel and meal expenses. Departments shall not incur travel expenditures unless funds are available within their operating budget.

### B. Expenditure Approval

All expenditures related to travel and meals shall be processed consistently with this policy. Only when the Finance Department receives proper documentation from the incurring departments will an advance or reimbursement payment be processed. Documentation shall include an appropriate approval for the dollar amount of the advance or expenditure, including adequate required receipts, received either electronically or in writing.

### C. Settlement of Disputed Reimbursements Claims

The Finance Department shall review expenditure documentation for compliance with County policy. Expenditure reimbursement requests not in compliance shall be returned to the originating department with recommendations for changes. In the event the originating department does not agree with the Finance Department's recommendations, the County Administrator shall make the final decision regarding authorization of the reimbursement request.

### Travel

The County shall advance, reimburse or pay expenses incurred by elected officials, employees, or board members for travel relating to official business of the County. A pre-authorization travel form is required for an advance of travel expenditures and/or exceptions to this policy. A travel expense report is required for a reimbursement or payment of travel expenses.

**1. Lodging -** hotel charges shall qualify for reimbursement when they exceed a fifty (50) mile radius of the employee's place of work. Hotel accommodations for travel less than a

fifty (50) miles radius requires a pre-authorization travel form approved by the employee's department head. All traveling personnel shall minimize the expense associated with hotel costs by contacting the hotel directly to make reservations procuring a government rate for qualified stays. Lodging expense shall be benchmarked against the U.S. General Services Administration (GSA) approved per-diem rate of reimbursement. When the GSA rate is exceeded by twenty percent (20%), a per-authorization travel form approved by the employee's department head is required. When traveling in the State of Georgia, all travelers must use the hotel tax-exempt status form. Georgia sales and occupancy taxes charged for lodging within the State of Georgia do not qualify as eligible reimbursable travel expenses under this policy. Per Diem rates are available on the GSA website http://www.gsa.gov.

**2. Transportation –**authorization of the mode of travel shall be by the most economical means. Modes of transportation include vehicle, air, rail, taxi and public transportation. The method selected by the traveler shall be subject to the most economically feasible, taking into consideration the value of time. If a County vehicle is available, it should be used in lieu of a personal vehicle. Use of a personal vehicle within ten (10) miles of the employee's place of work or residence will not be reimbursed.

**a. Mileage** – miles traveled in personal vehicles shall be reimbursed at the rate designated by the IRS. The Board of Commissioners may establish a rate lower than the IRS rate as a result of limited budget availability for travel. Mileage shall be calculated using the employee's place of work as the origination point and destination point on the traveler's itinerary. Excess mileage will not be reimbursed. Normal wear and tear expenses associated with an employee's personal vehicle such as fuel, oil, tires, etc. shall not be subject to reimbursement by the County. Privately owned vehicle (POV) mileage reimbursement rates are available at http://www.gsa.gov/mileage.

**b. Rental Cars** – expenses associated with rental cars, i.e. rental expense and fuel, will be paid at cost based on valid receipts. Employees shall rent midsize or smaller vehicles based upon the number of employees needing transportation. Expenses associated with exceeding this car class will be the responsibility of the traveler. Employees should decline additional insurance coverage offered by rental car companies since the County's insurance coverage is applicable to car rentals.

**c. Air/Rail –** transportation provided by major airlines or railroads shall be paid at cost to the traveler. Travel will be limited to coach/economy classes of service. A change to a higher class (business or first class) or extension of the trip and change in departure or arrival dates resulting in an added cost will be the responsibility of the traveler. Any reduction of expense associated with transportation costs as a result of extended or modified travel dates for personal benefit shall not be provided back to the traveler.

**d. Taxi/Shuttle –** expenses associated with local transportation will be deemed eligible for reimbursements as long as receipts are provided with point to point explanation for this mode of transportation. Such documentation should accompany receipts.

**e. Tolls/Parking –** Traveler shall be reimbursed for toll and parking charges. Receipts are required when cost exceeds four dollars ($4.00) per day.

**3. Meals/Incidentals –** expense associated with meals (breakfast, lunch, and dinner) and incidentals (snacks, tips) shall be administered on a per diem basis by the County. Per Diem amounts will be derived from the U.S. General Services Administration (GSA), which can be found at http://www.gsa.gov. Per Diem will be advances to the employee prior to travel. Receipts will not be required on meal or incidental expenses. Overages of meal expense will be the responsibility of the employee, while any savings may be retained by the employee.

**4. Program/Seminar/Conference Fees** – charges for attendance at a particular event (training, conference, seminar, etc.) shall be paid by the corresponding department, subject to provisions identified in this policy. Each traveler shall pay for expenses associated with travel on a personal credit card or on a County P-Card if available, with the exception of meals and incidental expenses. Travel advances for meals and incidental expenses shall be provided to the employee prior to travel by the Finance Department. A pre-authorization travel advance form must be submitted to Finance no less than two (2) weeks before travel begins. Dependents/Spouses accompanying employees on official business shall not be eligible for reimbursed expenses by the county. If a dependent or a spouse accompanies an employee on an authorized business trip, only that expense that can be directly attributed to the employee will be reimbursed. Per Diem used for expenses other than those directly attributable will be allowed; however, the per diem amount will not be increased because of a dependent or spouse travel. While traveling on official business, employees shall follow the County's workers 'compensation policies in the event of any on-the-job injury.

**E. Non-Travel Meals**

Expenses related to meals, snacks, or food provided should be limited to the following events:

**1.** A meeting hosted by the County Administrator or the Board of Commissioners.

**2.** A meeting required by law or authorized by a department director which is anticipated to
last more than four (4) hours and which, is scheduled through normal meal times.

**3.** A business meal with someone other than another County official or employee in order to
discuss a specific item of county business. Receipts are required for such meals and should detail the nature of the meeting and the number of attendees.

**F. Submission of Expenses**

All expenses relating to travel shall be submitted to the Finance Department no later than two (2) weeks after return from the trip or the date of occurrence of non-travel event. Travel expenses will be reimbursed based on an approved travel expense report with the appropriate supporting documentation. Employees can access a pre-authorization travel advance form or a travel expense report on the common drive under Finance/travel forms.

Receipts are required for:
1. Lodging
2. Air/Rail fare
3. Car rental
4. Taxi/Shuttle service
5. Tolls/Parking

Receipts are not required for:
1. Mileage
2. Meals
3. Incidental expenses

## PURPOSE

The purpose of this policy is to provide guidance to staff to ensure the coordinated and efficient administration of all County grants.

## POLICY

The Board of Commissioners (BOC) actively encourages all departments and agencies to seek grant opportunities as alternative sources of funding for the achievement of outcomes and delivery of services desired by the citizens of Fayette County. There shall be a consistent and uniform process for obtaining authorization from the BOC to solicit, apply, accept, and budget for grants for the County and the management and reporting of grant activity by the County.

## PROCEDURE

All departments and agencies must adhere to the procedures outlined in this policy for all monies received through federal direct aid, federal pass-through aid, state aid and other grants.

Grant opportunities provided by for-profit corporations will not be considered unless it is documented within the grant agreement that the County is not providing an endorsement of the corporation and/or its products. Solicitation by the corporation will not be allowed.

All federal and state grants are subject to federal and state requirements.

### 1) Grant Solicitation

a) The BOC encourages the pursuit of any such grants provided that all fiscal implications, such as matching funds and continuing costs, are clearly identified in advance of the BOC's review and approval as provided herein.

b) Departments and agencies shall notify the Finance Department of its intent to solicit grant funding providing support of the fiscal impacts as outlined in 1a.

### 2) Grant Application Process

a) All departments and agencies seeking grant funds must obtain advance authorization from the BOC through the agenda process.

b) Authorization by the BOC will include the solicitation, application, acceptance, and budget of required funding for the grant. The budget will be for the appropriate fiscal year, subsequent fiscal years must be included in the normal budget process.

c) When a grant opportunity presents itself without sufficient time to go through the BOC agenda process, subsequent ratification of an application is permitted. In this case, the department or agency must notify the County Administrator in writing of their intent to apply for the grant and obtain approval of the County Administrator prior to submitting the grant application. BOC ratification of the grant application must be sought through the agenda process as soon as possible after applying for the grant based on the agenda submission schedule.

d) The department or agency obtaining the grant will serve as the grant project/program administrator and is responsible for preparing the agenda item and must include:
   i) A copy of the grant application.
   ii) A budget amendment, coordinated with Finance for account assignment, outlining the grant amount and matching local funds as applicable.
   iii) Supporting documentation including correspondence with granting agency and verification of available local match funding.
   iv) Continuing operating costs identified and documented.

**3) County Tax Support Implications**

a) All current or future County tax support funding implications associated with the grant must be identified and assessed prior to submission for BOC approval.

b) Types of County tax support should include required local cash match, revenue and expenditure budget impact, impact on other departments and agencies, continuation of services when grant funding terminates, and any other type of implication not specifically identified in this policy.

c) Any positions funded by the grant must be identified at the time of BOC application authorization.

d) The County will not automatically assume responsibility for a position upon termination of the grant funds. Replacement funding must be requested during the normal annual budget process.

e) Employees in County positions funded by grants are potentially eligible for unemployment compensation benefits upon termination of the grant funding. These benefit payments are at the County's expense and must be covered by the requesting department's existing operating budget.

**4) Grant Notification**

a) <u>Award</u> – When a department or agency is notified of a grant award, the department or agency shall inform the BOC, County Administrator, and Chief Financial Officer. This

notification must be made in writing and include pertinent information about the grant including grantor, grant amount, grant period, and grant purpose.

i) Finance will post the appropriate budget amendment upon award notification.

b) Denial – When a denial of the grant award is received, the department or agency shall inform in writing the BOC, County Administrator, and Chief Financial Officer.

c) Withdrawal – In the event that a grant application needs to be withdrawn or an award declined, the department and agency shall submit a BOC agenda request for the BOC to authorize the County Administrator to execute a letter of withdrawal to terminate the application or agreement as applicable. The agenda item support documentation must include the reason for such action, the approved agenda, and any correspondence with the grantor.

**5) Grant Administration**

a) Grant Management - Each department or agency shall budget and manage its grant funds in accordance with the grantor's and the County's fiscal policies. Compliance with special conditions or any other grantor requirement/guidance as outlined in the grant shall be the responsibility of the department or agency obtaining the grant. The department should coordinate with other county departments in a timely manner to fulfill any unique stipulations associated with the grant.

b) Budgeting - As applicable, grants should be incorporated into the County's budget process and five-year CIP plan. This is separate from the initial BOC agenda process requesting authorization to solicit, apply, accept and budget for the grant. Subsequent differences in the grant amount awarded and the budgeted amount adopted by the BOC will require a budget adjustment via the BOC agenda process. The department or agency should work with the Finance department in determining adjustment(s) needed.

c) Procurement - All purchasing policies and procedures shall be followed, as they apply, for the purchase of goods, services, or construction made with grant funds.

d) Personnel - All human resource policies and procedures shall be followed, as they apply, for the administration of the grant award including but not limited to compliance with the Equal Employment Opportunity Plan requirement.

e) Accounting/Reporting – Grant recipients shall be responsible for the following:

i) Revenue Monitoring - Submittals for grant reimbursement must be reconciled against actual receipts and provided to Finance for proper accounting. Receipt of grant reimbursed funds shall be provided to Finance for validation and deposit.

ii) Expenditure Control – only grant-related expenditures shall be charged to the grant account. All expenditures must meet the authorized use of funds as per the grant agreement. Finance must be notified and provided documentation required to record capital equipment or fixed assets. Departments shall not use grant funding to supplant County funds.

iii) Reporting – the department or agency shall ensure all procedures and requirements are followed in preparing and submitting financial and project reports, reimbursement requests, close out reports and any other documents as outlined in the grant agreement in a timely manner.

iv) Supporting Documentation - the department or agency shall provide Finance additional information needed to support grant transactions including:
   (1) All correspondence with the grantor
   (2) Grant agreement
   (3) Amendments
   (4) Extension requests and authorizations
   (5) Requests for reimbursement with summary backup
   (6) All reports – financial, program/project related
   (7) Close out reports

v) Record Retention – each department or agency shall retain all financial files related to the grant for a period of five years after the submission of the final financial report or as otherwise specified in the grant's terms and conditions, whichever is longer.

**6) Audit Requirements**

Grants may be subject to any or all of the following types of audits:

a) Single Audit – Federally funded programs are subject to audit under the guidelines of the Office of Management and Budget (OMB) Circular A-133. If expenditures for all grants of the County in the fiscal year total more than $500,000, then a single audit is required.

b) Grantor/Program Audit – individual grantors may audit grant programs as they deem necessary. Departments and agencies should familiarize themselves with any grantor audit requirements.

Each department or agency should notify Chief Financial Officer in writing of any and all Federal or State audits, review, inspections and/or monitoring imposed on the County by a grantor. The department or agency should coordinate with Finance on any documentation needed prior to the conduction of an audit. Finance will notify the external auditor of any findings as a result of the audit.

## PURPOSE

The purpose of this policy is to provide guidance to staff for purchasing and maintaining equipment and facilities which will result in the greatest service to the citizens at the lowest cost. This policy covers capitalized and non-capitalized assets with the exception of Vehicles, Heavy Equipment, and other Assets as outlined in Policy 210.03, OPERATIONAL FUNCTIONS: Replacement of Vehicles, Heavy Equipment, and other Assets. This policy applies to purchases made with Governmental funds. Purchases and maintenance of equipment and facilities made with Enterprise funds are addressed under a separate policy.

## POLICY

County staff shall develop and present a five-year capital (CIP) plan to the Board of Commissioners (BOC) for approval during the annual budget process. Assets falling below the CIP threshold shall be requested as part of the maintenance and operations portion of the annual budget process. Capital improvements and procurement of assets shall be made in accordance with the approved plan and/or budget.

## PROCEDURE

All departments and agencies must adhere to the procedures outlined in this policy for the proper acquisition, accounting, tracking and disposal of all County assets. The County shall maintain its physical assets at a level adequate to protect the County's capital investment and to minimize future maintenance and replacement costs.

## BEST PRACTICE

The Government Finance Officers Association (GFOA) recommends that state and local governments consider the following guidelines in establishing capitalization thresholds:

- Potentially capitalizable items should only be capitalized only if they have an estimated useful life of at least two years following the date of acquisition;
- Capitalization thresholds are best applied to individual items rather than to groups of similar items (e.g., desks and tables), unless the effect of doing so would be to eliminate a significant portion of total capital assets (e.g., books of a library district);
- In no case should a government establish a capitalization threshold of less than $5,000 for any individual item;
- In establishing capitalization thresholds, governments that are recipients of federal awards should be aware of federal requirements that prevent the use of capitalization thresholds in excess of certain specified maximum amounts (i.e., currently $5,000) for purposes of federal reimbursement; and
- Governments should exercise control over potentially capitalizable items that fall under the operative capitalization threshold.

Approved by the GFOA's Executive Board, February 24, 2006.

*Governmental Accounting, Auditing, and Financial Reporting* – Chapter 25; Page 440 – Immaterial Items states, "The Government Finance Officers Association (GFOA) recommends a minimum capitalization threshold of $5,000. The GFOA also recommends that the capitalization threshold be applied to individual items in a group of items, rather than to the group as a whole, unless the effect of doing so would be to eliminate a significant portion of the total capital assets (for example, a collection of library books). For items that do not meet the capitalization threshold, the government should have procedures in place to maintain control over these items.

**1) Types of Assets**

a. Capitalized assets (non-infrastructure) are defined by the County as assets with an initial, individual cost of more than $5,000 and an estimated useful life in excess of two years.

i) Capitalized assets include property, plant and equipment and are to be inventoried, tracked, and depreciated within the County's asset system.

(1) Property, plant, and equipment are depreciated using the straight-line method over the following estimated useful lives:

| | |
|---|---|
| a) Building Improvements | 10 Years |
| b) Buildings | 40 Years |
| c) Vehicles | 7-15 Years |

ii) Capitalized assets (infrastructure) are defined by the County as assets with an initial, individual cost of $10,000 or greater and an estimated useful life of 15 to 40 years. Public domain (infrastructure) assets consist of certain improvements other than buildings such as roads, bridges, and sidewalks. Any infrastructure expenses (costs) $10,000 or greater will be capitalized over the useful life of the asset as required. Any infrastructure expenses (costs) less than $10,000 will be treated as an expense. Infrastructure assets will be depreciated using the straight-line method over the following estimated useful life (on an individual basis):

| | |
|---|---|
| a) Infrastructure | 15-40 Years |

(1) The useful life of an infrastructure asset ranges from 15 to 40 years. Infrastructure projects will be reviewed on an individual basis to determine the asset's / project's useful life. To assist Fayette County in estimating the useful life for roadways and other infrastructure, *The Blue Book - Governmental Accounting Focus* article May 2002, "Estimating useful lives for capital assets" provides an estimated useful life for roadways based upon factors, including the pavement material. Assuming a normal maintenance schedule, the average lives for roadways are as follows:

| ***Material*** | ***Estimated Useful Life*** |
|---|---|
| Dirt | 10 years (subject to weather conditions) |
| Gravel | 15 years (subject to weather conditions) |
| Concrete | 30 years |
| Asphaltic concrete | 20 years |
| Brick or stone | 50 years |

(2) Another factor to be considered when estimating a useful life of a roadway is the classification of the roadway designated as local, collector, arterial, and major arterial. These factors will be considered when estimating the useful life of a new roadway, roadway improvement, intersection improvement, multi-use path, and other capitalized infrastructure.

(3) Infrastructure expenses $10,000 or greater will be capitalized. For capitalization purposes, a roadway is considered complete once open for public use. This date will be determined by the Roads Department and supplied to Finance via a Certificate of Completion (Form attached). The Certificate of Completion should include the name of the project/roadway, the month and year the project/roadway was open for public use, and signature of the department head or his/her designee. The certificate should be provided within the fiscal year in which the certificate is applicable.

(4) Fayette County's position regarding the capitalization of roadway construction and roadway improvements will follow the guidelines set forth in *The Blue Book – Governmental Accounting, Auditing, and Financial Reporting* – Chapter 25; Page 450: "Governments often expend resources on existing capital assets. Most often, these expenditures simply preserve the asset's utility. Any outlay that does no more than return a capital asset to its original condition, regardless of amount, should be classified as *maintenance and repairs*. Since maintenance repairs provide no additional value, their cost should be recognized as expense when incurred."

Services, such as repaving, milling and resurfacing, are necessary to restore the roadway back to its original condition. These services will be classified as *maintenance*.

"At other times, governments expend resources on existing capital assets that either 1) increase their utility (through increased capacity or serviceability) or 2) extend their total estimated useful life. Such i*mprovements* (or *betterments*) add new value; therefore, their cost should be capitalized as part of the cost of the underlying asset."

Assets, such as intersection improvements, new roadway construction, roadway improvements, new trails/paths, addition of turn/thru lanes, addition of traffic signals, and similar, add to the capacity of the roadway or improvement. These services will be capitalized over the useful life of the asset as required.

b. Non-capitalized assets are broken down into three categories.

i) Assets with an initial, individual cost between $1,000 and $5,000 ($10,000 for infrastructure) are expensed, inventoried and tracked within the County's asset system. These assets will be depreciated for replacement planning purposes only.

ii) Assets with an initial, individual cost under $1,000 will be expensed and not inventoried nor tracked or depreciated within the County's asset system. Exceptions to the $1,000 threshold are covered under Section 1.b.iii.

iii) Certain assets that do not fall into the above categories 1b (i) and 1b (ii) require special attention and care must be taken to ensure adequate control is maintained over such items. Although these items have an initial, individual cost under $1,000 and are expensed and not depreciated within the County's asset system, they shall be inventoried and tracked within the County asset system. There are three categories as follows:

(1) Legal or contractual provisions require a higher than ordinary level of accountability such as items acquired through grant agreements.

(2) Items which by their very nature pose a risk to public safety and could be the source of potential liability such as Firearms and other public safety equipment including but not limited to ballistic protection, crime scene investigation, bullet proof vests, batons, gas masks, protective suits, self-contained breathing apparatus, helmets, shields, etc. *The Sheriff maintains a detailed inventory of its safety equipment and has sole responsibility for such. Items within this category will be recorded in the County's asset system for departments other than the Sheriff' Office.*

(3) Items that are both easily transportable and readily marketable or easily diverted to personal use. Any item in this category, with the exception of weapons, having an acquisition cost more than $250 will be tracked in the County's asset system. Those items below $250 should be tracked internally by the Department Head or his/her designee. Items with an acquisition cost greater than $250 but less than $1,000, include but are not limited to:

(a) Computers including laptops
(b) Printers, Copiers, Scanners
(c) Televisions, Cameras, Sound and Recording Equipment
(d) Portable and Mobile Radios
(e) Safety Equipment

Weapons, regardless of cost, will be tracked within the County's asset system or by the Sheriff's Office.

c. Donated capital assets must be approved by the BOC via the agenda process and documentation provided to Finance to record in the County's asset system at the asset's estimated fair value as of the date of the donation.

**2) Responsibility for Control and Inventory**

a. Assets are an integral part of the process that departments use to achieve their operational goals. Department Heads shall have the responsibility of control and accountability for their department's assets.
b. Each Department Head should assign responsibility for different groups of assets to one or more specific individuals. That assignment should be documented in writing and communicated to the Finance department.
c. Individuals responsible for a department's assets shall plan and conduct an annual physical count by listing every asset in the department meeting the minimum threshold criteria of $1,000 or the guidelines of requiring special attention as outlined in 1 b (iii). Each fiscal year, the user department must reconcile the physical inventory to the listing contained within the County's asset system. Discrepancies shall be marked and researched by the department. Unlocated items must include an explanation as to the disposition. A final report including the list of assets along with an explanation of changes from the system report shall be prepared and certified by the Department Head as reliable and complete. This report shall be provided to Finance by June 1st to update the asset system and provide as external audit documentation.
d. The Finance department shall periodically verify the data on the asset listing provided by each department. Procedures should be reviewed to verify the reliability and completeness of the data.

**3) Asset Acquisition**

a. Departments making purchases of assets should follow Purchasing procedures to allow for the lowest-bid price on an asset while ensuring the asset is adequate for the purpose required. For procurements that will be made through the Purchasing Department, the acquiring department should enter a requisition which will be converted to a purchase order once the asset is ordered completing the purchasing process.
b. No asset shall be ordered for which there is no approved budget.
c. When the ordered asset is received by the acquiring department, acknowledgement of the receipt is made within the accounting system and provided to Finance - Account Payables. Once the invoice is received and matched to the receiving report, a payment is made. A receiving report should be generated on the date of receipt of the asset versus waiting until an invoice is issued.
d. From the supporting documentation for the payment, assets falling into the appropriate inventory category shall be entered into the asset system.
e. Any department acquiring an asset not following Purchasing procedures yet requiring tracking within the asset system shall complete and submit to Finance an Asset Change Form, attached.

**4) Transfer of Assets**

a. Assets should not be moved from the location of the acquiring department without completing an Asset Change Form. The Department Head should determine when an asset will better serve its purpose by transferring to another County department.
b. When an asset needs to be transferred to another department, otherwise physically removed from a department, that department is responsible for notifying the Finance Department by submission of an asset change form. This form will notify the Finance department to remove the asset from the originating department's inventory records, so that department is no longer responsible for the asset. Note: The Asset Change Form will not be needed for items initially costing less than $1,000 AND otherwise did not meet the criteria for being entered into the asset inventory site.

**5) Disposal of Assets**

Good management and sound fiscal policy require the expeditious disposal of property which no longer provides a benefit to the county. Each Department Head is authorized to declare any item of county personal property having a residual value up to $1,000 or less to be unserviceable or surplus.

Based on the recommendation, the Director of Building and Grounds Maintenance is authorized to dispose of county personal property deemed to have a residual value of $1,000 or less. Items with a residual value of $1,001 to $20,000 require authorization from the County Administrator. Disposal methods may include recycle, transfer to landfill, or other appropriate methods which do not involve a sale or trade of property (which is the responsibility of the Purchasing Department).

The Director of the Purchasing Department is authorized to determine the most advantageous method of disposing of property once it has been declared surplus or unserviceable, but has not been discarded by Building and Grounds Maintenance. Authorized methods of disposal include auction, sale via the internet or other means, trade or transfer to another department within county government.

The disposal of assets will be handled as follows. If the value of a single asset is:

| | |
|---|---|
| $1,000 or less | Authorized by Department Head |
| $1,001 to $20,000 | Authorized by County Administrator |

a. **Department in possession of the property**
When a department has an item that is no longer serviceable, the Department Head should estimate the current residual value of the item.
   i) If the estimated residual value is $1,000 or less, the Department Head will fill out an Asset Change Form with the required information, indicating that disposal is recommended.
   ii) If the estimated residual value is over $1,000, the Department Head will fill out an Asset Change Form with the required information, indicating that the item should be

processed for auction, sell, or trade. The department will forward the form to Finance. Finance will obtain approval from the County Administrator for asset disposal.

b. **Finance Department**
When the Finance Department receives an Asset Change Form and obtains the appropriate approvals for unserviceable or surplus property, staff will:
i) Forward a copy to Building and Grounds Maintenance for all county personal property other than computer equipment, *OR*
ii) Initiate a word order with Information Systems for transfer or disposal of computer equipment.
Upon receiving notice from Building and Grounds Maintenance or Information Systems that the item(s) have been transferred or otherwise disposed of, Finance Department staff will make adjustments to the automated inventory system as appropriate.

c. **Information Systems**
Disposal of computers and similar personal property requires additional procedures because
(1) hard drives contain confidential information and copyrighted software, and (2) some computer components contain materials that are hazardous to humans or the environment. When a department has unserviceable or surplus computer equipment, the Finance Department will initiate a work order with the IS Department. IS will remove or disable the hard drive and transfer the equipment to a storage location. IS will then advise Finance of the location and method of disposal. Finance will transfer the equipment in the asset system from the disposing department to Surplus Computer Equipment.

Due to the unique nature of this equipment, the Directors of Purchasing and Information Systems must confer to determine the disposal method(s) most advantageous to the county. Once this has been determined, IS will advise Finance so that the appropriate changes can be made in the asset system.

Surplus Computer Equipment shall be inventoried annually and reconciled to the listing contained within the asset system.

d. **Building and Grounds Maintenance**
Upon receipt of the Asset Change Form from the Finance Department via the automated work order system, Building and Grounds Maintenance will schedule pickup of unserviceable items from the requesting department.
- If the estimated residual value has been determined to be less than $1,000, the Director of Building and Grounds Maintenance may, at his discretion, immediately discard the items. If he determines that items may individually or collectively have salvage value, he may at his discretion, store the items to be sold, traded, or auctioned by the Purchasing Department.
- If the estimated residual value is $1,000 or greater, the items are to be stored in a location designated for this purpose, to await disposal by the Purchasing Department.

Building and Grounds Maintenance will close the work order and will notify Finance of the disposition of the item(s). Finance will then update the inventory system.

Building and Grounds Maintenance shall contact the Purchasing Department when, in their judgment, there are stored items or scrap with sufficient value to warrant a sale or auction.

e. **Purchasing Department**
Except as stated above, the Director of the Purchasing Department is responsible for disposal of unserviceable or otherwise surplus property. The Director is authorized by County Ordinance Section 2-162 to use a number of methods, with permission of the Board of Commissioners, to dispose of unserviceable or surplus personal property. Authorized methods include auction, sale through the internet or other means, or trade.

As stipulated in Code Section 2-162, after property is auctioned or otherwise sold or traded, the Purchasing Department will provide the Finance Department with a list of such property so that it can be retired from the automated inventory system.

# FAYETTE COUNTY
# CERTIFICATE OF COMPLETION
# CAPITAL PROJECT / ROADWAY

The following project / roadway is open for public use and is considered complete for capitalization purposes.

| | |
|---|---|
| Project Name | |
| Project Description | |
| Capitalization Completion Date (Month/Year) | |
| Authorizing Signature | |
| Name and Title | |
| Date Signed | |

## PURPOSE

The Fayette County Public Library provides free access to the Internet, a medium that offers an array of information of educational, recreational and cultural information for library users. Please be advised that not all sources on the internet provide information which is accurate, complete, current or appropriate. Users should evaluate Internet sources just as they do printed publications.

## POLICY

There shall be a consistent and uniform use of the internet resources of the Fayette County Public Library.

## PROCEDURES

Users have a time limit of one hour per session for a maximum of three sessions per day.

Priority for use of the internet computers will be given to educational and research applications.

Prohibited uses of the internet resources include illegal activity, political lobbying, commercial activity, and chat room activity.

Children under the age of 14 are allowed to access the Internet only with the permission and supervision of their parents or guardians/custodial caregiver.

It is the parents' or guardians' responsibility to monitor their children's use of the Internet.

Files may not be downloaded to the library's hard drives.

The library is not liable for any damages to a customer's disk or computer that may occur from the use of the Internet at the library.

The library is not responsible for any liability that may occur as a result of the disclosure of financial or other personal information when accessing the Internet at the library.

All users of the computers must present a valid PINES card and register for computer time.

Only one person is permitted at a workstation at a time, except for parents/guardians or custodial caregiver assisting a child. Students working on a class assignment may request permission to work in pairs.

Printing is charged at a per page rate as established by the Library Board from time to time.

## PURPOSE

The use of the public meeting rooms is to provide a comfortable atmosphere for meetings for not-for profit, and non-commercial groups.

## POLICY

There shall be a consistent and uniform process for reserving the Fayette County Library public meeting rooms. Use shall be limited to not-for-profit organizations and non-commercial activities.

## PROCEDURE

The Dorethea Redwine Meeting Room is available for large meetings and has a capacity of up to 150 people. The Distance Learning Lab (Classroom Setting) has a capacity of up to 30 people. The meeting room may be booked subject to the following:

1. Groups must present a copy of their 501(c) (3) of the Internal Revenue Code granting their organization exemption from Federal Income Tax.

2. Bookings can be made up to six (6) months in advance and a maximum of four (4) meetings per year.

3. No consecutive booking is allowed. Organizations must reapply at the end of their meeting.

4. Permission to use the meeting rooms does not constitute endorsement or sponsorship of any program or event by the library.

5. The library's name may be used only in reference to location, not sponsorship.

6. Applications for use of the rooms must be submitted 10 days in advance of the proposed meeting.

7. The library may cancel any reservation in the event of a conflict with a library program. Notice of such cancellation will be given as soon as possible.

8. Organizations must notify the library of any cancellation on their part as soon as possible.

9. The library cannot be responsible for items left in the rooms.

10. A $50.00 refundable deposit shall accompany the application. The deposit must be a check or money order payable to the Fayette County Public Library with the name of the person or organization requesting the room imprinted on the check. Deposits will be returned if the reservation cannot be confirmed or after the meeting upon inspection of the room.

11. The organization conducting the meeting shall be financially responsible for damage to walls, flooring, tables, chairs, kitchen equipment and /or fixtures and any other contents of the rooms.

12. The organization in whose name the reservation has been confirmed shall be the same organization conducting the meeting for which application is made. Applicants must be at least 21 years of age and must be residents of Fayette County.

13. No admission fee may be charged.

14. Use of the library meeting rooms shall be limited to the dissemination of information. Library meeting rooms may not be used for personal or private profit.

15. Library meeting rooms may not be used for parties, weddings and other similar uses.

16. Library meeting rooms may only be scheduled for use during regular library operating hours. All meetings must conclude by 8:30 p.m. Monday through Thursday, and 5:30 p. m., Friday and Saturday.

17. After the meeting, a representative of the organization must meet with a library staff member to check the room, return the key and record the number of participants at the meeting.

18. Programs or meetings may not disturb the use of the library by other customers.

19. The group is responsible for setting up the room, returning the room to its original condition.

20. Groups using the kitchen must furnish their own supplies such as cooking and eating utensils, cloths, cleaning supplies, paper goods, etc., and must leave the kitchen in an orderly fashion.

21. The room must be swept and the garbage must be taken out. A broom is available at the circulation desk and must be returned after use.

22. Nothing may be attached to any surface of the room other than the bulletin board. Bulletin boards and dry erase boards must be cleaned at the close of the meeting.

23. Use of the room by the library or the county governing authorities for any purpose shall be permitted.

24. Attendance at all meetings is open to the general public and may not be limited to group's members or express individuals.

25. Refreshment may be served in the Dorethea Redwine Meeting Room (Large meeting Room) only.

26. Smoking and /or alcohol beverages are not permitted.

## PURPOSE

The purpose of this policy is to provide guidelines for the reservation of county facilities to the general public.

## POLICY

There shall be a uniform process for reserving Fayette County Parks and Recreation facilities for the general public.

## PROCEDURE

The following procedures shall be adhered to when making a reservation.

1. *Schedule:*

   The facilities are available for reservation on a first-come, first-served basis and may only be reserved once every six weeks. Each facility can only be reserved up to six weeks in advance of the occasion and not less than 2 business days before the date of the reservation.

2. *Submittal:*

   To reserve the facility, an individual must come in person to the Parks and Recreation office between the hours of 8:00 a.m. – 4:00 p.m. and pay the fees that apply. The reservation fee may be in the form of cash, check, or money order. Proof of residency will be required.

3. *Reservation Times:*

   The Fayette County Parks and Recreation Department reserves the outdoor picnic facilities from sunrise to sunset. Reservations are for athletic fields or courts are from sunrise to 11:00 p.m. Reservation times should include set-up time and clean-up time. A reservation permit is given at the time of reservation and should be kept readily available at all times. Reservations are limited to facilities and time frame listed on the permit only.

4. *Restrictions:*

   The following is prohibited at all county facilities as depicted in Chapter 18 of the Fayette County Code of Ordinances.

a. Drugs/controlled substances/alcoholic beverages

b. Tobacco or tobacco products

c. Camping or lodging

d. Damaging or defacing property

e. Erecting signs or banners

f. (*)Discharge any weapon or similar device in a park or recreation facility, unless discharge was made in the protection of a person's life or property. (*)Take into a park or recreation facility a weapon, or to use, carry or employ any weapon or similar device in a park or recreation facility, except as otherwise provided by applicable law. This subsection shall not apply to firearms as defined by O.C.G.A. 16-11-171(3) or to knives as defined by O.C.G.A. 16-11-125.1

*A written permit issued by the Parks and Recreation Department is required in conjunction with the following activities:*

a. Fireworks

b. Live bands or sound amplification devices

c. Temporary carnival or amusement rides or inflatables

d. Vending, fundraising activities and/or any political rallies or events

Failure to follow any and all rules will limit future use. The Board of Commissioners may also adopt specific rules and procedures for park use by athletic associations for organized sports.

5. *Special Event Application:*

Fayette County requires a special event application and application fee to be submitted by any person, company, or agency requesting to host an assembly, rally, or fundraising activity on County-owned property.

a. Special Event Applications may be obtained through the Parks and Recreation Department Office.

b. A Special Event Application shall be filed with the Parks and Recreation Department not less than ten (10) business days, nor more than thirty (30) business days before the date on which it is proposed to conduct the special event.

c. Special Event Applications will be reviewed by a Special Event Committee consisting of Parks and Recreation Personnel, Sheriff Personnel, and Board of Commissioners Administrative Personnel, or their designees.

d. Fayette County reserves the right to issue or deny a Special Event Permit based on expected disruption to the County's business/operations and in cases deemed to be detrimental to the County's best interests.

e. The Special Events Committee shall reach a consensus on whether or not a Special Event Permit should be issued and shall have the authority to approve or deny the request for a permit. If consensus cannot be reached, the final decision shall be made by the County Administrator.

## PURPOSE

The purpose of this policy is to provide guidelines for registering for any program that is offered through the Parks and Recreation Department.

## POLICY

There shall be a uniform process for registering for any program that is provided by the Recreation Department.

## PROCEDURE

The following procedures shall be adhered to when registering for any program.

1. Fees: All fees are payable in advance. A person is considered registered when payment is accompanied by a registration form. Acceptable forms of payment are cash, check, or money order. Individuals must verify that their registration information has been received.

2. Non-resident Registration: Recreation programs/trips are open to non-residents on a space available basis. Out of county fees will reflect a 50% surcharge in addition to the printed fee.

3. Age Requirements: Each class/program has a minimum and maximum age requirement. The participant must meet this age requirement within the time frame of their class/program.

4. Advance Registration: Advance enrollment is highly encouraged. Classes that do not attain the minimum enrollment will be cancelled two days prior to the scheduled start.

## PURPOSE

The purpose of this policy it to provide guidelines for the refund of any fee that is paid to the Parks and Recreation Department.

## POLICY

There shall be a uniform process for refunding any payments that are received for registration and reservation fees.

## PROCEDURES

These procedures shall be adhered to when issuing a refund for the following reasons.

1. Registration Fees:

Refunds will be given to participants if requested in writing five working days prior to a class/program beginning. A 25% administration fee will be charged for any written request. Refunds will be given after a class/program begins only with a doctor's statement of the participant's incapacitating illness or injury. A written request for refund must accompany the doctor's excuse within five working days of the start of the class. Classes that do not attain the minimum enrollment will not be charged an administration fee. If a class or program is cancelled for insufficient enrollment, a refund or credit will be issued. A credit for the amount paid can be used for another program, but must be used within a three month time period from the date of issue.

2. Reservation Fees:

Refunds for the reservation fee will not be given; however, if an event is cancelled due to inclement weather, the event will be rescheduled based on availability.

## PURPOSE

The intent of this policy is to protect the youth being served by volunteers, contracted staff, and vendors in youth recreation programs offered by Fayette County and/or its partner volunteer associations/organizations.

## POLICY

It is the policy of Fayette County that all individuals (18 and over) who work with or have any contact with youth under the age of 18, in the capacity of Coach, Official, Volunteer, Instructor, Counselor, or Vendor with any activity organized by or facilitated by the County and its partner volunteer associations/organizations must successfully complete a Criminal Background Check and be approved or denied by the Sheriff and/or his/her designee.

## PROCEDURES

A background Check Consent Form must be submitted to the Fayette County Parks and Recreation Department who in turn will submit the form to the Sheriff's Office.

After receipt of the background check form, Fayette County Sheriff's Office will conduct a background investigation, which may include checks with the Georgia Crime Information Center (GCIC), the National Crime Information Center (NCIC), state sex offender registry, reference check and criminal history. The results of the background investigation shall be reviewed by the Sheriff Office, and a recommendation made to the Director of Parks and Recreation and/or his/her designee as to the approval or denial of Volunteer/Instructor/Vendor status. All information gathered in the background investigation will be kept confidential except as required by law.

No portion of said documents shall be disseminated in any way, except that the Fayette County Parks and Recreation Department or partner volunteer associations/organizations, upon written authorization of the applicant, shall have access to said records where the eligibility and suitability of any applicant is called into question following a records check. The Fayette County Parks and Recreation Department or partner volunteer associations/organizations shall review the results of all authorized applicant background checks and shall in their sole discretion determine an applicant's eligibility and suitability to participate in their organization.

## DISQUALIFICATION

No individual shall be eligible to serve as a volunteer/instructor/vendor if the background check reveals a criminal record for the offenses listed below. For the purposes of this policy, a "criminal record" shall mean with respect to any of the offenses, an arrest, a plea of guilty or nolo contendere, a conviction, or placement in a pre-trial diversion program. No individual who has charges pending for any of the offenses shall be eligible to serve as a volunteer until the charges have been favorably resolved. The screened offenses are as follows:

1. Simple battery, where the victim is a minor;
2. Aggravated battery;

3. Cruelty to children;
4. Any crimes against children, including but not limited to contributing to the delinquency of a minor, or providing alcohol to someone underage;
5. Any sexual offenses;
6. Crimes involving family violence;
7. Any offenses involving misdemeanor drugs within 5 years or felony drugs within 10 years and/or being on probation or parole for any drug offense;
8. Any alcohol related violations within 5 years or any 3rd offense of DUI;
9. Any weapons violation;
10. Assault, battery or any other crime of violence;
11. Murder or felony murder;
12. Any offense involving lewd conduct;
13. Arson;
14. Kidnapping;
15. Manslaughter (voluntary or involuntary);
16. Rape;
17. Robbery;
18. Criminal attempt to commit any above-named offense (s); and
19. Any other crime that bears upon his/her fitness to have responsibility for safety and well-being of children.

The above is intended to be illustrative and is not inclusive of all offenses that could be included in these criteria.

Refusal to submit to a background check automatically disqualifies an applicant to volunteer.

**APPROVAL**

Any individual whose records fail to reveal a criminal record or a pending charge shall be approved, unless denied based on some other policy of the County. Approval shall be valid for a period of not to exceed twelve (12) months. Individuals who successfully pass the County's background check are not guaranteed a volunteer, instructor, or vendor position with the County or partner associations/organizations. The background check is just one step in the process.

**APPEAL**

An individual disqualified by the Sheriff Office may ask for an appeal. In order to proceed with an appeal the disqualified applicant must provide written authorization stating Fayette County Parks and Recreation Department or partner associations/organizations shall have access to said records where the eligibility and suitability of any applicant is called into question following a records check. The Fayette County Parks and Recreation Department Director and/or his/her designee or partner volunteer associations/organizations shall review the results of all background checks and shall in their sole discretion determine an applicant's eligibility and suitability to participate in their program/organization.

If an applicant has been convicted, arrested or is currently charged with any of the above named crimes, the Fayette County Parks and Recreation Department or partner volunteer associations/organizations shall consider:

1. The date/age of each conviction, arrest and/or charge;
2. The disposition of each conviction, arrest and/or charge as shown on the background check form;
3. The number and frequency of each conviction, arrest and/or charge; and
4. Whether an applicant is still on probation or other court supervision as a result of the conviction, arrest and/or charge; and
5. If an applicant has any prior criminal history the Fayette County Parks and Recreation Department or partner association/organization should consider whether such history bears upon applicant's eligibility and suitability to have unsupervised access to children participating in programs offered by the County and/or its partner volunteer associations/organizations.

After having considered the factors, the Fayette County Parks and Recreation Department or partner volunteer associations/organizations may in their sole discretion:

1. Allow an applicant/volunteer to participate in respective programs despite a finding that said applicant/volunteer has been convicted, arrested or is currently charged for a violation of one or more of the enumerated offenses outlined above; and/or
2. Disqualify an applicant/volunteer from participating in respective programs. All decisions regarding denial of applications by the Fayette County Parks and Recreation Department or the partner volunteer associations/organizations board of directors shall be final.

## PURPOSE

Motor pool vehicles are provided to Fayette County Government staff for the conduct of County business.

## POLICY

There shall be a uniform process for the use of county motor pool vehicles by Fayette County employees when required in the conduct of their work. The following policy applies to the use of any county vehicle:

1. Motor pool vehicles shall ONLY be used for official county business.

2. Motor pool vehicles are available on a first come first serve basis.

3. County employees must possess a valid Georgia driver's license and must be familiar with federal, state and local regulations governing motor vehicle operation.

4. Drivers must use safe driving practices at all times.

5. It is the driver's responsibility to ensure the use of seat belts by all occupants while the vehicle is in operation.

6. Passengers must be Fayette County employees, associated with official County Business or have prior approval from County Administrator.

7. The individual operating the vehicle is responsible for any parking or traffic violations.

8. Damage to a pool vehicle due to other than normal usage may be charged to the department using the vehicle.

## PROCEDURES

1. Reserving a vehicle

    a. Contact the Finance Department to reserve a pool vehicle.

    b. Requests for use of a pool vehicle should be made as far in advance as possible to ensure availability.

    c. For maximum utilization of pool vehicles, please call as soon as possible for cancelations.

2. Checking out and returning vehicle

    a. The driver should verify that there is a current insurance card in the vehicle.

b. Starting and ending mileage must be recorded.

c. Vehicle should be inspected for cleanliness inside and out.

d. Vehicle should be inspected for any pre-existing damage. If any damage is noted it should be immediately reported before leaving the parking lot.

e. When returning the vehicle please remove all trash and clean up any mess you make inside the vehicle.

f. If the vehicle is dirty, coordinate and/or schedule a time with Fleet Maintenance to have the vehicle cleaned.

g. The driver must ensure that there is at least a half a tank of gas before returning the vehicle. If the vehicle is below a half of a tank go to the Fleet Maintenance facility and fill the tank up. The fuel key is attached to the ignition key. Instructions on how to fill the vehicle up are included in section 5 of this policy.

h. Return the vehicle to one of the designated parking spaces for pool vehicles located at the Stonewall Complex.

i. The driver must complete the pool vehicle use form. If any mechanical problems exist please inform the Finance Department when returning keys.

3. Vehicle accidents

a. In case of an accident the driver must immediately call the Fayette County Communications Center (770-461-4357) and request that a Sheriff be dispatched to the location of the accident (if within Fayette County). If there are injuries dial **"911"** to report the accident. If out of town/state – contact the local law enforcement agency having jurisdiction to have an accident report filed.

b. The driver must obtain the name and address of each driver, passenger and witness involved in the accident. The name of insurance company and policy number for each vehicle involved should be obtained as well.

c. The driver and supervisor must also follow accident reporting protocols as outlined in the Fayette County Safety & Loss Control Manual.

4. Vehicle breakdowns

Should the vehicle become inoperable or break down, the driver should obtain all available information on the mechanical problem, the location of the vehicle, as well as a phone number where the stranded driver may be reached. The driver should then contact the Fleet Maintenance Department for instructions:

Emergency Phone Numbers

| | |
|---|---|
| Fleet Maintenance Office | 770-320-6015 |
| Fleet Maintenance Manager | 770-320-6014 - Office |
| | 770-313-9858 Cell |
| 911 Communications Center | 770-461-4357 (for on-call mechanic) |

5. Refueling vehicle

   a. When refueling vehicle out of town/state use 87 octane gasoline.

   b. When refueling vehicle at Fleet Maintenance follow the instructions listed below:

      i. Insert fuel key into key reader at Fuel Island.

      ii. Enter user ID# 115 and press "Enter"

      iii. Enter vehicle mileage and press "Enter". (Do not enter tenths) You will then be prompted to re-insert the fuel key.

      iv. Select pump number you will be dispensing fuel from and press "Enter".

      v. The dispenser will be activated and you may begin fueling.

## PURPOSE

Fayette County owns and operates vehicles and other heavy equipment, tractors, mowers, trailers, and similar assets in conducting county business. County owned vehicles and equipment will be repaired and maintained in the most efficient and cost effective manner as determined by the Fleet Maintenance Department.

## POLICY

There shall be a consistent and uniform process for scheduling and/or requesting preventive maintenance and repairs and for requesting emergency repairs after normal working hours for Fayette County owned vehicles and equipment.

## PROCEDURE

Drivers and/or operators are required to inspect their vehicles/equipment daily or before operation as outlined in the Fayette County Safety and Loss Control Manual. In the event of any mechanical failure the driver/operator shall report the problem to their immediate supervisor, or the Fleet Maintenance Department. If there is an issue of concern for safety, the vehicle and/or equipment shall be immediately taken out of service until it has been determined otherwise safe to operate by Fleet Maintenance personnel.

1. Scheduling and/or requesting preventive maintenance and repairs.

Drivers/Operators or a designated point of contact for each department shall contact Fleet Maintenance personnel to schedule preventive maintenance and/or repairs via telephone, e-mail, or in person. When contacting through e-mail please send to both e-mail addresses.

At the time vehicles/equipment are brought in to the Fleet Maintenance Department, a vehicle check-off sheet, or other written documentation must be completed with details of what services are being requested, and mechanical problems, if any. The information provided shall include the vehicle identification number, mileage/hour meter reading, and date.

2. Requesting emergency repairs after normal working hours.

Repairs for emergency vehicles and other equipment such as backup generators which are essential for continuation of Public Safety operations will be coordinated with the respective departments designated point of contact and the Fleet Maintenance Manager, and/or on-call Mechanic.

3. Contact information.

Fayette County Fleet Maintenance
115 McDonough Rd.
Fayetteville, GA 30215
770-461-3142 – Phone
E-mail – bill.lackey@fayettecountyga.gov E-mail – sratliffe@fayettecountyga.gov

On-call personnel for emergency repairs can be notified through the 911 Communication center. The non-emergency phone number to the 911 Center is 770-461-4357.

## PURPOSE

To provide guidelines for the acceptable use of computer systems and network resources. These rules are in place to protect the employee and the Fayette County Board of Commissioners (FCBOC). Inappropriate use exposes Fayette County to risks including virus attacks, compromise of network systems and resources, loss of confidential information, and legal issues.

## POLICY

There shall be a consistent and uniform use of computer equipment and network resources.

## PROCEDURES

### Scope

This policy applies to employees, contractors, consultants, temporary employees, and other workers at Fayette County, including all personnel affiliated with third parties. This policy applies to all Fayette County information systems (owned or leased), whether on a public system (Internet), on the County's internal network (Intranet), or accessible via a remote connection (Extranet). All Fayette County information systems, including but not limited to computer and network equipment, software, operating systems, storage media, network accounts, and electronic mail are the property of the FCBOC. These systems are to be used for business purposes in serving the interests of the County, and of our citizens and customers in the course of normal operations. Effective security is a team effort involving the participation and support of every Fayette County employee and affiliate who deals with information and/or information systems. It is the responsibility of every computer user to know these guidelines, and to conduct their activities accordingly.

### General Use

1. New or modified network user accounts, email accounts, phone extensions, voice mail boxes, MUNIS logins, RightFax setup, or Internet access should be requested by entering a work order in the IS Department's work order system and attaching a User Access Form or MUNIS User Form with the necessary information.
2. While Fayette County's network administration desires to provide a reasonable level of privacy, users should be aware that the data they create on the corporate systems remains the property of Fayette County. Because of the need to protect Fayette County's network, administration cannot guarantee the confidentiality of information stored on any network device belonging to Fayette County.

3. Employees are responsible for exercising good judgment regarding the reasonableness of personal use. Individual departments are responsible for monitoring their users for excessive personal use of Internet/Intranet/Extranet systems. If abuse is suspected by department management, a request can be made to the IS Department for recent logs of a user's Internet activity. The department head will determine if the usage is considered excessive and if disciplinary actions are required. If there is any uncertainty concerning personal use, employees should consult their supervisor or manager. The IS Department may also deem usage excessive based on resources consumed and restrict a user's access, up to and including termination of access to Information System resources.
4. For security and network maintenance purposes, the IS Department may monitor equipment, systems, and network traffic at any time to ensure compliance with this policy.
5. System administrators shall perform their duties respectfully under the supervision of higher-level administrators and in adherence of all County policies and procedures. System administrators shall respect the privacy of users as much as possible and shall refer all disciplinary matters to the appropriate authorities.
6. No one shall copy, install, download, or export any software or data in violation of any copyright laws, license agreements, trade secrets, patents or other intellectual property or similar laws. This includes, but is not limited to, copyrighted software applications and downloading and/or the distribution of music, movies, "pirated" software and other electronic media via the internet that is not appropriately licensed for use by Fayette County.
7. Under no circumstances is an employee of Fayette County authorized to engage in any activity that is illegal under local, state, federal, or international law while utilizing Fayette County owned resources.
8. No one shall use any County information systems (computers, printers, scanners, email, telephones, paging, etc.) to copy, distribute, or store fraudulent, defamatory, harassing, obscene, or threatening material, or any communications prohibited by law.

**Security, System and Network Activity, and Confidential Information**

1. No user shall use any County owned computer or network resource without proper authorization. No one shall assist in, encourage, or conceal from authorities any unauthorized use, or attempted unauthorized use, of any of the County's computer or network resources. The IS Department may use network monitoring software and systems to assure that only authorized users are connected to the County's network. Any unauthorized users discovered will be disconnected immediately, without notice, by physical disconnection, security software, configuration changes, or any combination of methods.
2. No one shall connect any computer or equipment to any County network without prior approval from the IS Department. The IS Department shall review all

requests to determine if the equipment meets proper security standards and County policies before approval will be granted.

3. All computers that are connected to the Fayette County Internet/Intranet/Extranet, whether owned by Fayette County, an employee, or third party vendor, shall continually run approved virus-scanning software with a current virus database unless otherwise authorized by the IS Department.

4. No one shall give any password for any County computer or network resource to any unauthorized person, nor obtain any person's password by any unauthorized means. No one except the system administrators in charge of County computers and network resources are authorized to issue user accounts and passwords for computer and network use. Users should keep passwords secure and not share accounts. Authorized users are responsible for the security of their passwords and accounts. User passwords should be changed every 90 days. The exception to this are passwords for systems that provide limited resources such as public access terminals with access restricted to read-only files or a single software system.
5. No one shall misrepresent his or her identity or relationship to the FCBOC when obtaining or using County computers or network resource.
6. No one shall use the County's network and communication resources to attempt unauthorized access of any other system or resources not owned by the FCBOC.
7. No one without proper authorization shall install, modify or reconfigure the software or hardware of any County computer or network resource.
8. Information contained on County information systems should be classified as either confidential or not confidential, as defined by County confidentiality guidelines, details of which can be found in Human Resources Confidentiality Policies (436.xx). Employees should take all necessary steps to prevent unauthorized access to confidential information.
9. If sensitive information, such as data containing social security numbers or other confidential data, is being sent outside the County's network, email encryption should be used to protect the information. If email encryption is required, the department head should contact the IS Department concerning the licensing and cost of email encryption services.
10. Because information contained on mobile computers is especially vulnerable, special care should be exercised. County laptops that store confidential data should have hard drive encryption software installed to protect the sensitive data in case the laptop is lost or stolen. Department heads or management should contact the IS Department concerning licensing and the cost of hard disk encryption for their department's laptops.
11. Employees must use extreme caution when opening e-mail attachments received from unknown senders which may contain viruses, spam, or Trojan horse code. No one shall create, install, or knowingly distribute a computer virus, spyware, or other surreptitiously destructive program on any County computer or network resource, regardless of whether any demonstrable harm results.

12. No one shall perform security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
13. Port scanning or security scanning is expressly prohibited unless prior notification to the IS Department is made.

**Enforcement**

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

## PURPOSE

The purpose of this policy is to provide guidelines for the acceptable use of the County's Internet access and associated resources. These rules are in place to protect the Fayette County Board of Commissioners (FCBOC) and its employees. Inappropriate use exposes Fayette County to unacceptable risks including virus attacks, network security issues, loss of confidential information, and legal issues.

## POLICY

There shall be a consistent and uniform use of the County's Internet resources to prevent the unauthorized and unethical use of the Internet.

## PROCEDURES

### Scope

This policy applies to all employees, contractors, consultants, temporary employees, and other workers at Fayette County that have access to the County's Internet resources. These systems are to be used for business purposes in serving the interests of the County, and of our citizens and customers in the course of normal operations.

### Acceptable Use

1. The County's Internet access and associated resources are provided to conduct County business.
2. All official Fayette County websites, social media sites, and other Internet based sites shall be approved by the County Administrator and the FCBOC, and as such, are subject to all related State and Federal laws and County policies and procedures. All departments wanting to create such sites should contact the County Administrator for approval.
3. Occasional and incidental personal internet use shall be permitted if it does not interfere with the work of personnel, the County's ability to perform its mission, and meets the conditions outlined in County policies and procedures. Employees are responsible for exercising good judgment regarding the reasonableness of personal use. Individual departments are responsible for monitoring their users for excessive personal use of Internet resources. If abuse is suspected by department management, a request can be made to the IS Department for recent logs of a users Internet activity. The department head will determine if the usage is considered excessive and if disciplinary actions are required. If there is any

uncertainty concerning personal use, employees should consult their supervisor or manager. The IS Department may also deem usage excessive based on resources consumed and restrict a user's access, up to and including termination of access to County Internet resources.

4. Authorization for County Internet access shall be provided by the Information Systems Department. Internet access should be requested by entering a work order in the IS Department's work order system and attaching a User Access Form with the necessary information and justification.
5. No one shall give any username or password for a County computer or Internet access to any unauthorized person, nor obtain any person's password by any unauthorized means. (This includes family and other household members if work is being done at home.) No one except the system administrators in charge of County computers and Internet access are authorized to issue passwords for computer and Internet use. Users should keep passwords secure and not share accounts. Authorized users are responsible for the security of their passwords and accounts. User passwords should be changed every 90 days.

**Unacceptable Use**

The following activities are prohibited, although some employees may be exempted from these restrictions during the course of their legitimate job responsibilities
(example: Law Enforcement staff my need to access inappropriate web sites for investigative reasons). The list below is by no means exhaustive, but attempts to provide a framework for activities which fall into the category of unacceptable use.

1. Access to streaming audio and video sites, including but not limited to Internet radio/television sites, news sites, etc., consume excessive network bandwidth and are not permitted on the County's network. Requests for temporary exceptions for video training purposes shall be reviewed by the IS Department. Requests should be sent to the IS Department via a work order stating the request, justification, and time frame needed.
2. For its own protection, the County reserves the right to block all Internet communications from sites that are involved in extensive spamming or other disruptive practices, even though this may leave the Internet users unable to communicate with such sites.
3. Under no circumstances is any user of the County's Internet access or resources authorized to engage in any Internet activity that is illegal under local, state, federal, or international law.
4. Unauthorized downloading or uploading of copyrighted material for which Fayette County or the end user does not have an active license is strictly prohibited. This includes, but is not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and copyrighted software.

5. Browsing, downloading, posting, sending, or acquiring sexually explicit or sexually oriented material, hate-based material, hacker-related material, or other material deemed offensive or dangerous is strictly prohibited.
6. Posting or sending sensitive or confidential information outside of the County without management authorization is prohibited.
7. County Internet users shall not use County Internet resources to post commercial announcements or advertising material.
8. County Internet access and resources shall not be used to promote or maintain a personal or private business.
9. Excessive Internet usage that disrupts the County's Internet access is strictly prohibited and may result in temporary or permanent termination of the user's Internet access. County related business that may consume excessive bandwidth (such as large software downloads) should be scheduled after hours as to not negatively impact the other County Internet users.

**Social Media / Blogging**

1. Blogging or posting on Social Networking sites by employees, whether using Fayette County systems or personal computer systems, is also subject to the terms and restrictions set forth in this policy. Limited and occasional use of Fayette County's systems to engage in this activity is acceptable, provided that it is done in a professional and responsible manner, does not otherwise violate Fayette County's policy, is not detrimental to Fayette County's best interests, and does not interfere with an employee's regular work duties. As with any type of Internet access on the County's network, this activity is subject to monitoring.
2. Fayette County employees and other individuals covered by this policy are prohibited from revealing any Fayette County confidential or proprietary information, or any sensitive material prohibited by the Fayette County Human Resources Confidentiality Policies (436.xx) when engaged in blogging or posting on social networking sites.
3. Employees shall not engage in any blogging or posts that may harm or tarnish the image, reputation and/or goodwill of the FCBOC and/or any of its employees. Employees are also prohibited from making any discriminatory, disparaging, defamatory or harassing comments when blogging, posting, or otherwise engaging in any similar conduct. Employees may also not attribute personal statements, opinions or beliefs to Fayette County when engaged in blogging. If an employee is expressing his or her beliefs and/or opinions in blogs, the employee may not, expressly or implicitly, represent themselves as an employee or representative of Fayette County. Employees assume any and all risks associated with the use of social media and blogging.
4. It is recommended that employees refrain from identifying themselves as an employee of the FCBOC on their personal social networking site. By identifying oneself as an employee of a company, a social networker becomes, to some

extent, a representative of that company, and everything he/she posts has the potential to reflect on the company and its image. If an employee does identify themselves as a Fayette County employee, however, they shall place a disclaimer on personal posts or on their site so that it is clear that the opinions expressed are solely those of the author and do not represent the views of the FCBOC.

5. In addition to following all laws pertaining to the handling and disclosure of copyrighted or export controlled materials, Fayette County's trademarks, logos and any other Fayette County intellectual property may also not be used in connection with any blogging activity or social networking sites other than on sites authorized by the FCBOC.

**Enforcement**

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

**Definitions**

*Blogging* - Writing a blog. A blog (short for weblog) is a personal online journal that is frequently updated and intended for general public consumption.
*Spam* - Unauthorized and/or unsolicited email.
*Trojan* - A program in which malicious or harmful code is contained inside apparently harmless programming or data in such a way that it can take control of a system and carry out its chosen form of damage.

## PURPOSE

To provide guidelines for the procurement and implementation of technology systems or services to assure that the appropriate resources are available and that the proper responsibilities have been defined.

## POLICY

There shall be a consistent and uniform method for the procurement and implementation of technology systems or services.

## PROCEDURES

### A. Definition

Technology plans are required for all county projects that include the purchase, installation, and support of computer equipment or software. Departments who seek funding and/or technical assistance with such projects must first complete a technology plan in accordance with the requirements of this policy. This process results in 1) a complete understanding of the projects to be undertaken by all departments involved and 2) a logical organization of all technology projects and resources. This includes all projects from small-scale software installations, such as those that affect only individual PC's, to County-wide long term or CIP-funded technology projects. Each technology plan will be reviewed by the Information Systems Department and will accompany the respective department's budget request. If there are technology projects planned but not included in a budget (such as grant-funded projects, for example), technology plans are required but will be reviewed only by the Information Systems Department before project commencement.

### B. Objectives

Continued growth and innovation in the County's Information Systems environment requires proper management. As multiple departments initiate more and more IS projects, it is important that we understand what resources will be required for both implementation and long-term maintenance. With this planning process in place we will be able to:

- To enable the organization to best manage the funding and use of vital technology resources,
- To identify opportunities to leverage I.S. investment across departments,
- Prioritize projects based on their feasibility and importance to the organization,

- To ensure that related technology projects are carried out in the proper order,
- To enable the Information Systems Department to plan appropriately for upcoming projects so that adequate resources can be made available
- Improve the potential success of each project,
- Evaluate and potentially reduce the risk associated with each project,
- Initiate only those projects for which there are or will be adequate resources, and
- Schedule projects in a manner that avoids situations where limited resources are exhausted on a few projects and other projects do not get the attention required.
- To assure technology projects' alignment with the County's mission.

## C. Template / Requirements

The technology plans will vary in both length and detail depending upon the complexity of each project, however, each plan must include the following components. Please include the following sections in your plan.

### 1. Project Description

This section of the plan provides an opportunity to introduce the technology project and review its purpose. The project's mission and objectives should be clearly stated, and should indicate how this plan aligns with the department's business plan. Reference to applicable master plans should be included in this section if appropriate.

### 2. Identification of Business Process

Use this section to explain how this function is currently carried out and how it will be improved with the implementation of the proposed technology solution. For example, perhaps more revenue could be generated with a technology solution in place, activities could be completed in less time, long-term costs could be reduced, information could be more readily available to the public, etc.

### 3. User Involvement in the Construction of This Plan

This section should include a description of how the end users have contributed to the planning process and how they will participate as the project evolves. Business processes are best understood by the people who employ them on a daily basis. These users are crucial to identifying what must be accomplished and, thus, the end users of a proposed system should be included in the planning and implementation phases of all IS projects.

The success of any solution will depend very heavily upon the satisfaction of the users who are required to use the system as a part of their job function.

**4. Identification of Stakeholders**
Identify who will be impacted by this project. Public citizens are likely to always be a stakeholder. Other likely examples include other departments, local businesses, and other government agencies. This section should explain who the stakeholders are and specify how they will be impacted.

**5. Technical Requirements**
In this section identify what new hardware, software and technical consulting services will be required for this project, as well as what will be expected of existing hardware and/or software. Include specific brand names and models when possible. A basic description of the type of hardware and/or software will suffice when specifics are unavailable for planning purposes.

**6. Security**
Identify both physical and electronic security requirements. Include identification of individual personnel who should or should not have access to the solution or specific components within the solution, whether any data involved is private, whether there are any public safety considerations, whether there is legislation that enforces specific security restrictions, etc. It is essential that each plan clearly identify all security concerns so that adequate security measures can be planned and implemented.

**7. Budget**
This section should include the details behind the budget request or grant allocation. Include specific funds, account numbers and line items. If known, list all hardware, software, training, engineering and consulting services, and all other expenditures that will be required to carry out this project.

**8. Future Budget Impact**
In addition to the items listed in the previous "Budget" section, identify how this will impact future budgets. Most technology projects will carry a support and maintenance cost into future years, additional computers will increase Computer Replacement Plan contributions, etc. If you plan to establish a replacement fund for this particular technology solution so that it can be replaced when it becomes obsolete, include details here.

**9. Training**
Formal training is a required component of all new information systems. Indicate in this section how the training will be conducted and by whom.

**10. Request for Proposals**
Indicate whether an RFP will be written for the selection of this technology solution, and, if so, specify the timeline for RFP construction, release, review and selection. Also, identify who will participate on the RFP review team. Outline in detail the selection criteria that will be used in choosing the solution which best meet the needs of this project. Likely examples include cost, scalability, compliance with technology standards, provider's experience with this product in the municipal market, provider's financial stability, etc.

**11. Timeline**
Use this section to identify project milestones that, when complete, will mark successful progress during the course of implementation. Include projected dates when each milestone is likely to be accomplished. (Note that only technology projects for which there are adequate human resources available will be approved. Adjustments to project schedules and timelines may be made in order to accommodate any deficiency in human or other resources.)

**12. Assignments**
The names of individuals assigned to specific roles should be included here. At minimum, the following roles will be required:

- Staff Project Leader - the individual in the originating department who will be the main point of contact and will take responsibility for managing the department's role in this project.

- Information Systems Project Manager - the Information Systems staff who will be the main point of contact for coordinating the technology implementation, handling the technology issues, and will ensure that Information Systems requirements are carried out according to this plan, and

- Budget contact - the individual in the originating department who will make funding decisions and assignments as payments are required for this project.

Additional assignments may be required depending upon the size and nature of the project.

**D. Submission Procedure**

Completed Technology Plans should be submitted to the Information Systems Department. Information Systems staff will review each plan and analyze the following:

- Completeness according to these guidelines,

- Adherence to county technology standards,
- Adherence with Information Systems Department policies,
- Accuracy of cost estimates,
- Impact on other IS projects, and
- Feasibility of project schedule in accordance with other IS projects.

Upon such review, Information Systems staff will determine whether changes to the plan are required and, if so, work with originating department staff to adjust the plan accordingly. If satisfactory, Information Systems staff will approve the plan. The originating department will be required to include approved Technology Plans with related budget requests.

## PURPOSE

The use of mobile technology devices such as cell phones, laptops, navigation systems, and other electronic devices have been shown to distract drivers and increase the risk of motor vehicle accidents. This policy is to provide guidelines for the safe use of mobile technology while operating a motor vehicle and is applicable to all employees while driving a County vehicle or any other vehicle (including rented, leased, borrowed or personally owned vehicle) while conducting County business.

## POLICY

There shall be a consistent and uniform use of mobile technology while operating a motor vehicle.

## PROCEDURES

All Fayette County employees shall comply with all federal, state, and local laws and regulations regarding the use of mobile technology devices including cellular phones.

The Official Code of Georgia 40-6-241.2 prohibits using cell phones and other such devices for texting, accessing the internet, etc. unless the operator of a motor vehicle is legally parked (not simply stopped at a red light). Sending or reading e-mails, dialing cellular phones, viewing television, videos or DVDs and inputting data into laptop computers, personal digital assistants or navigation systems is prohibited while driving.

Operators of motor vehicles should not enter data into any mobile data terminal while the vehicle is moving or in transit.

Exceptions:

- Passengers in the vehicle, who are otherwise authorized to us mobile data terminals, are not restricted from entering data when the vehicle is moving or in transit.
- Pressing function keys or touch screens that cause a particular action to occur are allowed if the action is required as part of the employee's job functions (example: Public Safety units notifying the E-911 Center that a call was received or that their unit is in route.)

Cellular phone calls using hands-free technology while should be avoided. To minimize the impact of distraction, calls, if any, should be brief. Extended conversations shall not be made while driving.

## PURPOSE

To provide guidelines for the secure, effective, and efficient use of the Electronic Mail (E-mail) Systems of Fayette County. It sets forth Fayette County's policy with regard to access to, usage, and disclosure of electronic mail messages sent or received by Fayette County employees using the Fayette County E-mail System.

## POLICY

There shall be a consistent and uniform use of the Fayette County E-mail System.

## PROCEDURES

### 1. Security

The Fayette County E-mail System is a privileged communication system that creates, stores, and forwards electronic data from one user to one or more users. Authorized users are provided a login name and preset password that allows them access to the system. Once the user logs in for the first time, they will be responsible for changing their password to a personalized password. The confidentiality of this password will be the sole responsibility of each user. No user shall divulge his password to anyone, unless requested by authorized Information Systems support personnel for maintenance of their e-mail account. Any communications via the electronic mail system will be attributed to and the responsibility of the authorized user of the originating account. To maintain the security of the system, each user shall be required to log out of the system if they are not in physical control of the computer or leave the computer unattended. If a user fails to observe the recommended log out procedure, other users may have easy access to messages stored in their mailbox. No employee shall attempt any unauthorized access to the electronic mail system. Any employee found to have engaged in unauthorized access of the system may be subject to disciplinary action. No employee with authorized access to the electronic mail system shall allow an unauthorized employee or person not employed by the Fayette County Board of Commissioners to use the system for any reason.

### 2. Disclosure/Privacy

All Fayette County E-mail data, including materials created, received or transmitted within the E-mail system are the property of the Fayette County Board of Commissioners. All messages, even "deleted" messages, may be stored or archived and are subject to Freedom of Information Act (FOIA) statutes. Employees, therefore, must be aware that they should not have any expectation of personal privacy in the use of these systems.

Fayette County reserves the right to access and disclose the contents of any employee's electronic mailbox. Such access may occur, but is not limited to, Fayette County's need to investigate a possible violation of policy or a breach of the computer or electronic mail system security. Any contents properly obtained under these guidelines, may be disclosed within Fayette County without the consent of the employee, but only to those employees who have some reasonable need for access to the information. The contents may also be disclosed outside of Fayette County, if necessary, for open records requests.

## 3. Monitoring

The Fayette County Board of Commissioners, as owners of the system, reserves the right to monitor the use of the E-mail system to ensure that only appropriate messages are being transmitted and to confirm that the systems are functioning properly. Such sampling will also allow the Information Systems Department to continually reassess the utilization of the systems and, whenever appropriate, make such changes to the systems as deemed fit.

## 4. Usage

Access to and usage of the County E-mail system will be based on the following:

a. Initial access for new users, will be authorized by the employee's Department Head. Initial training shall be provided by Information Systems or trained departmental staff if needed.

b. No employee shall use the electronic mail system for mass distribution of personal or non-business information. These messages include, but are not limited to, e-mail chain letters, pyramid schemes, or e-mails containing personal advertisements, opinions, or requests. Fayette County maintains separate Public Folders for these items.

c. The maintenance of the Global Address List and Public Folders on the E-mail system shall be the responsibility of the Information Systems Department. Requests for changes should be forwarded to the Information Systems Department.

d. No electronic mail system shall be used to send copies of any documents in violation of copyright laws.

e. Harassment of any kind is strictly prohibited. No messages with derogatory or inflammatory remarks about an individual or group's race, religion, national origin, physical attributes, sexual preference, or any other attribute protected by state and federal laws shall be transmitted.

f. Delivery or Read receipt requests should not be turned on by default in Outlook. Requesting a Delivery or Read receipt on every e-mail creates an unnecessary load on the e-mail server. If a delivery or read receipt is necessary, they should be requested on individual e-mails using the "Options" settings in the Outlook.

g. The County reserves the right to discard incoming mass mailing ("SPAM") without notifying the sender or its intended recipient.

h. No County employee shall use a web-based email account, such as user@yahoo.com, user@msn.com, user@excite.com, to conduct County business unless approved by the County Administrator. Email from these systems cannot be properly archived by County staff.

## 5. Remote Access

Remote Access of County email is supported using the following methods:

a. *Outlook Web Access* – County email can be accessed via a web browser on any Internet enabled computer using the following address: https://email.fayettecountyga.gov/exchange. The user must login using his network username and password.
b. *Microsoft Mobile Activesync* – Smart Phones and other devices that are compatible with Microsoft's Mobile Activesync can also access the County email system (e.g. iPhones, Droids, etc.). Generic instructions for this type of setup can be obtained from the Information Systems Department. Access to email from personal devices is considered a "user managed" service, meaning that the user is responsible for providing Internet connectivity for the device, installing any required software, and paying any associated fees.

Support for email access using personal computers or devices is limited to general assistance and written instructions.
Note: After-hours use of the County email system by hourly employees is expressly forbidden unless approved by a Department Head or Supervisor as such use may justify overtime pay.

## 6. Violations

Violations of any policy guidelines are subject to the Fayette County's disciplinary procedures, up to and including dismissal. Violators may be subject to loss of access to Internet and e-mail systems. Violators of the policy may also be subject to law-enforcement referrals if laws have been violated. If necessary to support appropriate disciplinary measures, additional information about personal uses or monitored personal messages will be recorded and provided to the appropriate department head, supervisor, or the Human Resources Department. Any investigation will be maintained as

confidential to the greatest extent possible, while recognizing specific legal requirements for public access to information and the need to investigate thoroughly all complaints.

**POLICY DIVISION**
**Gravel Road Upgrade**
**260.01**

## PURPOSE

This policy provides a methodology and procedures for County citizens to follow when requesting that an existing gravel road be paved by the Road Department.

## POLICY

There shall be a consistent and uniform process for paving gravel roads upon request by citizens.

## PROCEDURE

1. **Paving Request Petition** – The first step towards having a gravel road paved is to obtain a Paving Request Petition. Blank petitions are available on-line, at http://www.fayettecountyga.gov/public_works/index.asp or through the Road Department, located at 115 McDonough Road in Fayetteville (770-320-6010). The petition is used to gage property owner support of the project and willingness to donate right-of-way for the project. A detail, showing typical gravel and paved road cross-sections, is included with the petition to address common questions associated with road paving.
2. **Property Owner Support** – In order for a Paving Request Petition to be considered complete, it shall have the signatures (i.e., support) of enough property owners along the road such that at least 80 percent of the road frontage is pledged for donation. For example, a gravel road 2,500 feet long has 5,000 feet of road frontage (2 x 2,500). Eighty percent of this distance is 4,000 ft. Thus, a group of property owners having at least 4,000 feet of frontage must be willing to sign the petition. Completed petitions shall be submitted to the Road Department.
3. **Preliminary Engineering** – Upon receipt of the petition, Fayette County will prepare a conceptual road layout (based on existing aerial photography and topography) that shows the proposed road alignment, right-of-way, drainage improvements, and potential easements. This information serves two purposes. First, it allows the Road Department to develop preliminary cost estimates of the project. Second, it will provide information to help identify and explain potential impacts to property owners.
4. **Property Owner Confirmation** – The County will conduct a public information meeting within 90 days of receipt of a valid petition during which the conceptual plan will be presented to the citizens. This meeting is designed to disseminate information and allow questions regarding impacts to individual properties. After the public information session the Road Department will meet with property owners, as necessary, within 60 days to solicit input and answer questions about the proposed project. Upon validating that a minimum of 80 percent support for project still exists, the County will proceed with the remaining steps to move the request forward.

5. **Time and Material Cost Estimates** – The Road Department will develop time and material cost estimates for the construction work.
6. **Board of Commissioner Approval** – The Road Department will present the paving request, all pertinent supporting information and a Department recommendation on the request to the BOC at a public meeting. Property owners and other interested parties will have an opportunity to express support or opposition to the project at the meeting.
7. **Funding** – Upon Board approval, the project will be scheduled in accordance with the County's Capital Improvement Program.
8. **Engineering** – Upon scheduled implementation, detailed engineering work will commence. Properties will be surveyed and plans developed identifying road alignment, right-of-way donation area, temporary/permanent easements, drainage improvements, and other impacts to private property. Road improvements shall be designed in accordance with minimum safety standards.
9. **Right-of-Way Acquisition** – Upon completion of right-of-way plats and associated legal descriptions, the County will acquire the needed right-of-way and easements.
10. **Construction** – Construction activities will begin in accordance with the established parameters of the CIP.

## PURPOSE

One of the more important responsibilities of the Fayette County Board of Commissioners to its citizens is the faithful stewardship of public money. It is the Board's duty to ensure that this money is expended prudently.

The budget serves as the primary vehicle for directing resources to meet current and capital expenditures for the upcoming fiscal year and plan for anticipated outlays for the next five fiscal years.

## POLICY

There shall be a consistent and uniform process for adopting and operating under an annual balanced budget for each fund and operating under a project-length balanced budget for each capital project fund of the Fayette County government.

## PROCEDURE

1. The Fayette County annual balanced budget will be divided into two major components: Capital and Capital Improvement Program (CIP), and Operating.

2. A formal budget calendar shall be developed and presented to the BOC for approval, then disseminated to the County Administration, Department Heads, Constitutional Officers, the Judicial Circuit, and Outside Agencies. The budget calendar shall consist of dates for the distribution of budget materials, due dates for the submission of budget requests, dates for budget workshops with staff and the BOC, and dates for the public hearings on the proposed budget, to include the date of the adoption of the budget.

**I. Capital Budget/Capital Improvement Program (CIP):**

a. Fayette County will undertake capital projects for the construction and improvement of infrastructure and public facilities, and for the orderly replacement of existing assets to achieve the following goals:
   A. Promote economic development;
   B. Enhance the quality of life;
   C. Improve the delivery of services; and
   D. Preserve community and historical assets.

b. For budgeting purposes, a capital project is generally defined as the acquisition of any asset or construction project with an anticipated cost of $5,000 to $49,999 and an estimated useful life of three or more years.

c. For budgeting purposes, a CIP project is generally defined as a major capital project with an anticipated cost of at least $50,000 and an estimated useful life of more than three years.

d. Fayette County will develop a five-year Capital Improvements Program (CIP) plan for all CIP projects. The first year of the CIP plan will be part of the annual budget.

e. The CIP plan will be updated annually to direct the financing of and appropriations for new projects and updates to existing projects.

f. Fayette County will estimate the impact on operations of capital and CIP projects and will include these operating costs in future operating budgets.

g. Fayette County will utilize a fund named Capital Projects to account for capital projects.

h. Fayette County will utilize a fund named Capital Improvement Program to account for CIP projects.

i. Fayette County will utilize an internal service fund named Vehicle/Equipment Fund to account for the acquisition of vehicles and other motorized equipment.

j. Operating transfers from the various operating funds will be made annually, as needed to the Capital Projects fund, Capital Improvements Program fund, and the Vehicle/Equipment fund.

k. Fayette County will aggressively seek public and private grants, contracts and other outside sources of revenue to fund projects included in the Capital Improvements Program.

1. A project-length budget will be adopted for each capital project. The balances of appropriations for capital projects at year end is understood as being designated by management and re-appropriated in the following years until the project is completed.

**II. Operating Budget:**

a. Fayette County will finance all current expenditures with current revenues. The County will avoid budgetary procedures that fund current expenditures through the obligation of future resources. Fayette County will not use short-term borrowing to meet operating budget requirements.

b. The operating budget will provide for adequate maintenance of capital equipment and facilities, as well as for their orderly replacement.

c. All Governmental Funds under the control of the Board of Commissioners are subject to the annual budget process. Flexible or cash flow budgets will be prepared for Proprietary Funds (Enterprise and Internal Service) to establish fees and charges and to control expenses.

d. The annual operating budget must be balanced for all budgeted funds. Total anticipated revenues and other resources available must be at least equal to estimated expenditures for each fund.

e. All budgets will be adopted on a basis consistent with Generally Accepted Accounting Principles (GAAP). Pursuant to Governmental GAAP, revenues are budgeted when they become measurable and available. Likewise, expenditures are charged against the budget when they become measurable, a liability has been incurred, and the liability will be liquidated with current resources.

f. All unencumbered operating budget appropriations will lapse at year-end. Encumbered balances will be reserved on the year ending balance sheet and re-appropriated in the following fiscal period in accordance with Generally Accepted Accounting Principles.

g. Each operating fund budget will be adopted at the total fund level. In looking at compliance with State law, total expenditures for each fund may not exceed the total budget amount. Internal administrative procedures will be adopted to ensure that each individual department or cost center does not exceed their allotted appropriation amount.

h. Fayette County will strive to include an amount in the General Fund (i.e., a line item for contingencies) to cover unforeseen operating expenditures of an emergency type. The amount of the contingency reserve will be no more than 5% of the total operating budget.

i. Fayette County will integrate performance measurement and objectives, and Productivity indicators within the budget.

j. The County will maintain a budgetary control system to ensure adherence to the budget and will prepare timely financial reports comparing actual revenues, and expenditures and encumbrances with budgeted amounts.

k. The operating budget shall be developed to control both the direct and indirect costs of programs and services whenever practical.

l. Fayette County shall comply with all State laws applicable to budget hearings, public notices, public inspections, and budget adoption.

m. Enterprise and Internal Service Funds budgets shall be self-supporting whenever possible. Excess revenues of Enterprise Funds shall not be transferred to other funds unless authorized in the Annual Budget.

3. The budget is divided into two major components: Capital and Capital Improvement Program (CIP) and Operating.

The Operating component of the budget is further divided into tracks: Track 1 - Staffing and Track 2 – Other Operating.

The budget is developed by levels: budget requests from the departments, budget recommendations from Staff, budget recommendations from the BOC, budget proposal, and final adjustments and approval of the budget by the BOC.

A budget calendar for the next fiscal year is developed and presented to the Board of Commissioners for approval.

A budget kickoff meeting is scheduled for the county departments, at which time the departments receive instructions on the budget process and all the budget forms necessary to complete their next year budget requests. Any new procedures are specially discussed and clarified.

Letters are sent to the Judicial Circuit and the outside agencies to inform them of the start of the budget process and to provide them with the budget calendar.

Requests for funding are received from the Fayette County departments, the Judicial Circuit, and other outside agencies.

**Capital and Capital Improvement Program (CIP):**

The departments receive instructions and all budget forms necessary to complete their capital budgets, including forms necessary to provide updates to current capital and CIP projects. Classes are scheduled for staff members who are new to the process of next year budget entry.
Departments submit requests for new capital and CIP projects. Requests for projects detail funding sources and expenditures by line-item within the projects. The departments also provide updates on the status of capital projects and CIP projects from previous fiscal years.

New project numbers are created by the Finance Department. Budget line-items are assigned to each project. Projects are setup to be included in either the Capital Projects fund, the Capital Improvements Program fund, the Vehicle/Equipment fund, or any other special capital projects fund. The project numbers are then provided to the departments for them to do the budget entry.

By a predetermined deadline date, the departments submit all budget documentation on capital projects to the Finance Department. Budget entry for capital projects beyond this point is done only by the Finance Department. All requests of funding for capital projects are finalized.

The Finance Department prepares the capital budget reports to provide to the County Administrator. The County Administrator meets with the departments to discuss their new capital projects requests and updates on their current capital projects. The County Administrator makes recommendations and the capital budget is adjusted accordingly. The adjustments are finalized and the recommended capital budget is provided to the BOC. The departments are also provided with their recommended capital budgets.

The Board of Commissioners conducts budget workshops with the departments. New capital projects are discussed. The departments provide the BOC with updates of their current capital

projects. The BOC makes recommendations. The capital budget is adjusted accordingly. The BOC recommended capital budget and CIP plan are finalized.

**Operating Budget:**

**Track 1 – Staffing**: budgeted salaries and benefits for current approved positions, current vacancies, and requests for new positions and promotions. The county departments are required to include detailed justification with their requests for new positions and promotions. The county departments are also responsible for providing a list of the budget contacts and the personnel who will be responsible for their budget entry.

The county departments are required to return all budget documentation by a deadline date. This is to allow sufficient time for the Finance Department and the Human Resources Department to complete the staffing budget process. Requests for positions with a new job title need to be submitted directly to Human Resources. These requests need to include a Job Content Questionnaire. Human Resources will establish the new job class and the corresponding pay grade for these new job titles.

The cost-of-living adjustment (COLA) is determined based on the CPI-W (Consumer Price Index for Urban Wage Earners and Clerical Workers) three month average of July-September of the preceding calendar year and provided by the HR Department. The COLA is factored into the current year salaries for all County approved positions. The COLA adjusted salaries will be the salaries used in the next fiscal year budget. If the BOC decides not to incorporate the COLA, the salaries will be reverted back to the current year salaries.

Increases in salary and supplements for constitutional officers that are mandated by law are determined by the HR Department and factored in to determine the salaries to be used in the next year budget. The Human Resources Department also determines any changes to benefits premiums and payroll deductions to be effective for the next year budget.

Increases for COLA, salary increases for constitutional officers, new positions, promotions, and changes in premiums/deductions are entered into the payroll system. Salary and Benefits projections and personnel (FTE) counts are prepared for each department.

Staff (County Administrator, CFO, and the HR Director) meet to discuss the staffing projections and to make recommendations regarding the requests for new positions and promotions. As necessary, the County Administrator meets with the departments that requested new positions and promotions to inform them of the recommendations by Staff.

Staffing requests and recommendations are provided to the BOC. Budget workshops are held between the BOC and the departments to discuss staffing. The BOC makes recommendations on requests for new positions and promotions.

This is an important step in the budget process because the departments will base the remainder of their operating budget requests on their current year positions and the associated costs of new positions and promotions recommended by the BOC. Printouts of staffing budgets are provided to each of the departments.

Also during track 1 of the operating budget, the Assistant Director/Controller prepares the estimated revenue projections for all funds except the Water System who prepares their own. The revenue projections are reviewed by the County Administrator and the CFO and later presented to the BOC.

**Track 2 – Other Operating**:
The departments receive instructions and all the budget forms necessary to complete track 2 of the budget. The departments are provided data on actual expenditures for the previous two fiscal years, current year adjusted budget, and year-to-date actual expenditures by line-item to aid them in projecting their next year budget requirements.

Department Heads are instructed to be conservative in their budget projections. The departments enter their budgets in the system. Refresher classes are scheduled for staff members on the process of next year budget entry.

Funding requests from the Judicial Circuit and other outside agencies are received by the deadline date. These budgets are entered by the Finance Department.

At a predetermined deadline date, budget entry beyond this point is done only by the Finance Department. Any changes or adjustments from the departments need to be submitted directly to the Budget Officer and agreed on by the CFO.

All requests for operating funding are finalized. The Finance Department prepares the reports to provide to the County Administrator. The County Administrator meets with the departments to discuss their operating budget requests. The County Administrator makes recommendations and the operating budget is adjusted accordingly.

The recommendations are finalized and the recommended operating budget is provided to the BOC. The departments are also provided with their recommended operating budgets. The Board of Commissioners conducts budget workshops with the departments. The BOC makes recommendations.

The budget is adjusted according to the BOC recommendations to produce a balanced budget proposal.

The proposed budget is advertised one week prior to the first public meeting. Two public meetings are conducted to allow the citizens an opportunity to speak with the Board regarding the budget proposal.

The Board of Commissioners takes official action to adopt the budget. The budget is adopted by resolution and it becomes effective with the start of the new fiscal year, July 1st.

**FISCAL POLICIES**
**Investments**
**300.03**

## PURPOSE

The purpose of this policy is to provide guidelines for the investment of funds that are not needed immediately to pay current obligations.

This policy will be used so that funds not needed for immediate cash will be invested in a way that (1) safeguards the principal, (2) provides the liquidity required to meet financial obligations in a timely manner, and given these two goals, (3) provides the best return on investment.

## POLICY

There shall be a consistent and uniform process for the investment of Fayette County funds not needed for immediate cash.

## PROCEDURES

The first and foremost consideration in choosing investments is security. To reduce the risk of loss because of the failure of any financial institution, depository, broker, or dealer the county will 'pre-qualify' these entities prior to investing funds with them. Qualification will include, as appropriate, an audited financial statement demonstrating compliance with state and federal capital adequacy guidelines, proof of certification by a recognized association, proof of state registration, and evidence of adequate insurance coverage. The investment portfolio will be diversified in order to reduce the impact of potential loss from any one type of security or individual issuer. Risk of interest loss will be reduced by assuring that security maturity dates coincide with anticipated cash requirements, and by investing operating funds primarily in short-term securities.

The investments chosen will provide adequate liquidity to meet upcoming cash-flow requirements that may be reasonably anticipated. The investment portfolio will be structured so that investment securities mature concurrent with cash needs. In order to respond to unanticipated cash needs, investments will include securities with good resale markets, such as the local government investment pool.

While taking care to assure that security and liquidity needs are met, investments will be made in a way that can be expected to produce a reasonable return on investment. Meeting all three of these goals at once will mean that the majority of investments are in relatively low-risk securities, which will earn a fair return relative to the risk assumed. Investments will be diversified by maturity, issuer, and class of security in order to help meet these goals.

In compliance with Georgia Code Section 36-82-7, the county will invest bond issue proceeds only in the following:

1. The local government investment pool.

2. Bonds or other obligations of the State of Georgia, or any county municipal corporation, or other political subdivision of the state.

3. Bonds or other obligations of the United States, or subsidiary corporations which are fully guaranteed by the government.

4. Obligations of agencies of the United States government which are issued by the Federal Land Bank, the Federal Home Loan Bank, the Federal Intermediate Credit Bank, for the Central Bank for Cooperatives.

5. Bonds or other obligations issued by any public housing agency or municipal corporation in the United States, if they are fully secured as to the payment of both principal and interest under an annual contributions contract with the United States government.

6. Project notes issued by a public housing agency, urban renewal agency, or municipal corporation which are fully secured by agreement with the United States government.

7. Certificates of deposit of national or state banks located within the State of Georgia, and which have deposits insured by the Federal Deposit Insurance Corporation.

8. Certificates of deposit of federal savings and loan associations, state savings and loan associations, or state building and loan associations located within the State of Georgia, and which have deposits insured by the Savings Association Insurance Fund of the Federal Deposit Insurance Corporation or the Georgia Credit Union Deposit Insurance Corporation.

9. Securities or other interests in any no-load, open-end management type investment company or investment trust registered under the Investment Company Act of 1940.

10. A common trust fund maintained by any bank or trust company, so long as:

    a. their portfolio is limited to bonds or other obligations of the U.S. government or subsidiary corporations of the U.S. government, which are fully guaranteed by the government,

    b. (b) The company takes delivery of collateral either directly or through an authorized custodian,

    c. (c) The company is managed in such a way as to maintain its shares at a constant net asset value, and

    d. (d) Securities in the company are purchased and redeemed only through the use of national or state banks having corporate trust powers and located within Georgia.

As authorized by Georgia Code 36-83-4, the county may invest any money within its control (other than bond issue proceeds) in any of the following, in order to achieve the goals of security, liquidity, and return on investment:

a. The local government investment pool.

b. Obligations of this or other states.

c. Obligations issued by the United States government.

d. Obligations fully insured or guaranteed by a U.S. government agency.

e. Obligations of any corporation of the U.S. government.

f. Prime bankers' acceptances.

g. Repurchase agreements

h. Obligations of other political subdivisions of the state.

The Finance Department will prepare a quarterly investment report to be submitted to the County Administrator and the Board of Commissioners. The report will include a list of individual securities held at the end of the quarter, average weighted yield-to-maturity on investments, maturity dates of investments, and the percent of the portfolio which each type of investment represents.

## PURPOSE

The purpose of this policy is to provide guidelines for issuing debt for the county. This policy will be used as a framework to ensure the county will meet its obligations in a timely manner, for public policy development, and for managing the capital improvement program.

## POLICY

There shall be a uniform and consistent process in debt issuance for Fayette County.

## PROCEDURE

Fayette County's debt management policy is designed to be fiscally conservative enough to safeguard the resources entrusted to it, yet flexible enough to use the most appropriate financing mechanisms as conditions and needs change.

In issuing, managing, and retiring debt, the county will abide by relevant provisions in the Georgia Constitution and codified law. As used in the state constitution, the term 'debt' means a fiscal liability not to be discharged by taxes levied within the year in which the liability is undertaken (Attorney General Opinion 75-19). Before incurring any bonded indebtedness, an analysis will be completed that shows anticipated annual tax collections will be sufficient to pay the principal and interest within 30 years.

To facilitate use of this policy in financial administration and management, it is divided into sections pertaining to: debt limit, debt structure, debt issuance, and debt management.

1. Debt Limit

Article IX of the state constitution sets legal limits on the maximum allowable amount of debt. In compliance, the county's total debt will not exceed 10% of the assessed value of all taxable property within the county.

Any proposed debt will be coordinated with the multi-year comprehensive plan and capital improvement program, and will reflect the priorities identified in the plans.

The county will use voter-approved general obligation debt to fund general purpose public improvements which cannot be financed from existing funding streams. Long-term debt will not be used to pay for on-going costs. Analysis of the feasibility of issuing debt for a capital project will consider ability to fund future operating, support, and maintenance costs.

A major consideration in issuing debt is affordability. To develop an indication of county residents' ability to absorb additional debt, the following ratios will be considered:

a. Current debt per capita for the county

b. Per-capita debt as a percent of per-capita income

c. Debt service as a percent of current general fund revenues, and

d. The ratio of debt to taxable property value.

An analysis of revenue and expense trends will also be completed to provide an indication of the county's ability to repay the debt into the future.

2. Debt Structure

Debt will be financed for a period not to exceed the useful life of the capital improvements or other benefits derived, but in no event shall it exceed 30 years.

Debt will not be used when pay-as-you-go funding is available. If the direct users of a county service can be readily identified, consideration should be given to their paying for the services they receive through fees, assessments, or other appropriate charges.

Revenue bonds will be used to finance enterprise systems or other undertakings where appropriate. Since revenue-bond debt is paid out of revenue derived from the undertaking, and is not considered a debt of the county in state law, care will be taken to assure that anticipated revenues will meet principal and interest payments as they come due. In compliance with the state constitution, the county will not exercise the power of taxation for paying any part of the principal or interest of revenue bonds, nor will it pay revenue bond obligations out of general revenues or with revenue sharing funds.

The county will operate in a fiscally conservative way that best preserves and safeguards it citizens' resources. Toward this objective, the favored type of debt instrument will normally use fixed rates of interest.

Debt with variable-rate interest payments should not be used unless it can be clearly documented that it will provide the best alternative for debt financing, taking care to consider the total cost of issuing, monitoring and managing this type of debt. If used, the county's variable-rate debt will not exceed 20% of total debt, unless benefit to the county's taxpayers is clearly documented.

The county will not use derivatives or other alternative financing for speculative purposes. Alternative financing products will be used only with approval of the Board of Commissioners, and only for appropriate objectives, such as debt savings due to market conditions, better management of assets and liabilities, reduced interest rate risk, or improved cash flow. Any consideration of using derivatives will include an analysis of all known or anticipated costs, and all risks such as basis risk, tax risk, counter-party risk, termination risk, liquidity renewal risk, remarketing risk, and credit risk. It should also include an analysis of the county's ability to perform adequate risk management over the life of the obligation. Inasmuch as variable rate debt will not be the prevalent form of financing, the need for alternative financing products like derivatives should be minimal.

In the event that an investment introduces the possibility of an arbitrage rebate liability, the Finance Department will monitor the investment closely. Outside expertise will be acquired to assist with the calculation and determination of rebates due to the Internal Revenue Service, inasmuch as the regulations and calculations are very complex, and any errors could result in significant settlement payments by the county.

Conduit debt involves certain limited-obligation revenue bonds, certificates of participation, or similar debt instruments issued by a county government specifically to provide capital financing for an independent third party, such as a development authority. This does not obligate the county financially. However, the county reserves the right to approve or disapprove a conduit debt issue based on the third-party borrower's creditworthiness, credit rating, or other circumstances that it may deem of significance. The county may also consider how the use of the proposed debt would fit into existing public policy and long-range plans.

3. Debt Issuance

Standard practice should be to sell bond issues through the competitive bid process. There may be times, however, when conditions indicate that a negotiated bid will be more favorable; for instance, if an issue is unusually small, unusually large, or contains complex or innovative features. An evaluation of the method of sale will be done for each bond issue, including an assessment of the different risks associated with each method. Thorough records will be kept that document the process to demonstrate that it was equitable and defensible.

If a negotiated bid is to be used for a bond issue, the competitive process will be used to select an underwriter, in order to ensure that multiple proposals are considered.

Outstanding debt will be reviewed on a routine basis. When there is a demonstrated economic or other benefit, the county should consider initiation of fixed-rate refunding or alternative financing products. In compliance with the Georgia Constitution, refunding debt (other than revenue bonds) will not extend the maturity date beyond the original debt being refunded, and will not increase the original interest rate, without voter approval.

4. Debt Management

The county will ensure that adequate internal controls exist to provide compliance with relevant federal, state or other laws, rules, regulations, and covenants associated with outstanding debt.

For revenue bonds supported by enterprise funds, an annual analysis will be completed to ensure fees, rates, or other enterprise revenue are sufficient to meet debt service requirements.

Note: For guidance on investment of bond proceeds, please see the Fayette County investment policy.

## PURPOSE

The county will maintain a sufficient working capital reserve in the general, fire, EMS, and E911 funds to help offset economic downturns, provide sufficient working capital and provide for sufficient cash flow for current financial needs. In addition, the county will maintain an emergency fund reserve in the general fund.

## POLICY

There shall be a consistent and uniform process for maintaining working capital and emergency fund reserves for Fayette County.

## PROCEDURE

The County will maintain a working reserve equal to at least three months of the fund appropriations budget for the general, fire, EMS, and E911 funds. This amount will be maintained as stabilization funds in the committed fund classification, except for E911 which will be maintained within the restricted fund classification. These reserves shall be created and maintained to provide the capacity to:

1. Offset significant economic downturn and the revision of any general government activity;
2. Provide sufficient working capital; and
3. Provide a sufficient cash flow for current financial needs at all times without short-term borrowing.

To be able to use funds that are committed for stabilization, the Board of Commissioners must take formal action to release funds. This type of action will only be taken when failure to take such action would result in a negative position for the unassigned fund balance.

In addition to the working capital reserves, the County will also maintain a $2 million emergency funding in the assigned fund classification. The emergency funding will only be used for natural or man-made disasters. The funds will not be released without formal action of the Board of Commissioners.

The county will also maintain reserves in compliance with all debt service requirements to maintain bond ratings and the marketability of bonds. The county will develop capital reserves to provide for normal replacement of existing capital plant and additional capital improvements financed on a pay-as-you-go basis.

**updated: 08-25-2011**

## PURPOSE

The County is committed to providing equal employment opportunities to otherwise qualified individuals with disabilities, which may include providing reasonable accommodations where appropriate. A coordinator has been designated to coordinate compliance with the non-discrimination requirements contained in section 35.107 of the Department of Justice Regulations.

## POLICY

There shall be an equitable and uniform process of nondiscrimination on the basis of disabilities in the admission or access to, or treatment or employment in, Fayette County Government.

## PROCEDURE

1. Request for ADA information

A request for information concerning the provisions of the Americans with Disabilities Act (ADA), and the rights provided there in, should be directed to the ADA Coordinator.

2. Request for Accommodation

A request for a reasonable accommodation by individuals to fully participate in any open meeting, program or activity of Fayette County Government should be directed to the Executive Assistant to the Board of Commissioners.

3. ADA Committee

The ADA Committee shall consist of a Coordinator, a representative from Human Resources, Permits and Inspections and the Marshal's Office.

4. Advisory Board

The ADA Advisory Board shall consist of citizens of the community who have an inherent interest in the ADA such as persons who currently are disabled or have specific expertise on the subject.

5. Grievance Procedure - Employee

Current employees of the County with complaints and grievances related to the County's compliance with the ADA should utilize the grievance procedure defined in the Grievance Policy within the County's Personnel Policy.

6. Grievance Procedure - Applicants and Persons Other Than County Employees

a. Any individual desiring to file a grievance under this policy shall obtain a grievance form from the ADA Coordinator or shall provide the ADA Coordinator with an audio tape providing the same information as requested on the grievance form. The completed form or tape must be filed with the ADA Coordinator within seven (7) calendar days following the occurrence giving rise to the grievance.

b. The ADA Coordinator shall investigate and review the grievant's complaint and meet with the grievant within seven (7) calendar days from the date the complaint is received by the ADA Coordinator. The ADA Coordinator will provide the grievant with a summary of his findings in either written or taped form, whichever is appropriate for the grievant, within fourteen (14) calendar days of his meeting with the grievant.

c. If there is no resolution reached with the ADA Coordinator, the grievant may again submit his grievance to the ADA Coordinator within seven (7) calendar days of the issue date of the ADA Coordinator's findings. The ADA Coordinator will appoint a Grievance Committee as outlined. The Grievance Committee shall schedule a meeting to hear the grievant within forty-five (45) days after the grievance is received by the ADA Coordinator's office.

d. At the hearing, the grievant will have the opportunity to present pertinent information to the Grievance Committee and to provide statements or information from any other interested party on their behalf. The evidentiary portion of the hearing is open to the public and is tape recorded. The grievant may, if they so desire, obtain a copy of the recording at their own expense. The Grievance Committee's deliberation of the findings shall occur in closed session.

e. The Grievance Committee will submit a written or taped response to the grievant, no later than fourteen (14) calendar days following the hearing.

7. Grievance Committee

a. The ADA Coordinator or his designee shall select an ad hoc committee from the ADA Advisory Board of not less than five (5) persons to hear individual grievances/complaints filed in accordance with this policy. The Grievance Committee shall at no time be composed of more than two (2) County employees on the five (5) member committee.

8. Final Determination

a. If the grievant is not satisfied with the findings of the Grievance Committee, the grievant may again submit his grievance to the ADA Coordinator within seven (7) calendar days after the issue date of the Grievance Committee's response to the grievant.

b. The ADA Coordinator shall submit the grievance to the Board of Commissioners which shall review the existing record of the complaint and render a final decision within thirty (30) calendar days of the receipt of the grievance. The decision of the Board of Commissioners shall be the final determination in the grievance process.

## PURPOSE

Fayette County shall provide equal employment opportunity in all phases of employment and personnel administration in accordance with State and Federal laws, executive orders and regulations.

## POLICY

There shall be a uniform process for the administration of all personnel actions such as hiring, promotion, transfer, demotion, termination, training, compensation and benefits without regard to race, color, religion, sex, national origin, age, political belief or affiliation, veteran status or disability.

## PROCEDURE

All personnel actions such as hiring, promotion, transfer, demotion, termination, training, compensation and benefits shall be administered without regard to race, color, religion, sex, national origin, age, political belief or affiliation, veteran status or disability.

Violations should be reported to the Department of Human Resources.

## PURPOSE

To provide guidelines when establishing the employment status of an employee.

## POLICY

There shall be a consistent and uniform process for the establishment of a Fayette County employee status based on the requirements of the position.

## PROCEDURE

Full-Time Non-Exempt Employees

Those employees who are hired for an indefinite period of time without a stated limitation as to length of service and who are employed to work a minimum of forty (40) hours per week or its equivalency. Employees in this status are subject to the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) and are eligible for County benefits.

Overtime is calculated solely upon hours actually worked.

Part-Time and Seasonal Employees

Those part-time employees who are hired for less than one year with a stated length of service, season or project, and who are employed to work fewer hours than a regular full-time employee in a comparable position. This category includes employees who are employed to work less than twenty-five (25) hours per week and seasonal employees whose average annual work hours meet the tests for seasonal employees as determined by the U. S. Department of Labor. An employee in this status is ineligible for County benefits.

Full-Time Exempt Employees

Those employees who are hired for an indefinite period of time without a stated limitation as to length of service and who are exempted from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA). An employee in this status is eligible for County benefits.

Revised: 4.25.2013

## PURPOSE

The Fayette County Board of Commissioners has adopted the County Code of Ethics as it pertains to County employees. This ordinance is intended as the Code of Ethics of Fayette County. The complete ordinance and any amendments thereto, are available upon request through the Office of the Fayette County Board of Commissioners.

## POLICY

There shall be a consistent compliance with the ethical standards of conduct of all officials and employees of Fayette County as stated in the County Code of Ethics.

## PROCEDURE

In summary, "The purpose of the Code of Ethics is to establish ethical standards of conduct for all officials and employees of Fayette County by identifying acts or actions that are incompatible with the best interests of the community and the organization and by requiring disclosure by such officials and employees of private financial or other interests, in matters affecting the County. Those covered officials and employees are bound to observe in their official acts the highest standards of behavior and to faithfully discharge the duties and responsibilities of their office, regardless of personal considerations, recognizing that the public interest must be their primary concern. Covered officials and employees shall not exceed their authority or breach the law, or ask others to do so, and they shall work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work."

### Violations

Violations of this policy should be reported to the County Administrator.

### Disciplinary

Violation of this policy can result in disciplinary action up to and including termination.

## PURPOSE

Provide guidelines in hiring individuals authorized to work in the United States.

## POLICY

There shall be a consistent and uniform process for employment of United States citizens and aliens who are authorized to work in the United States without unlawful discrimination based on citizenship or national origin.

## PROCEDURE

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 Form with the Fayette County within the past three years or if their previous I-9 Form is no longer retained or valid. The Elected Official/Department Director must insure that newly hired employees have a completed I-9 Form on file before he/she starts to work.

## PURPOSE

Establish guidelines regarding the employment of relatives with Fayette County.

## POLICY

There shall be a consistent and uniform process regarding employment of immediate family members in the same department of Fayette County.

## PROCEDURE

Conditions

Employment of members of an immediate family in the same department is prohibited.

Two (2) employees who marry during the course of their employment must be in compliance with the above requirement or the employee with the highest seniority will be terminated.

Definitions

Immediate family is defined as: spouse, parent, guardian, brother, sister, son, daughter, son-in-law, daughter-in-law, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandparent, grandchild, step-parents and step-children.

Application

This policy pertains to new hires, promotions, demotions, transfers and reinstatements. This policy shall not be retroactive, and no action will be taken concerning those employees in conflict of the policy prior to its adoption date.

Revised 4.25.2013

## PURPOSE

Paid employment in addition to an employee's County position is discouraged. While employed by Fayette County, no employee may engage in other employment which presents a conflict of interest with his/her county position and/or which interferes with and detracts from the efficient and effective performance of the employee's duties with the County.

## POLICY

There shall be a consistent process for a County employee to engage in outside employment.

## PROCEDURE

Request

Employees who desire to accept a position in addition to their County position shall submit a written report to their supervisor or department head detailing, at a minimum, the number of hours, type of work and the schedule of work. The department head, Human Resources Director and County Administrator's written permission shall be obtained prior to commencing the additional employment.

Revised 4.25.2013

## PURPOSE

A period in which to observe the employee's work, for securing the most effective adjustment of a new employee to his/her position and for rejecting any employee whose performance is not satisfactory.

## POLICY

There shall be a consistent and uniform process for all newly hired County employees to serve a probationary period of 6 months, except for employees hired into public safety positions, i.e law enforcement, Fire/EMS, and E-911, who shall serve a probationary period of 12 months.

## PROCEDURE

Probationary Period

An employee's performance evaluation will be based upon essential functions of the job and performance factors. The probationary period shall be regarded as an integral part of the evaluation process.

The immediate supervisor of the probationary employee must complete a performance evaluation at least once during the probationary period. The supervisor should identify performance strengths and performance weaknesses in the review and provide guidance on how the employee can correct any performance deficiencies.

Probationary employees may be terminated from employment at any time during the probationary period at the discretion of management.

Promotional Probationary Appointment

The probationary period shall be used in connection with a promotional appointment in the same manner as it is used in entrance appointments. If an employee is found to be performing in an unsatisfactory manner in his/her new position the employee will be counseled by the supervisor. If the employee's performance remains unsatisfactory he/she may be returned to his/her former position, if available, or to a related class and pay rate, provided the employee meets the qualifications for the position.

Termination

Probationary employees may be terminated from employment at any time during the probationary period, at the discretion of management. If the termination is for cause, the reason(s) for separation of any employee who is within the probationary period shall be reviewed with the employee.

## PURPOSE

The purpose of this policy is to provide policies and procedures governing the personnel management of Fayette County employees.

## POLICY

There shall be a consistent and uniform process for the administration of the policies and procedures with regard to employment, compensation, promotion, demotion, dismissal and all other activities dealing with personnel which are deemed necessary in order to clarify the County's and the employee's relative position in the Personnel Management System.

## PROCEDURE

Administration

The Board of Commissioners and the County Administrator are empowered under the Statutes of the State of Georgia to establish departments, to employ personnel and to set salaries. These regulations are intended to cover all facets of the County's Personnel Management System in accordance with that grant of authority. The County Administrator shall be responsible for administering the Personnel Management System and maintaining a modern personnel management program and related personnel records.

The County Administrator may, from time to time, promulgate specific administrative regulations governing the administration of the County's Personnel Management System. County employees should confer with the Human Resources Director to determine the existence of an administrative regulation on a specific matter prior to taking any action.

It shall be the responsibility of the County Administrator or his/her designee to monitor compliance with all conditions of employment.

Applicability

The service of the County shall be divided into the classified and the unclassified services. The provisions of the Personnel Management System shall be applicable to all classified employees of the County. Unclassified employees shall be exempt from all provisions of the Personnel Management System.

The classified service shall include all employees who work under all the rules, regulations, policies and procedures approved by the Board of Commissioners and administered by the County Administrator. Elected officials may choose to have their employees included in the classified service.

The unclassified service shall include:

a. employees who report directly to the Board of Commissioners;

b. all elected officials;

c. employees of elected officials;

d. members of boards and commissions;

e. volunteer personnel and personnel appointed to serve without pay;

f. consultants and retained counsel rendering professional service;

g. positions involving seasonal or temporary employment;

h. student interns and work-study employees;

i. contractual employees; and

j. such other positions as may be designated by the Board of Commissioners.

Effective Date

The Personnel Policies and Procedures Manual shall become effective and in full force upon adoption by the Board of Commissioners.

Amendments

When in the opinion of the County Administrator, reasonable change has occurred to warrant an amendment to the Personnel Policy and Procedures Manual, such an amendment shall be made with the approval of the Board of Commissioners.

Objectives and Scope

The specific objectives of the County's Personnel Management System are:

a. To establish and maintain a sound classification and compensation plan which will attract and retain qualified employees;

b. To assure fair treatment of applicants and employees in all aspects of personnel management without regard to race, color, creed, age, national origin, ancestry, sex, religion, physical handicap, disability, or political affiliation;

c. To maintain the compensation plan in a proper relationship with competitive pay practices in the labor market in which the County competes;

d. To assure each County employee a performance review at specified intervals;

e. To provide effective control of salary payments on a uniform basis;

f. To furnish County management with consistent and effective means of recognizing improved and outstanding performance;

g. To recruit, screen, select and advance employees on the basis of their ability, knowledge, and skills; and

h. To determine training needs to insure quality performance and to enable employees to realize their maximum potential.

Interpretation

These regulations are intended to cover most personnel issues and actions for which the County Administrator is responsible. Those personnel issues and actions not specifically covered in this manual shall be interpreted by the County Administrator or his/her designee in keeping with the intent of these regulations.

## PURPOSE

Provide guidelines when grouping positions into appropriate classes.

## POLICY

There shall be a consistent and uniform process of organizing the Position Classification Plan.

## PROCEDURE

The Position Classification Plan is the official system of grouping positions into appropriate classes, including (1) schematic index to the class specifications and (2) the class specifications.

a. For position classification purposes, a position is a group of currently assigned duties and responsibilities requiring the employment of one person. A position may be occupied or vacant.

b. A class is a group of positions (or one position) that: (1) has similar duties and responsibilities, (2) requires like qualifications, and (3) can be compensated equitably by the same salary range.

c. The class title is the official designation or name of the class as stated in the class specification.

d. The schematic list of classes shall determine the salary grade for each class of position with due regard to the salary grades for other classes, the relative difficulty, responsibility and characteristic duties of positions in the class, the minimum qualifications required, the prevailing rate paid for similar employment outside the County service and any other factors that may properly be considered to have a bearing upon the fairness and adequacy of the grade.

### Creation of Class Specifications

Prior to the establishment of a new position, a job description covering the duties, responsibilities and minimum qualifications for the proposed positions shall be developed. The Department of Human Resources shall assign the position to one of the classes in the classification plan. If a suitable class does not exist, the Human Resources Director shall develop a new class specification and shall recommend the new class to the County Administrator for approval by the Board of Commissioners.

### Maintenance of Plan

a. It shall be the duty of each department head to submit to the Human Resources Director new position descriptions for all affected positions each time a department head indicates that there has been a reorganization or substantial change in the duties and responsibilities of one or more positions.

b. Each time a new class is established; a class specification shall be written and incorporated into the existing plan. The class title shall be added to the Schematic List of Classes. Likewise, an abolished class shall be deleted from the classification plan by removing the class title from the Schematic List of Classes.

Interpretation of Class Specifications

The class specifications are descriptive and not restrictive. Particular phrases or examples of work performed should not be construed as a full definition of a class and the use of a particular description of duties, qualifications or other factors shall not be held to exclude others of similar kind or quality. The class specifications are intended to indicate the kind of positions which shall be allocated to the classes established and are to be interpreted in their entirety and in relation to other positions in the classification plan.

Official Copy of the Position Classification Plan

The Director of Human Resources shall be responsible for maintaining an official copy of the Position Classification Plan. The official copy shall include a schematic list of class titles and class specifications plus all amendments thereto. A copy of the official classification plan should be available for inspection by the public under reasonable conditions during business hours.

Classification Appeals

If an employee has facts which indicate to him/her that his/her position is improperly classified, he/she may request a classification review through the employee's department head. If deemed appropriate by the department head, a written request with a statement of justification shall be forwarded to the Human Resources Director. After review by the Human Resources Director, a recommendation on the appropriate classification shall be submitted to the department head. If the department head disagrees with the recommendation he/she may appeal the Human Resources Director's recommendation to the County Administrator. The County Administrator's decision shall be final.

## PURPOSE

To establish a clearly defined and uniform process that is consistent with local, state and federal guidelines for individuals pursuing employment with Fayette County.

## POLICY

There shall be a consistent and uniform process in the recruitment and selection of Fayette County employees.

## PROCEDURE

The County Administrator has designated the Human Resources Department as the department responsible for determining vacancies in the classified service and filling those vacancies with qualified personnel, maintaining personnel files and records, developing and recommending policies related to the personnel management function and assisting the County Administrator in the personnel functions designated by the Board of Commissioners.

All recruiting, including the placement of job advertisements, shall be conducted consistent with County policies and procedures. All vacancies will be posted externally and whenever possible, shall be filled through promotion of present qualified County employees.

Employment at Will: Voluntarily entered into employment with Fayette County and the employee is free to resign at will at any time. The County may terminate the employment relationship at will at any time consistent with adherence to applicable federal or state law.

Phase I – Requests for Personnel

Requests for personnel are submitted to Human Resources by the Department Head with approval of the Division Director. Requests are reviewed for compliance and forwarded to the County Administrator for approval. A job announcement is prepared for approved requests in accordance with the established job title, job code, salary, pay grade and qualifications for the vacant position.

Phase 2 – Employment Opportunity Listing

A weekly job announcement is publicized in the Human Resources Department, listed on the job hotline, County web-site, and local channel 23 to inform and attract qualified applicants. Internal and/or external advertising may be applicable for a specific position.

Phase 3 – Application

Applicants desiring to pursue employment with Fayette County must complete an application in its entirety within the defined time period and provide documentation as requested. An application can be mailed at the request of an applicant after submitting a self-addressed, stamped envelope. Applicants with disabilities may request a reasonable accommodation during the

application process by contacting a Human Resources Department employee. Applications are accepted for vacant positions only. All applications are reviewed by Human Resources for qualifications. Applications of applicants who meet the minimum qualifications are forwarded to the applicable Department Head.

Any applicant who provides false or misleading information shall be removed from further consideration of employment.

Phase 4 – Disqualification of an Applicant

a. An individual who has been employed previously with Fayette County and was removed for cause, or did not resign in good standing, and is not recommended for reemployment by the Elected Official/Department Director for which the applicant was previously employed;
b. An unsatisfactory employment record of such a nature so as to demonstrate unsuitability for employment;
c. Does not meet the minimum qualifications established for the position;
d. Has made false or misleading statements or practiced deception in his/her application;
e. Has been convicted of a felony or a crime of moral turpitude, or otherwise exhibited dishonesty or public conduct offensive to the sensitivity of the public at large;
f. Has failed any pre-employment testing;
g. Has failed to submit the application within the prescribed time frame.

Phase 5 – Pre-employing Testing

Skill examinations will be administered, as a prerequisite, for specific skills, at a specific time and location, if required.

Phase 6 – Interview

Interviews are scheduled for applicants who meet the minimum qualifications and have been selected by the applicable Department Head. Interviews are conducted by an interview panel consisting of a Human Resources representative(s), Department representative(s) or other professional. In the absence of a panel, Human Resources will conduct the interview and select a leading candidate.

Phase 6 – Reference Check

A reference check will be conducted on an applicant recommended for hiring. Criminal and driving history will also be reviewed. A credit history may be conducted for selected positions.

Phase 7 – Pre-employment Testing

All applicants selected for employment shall submit to be tested for the abuse of alcohol, illegal substances and the abuse of prescribed medications prior to beginning work. Any applicant testing positive shall be removed from further consideration for employment.

Phase 8 – Selection

Human Resources will extend an offer of employment to selected applicant.

Phase 9 – Transfer

A vacant position may be filled by an employee who meets the minimum qualifications and is selected for the position. A transfer must be deemed to be in the best interest of the County. Employee may be required to work a (2) two week notice before transferring. A transfer to a position within the same pay grade will be classified as a lateral transfer. A transfer to a position of a higher or lower pay grade will receive the appropriate salary adjustment as defined in the Compensation section of the Personnel Policy. An employee transferred to a higher or lower pay grade will need to successfully complete a twelve (12) month probationary period.

Revised 4.25.2013

## PURPOSE

An employee who has been separated because of a reduction in force or who has resigned in good standing shall be eligible for consideration for reinstatement one time only. Approvals of requests for reinstatement shall be the responsibility of the County Administrator upon receiving a recommendation from the Human Resources Director.

## POLICY

There shall be a consistent and uniform process for individuals pursuing reinstatement or re-employment with Fayette County.

## PROCEDURE

Application

An employee shall follow the employment guidelines as defined in the Recruitment and Selection section of the Personnel Policy.

## PURPOSE

Non-exempt employees who are called back for emergency duty outside of their scheduled work hours and after they have left their normal place of work, will receive two (2) hours pay at one and one-half (1 ½) times their normal hourly rate of pay in addition to compensation for any hours worked which will be paid in accordance with Fair Labor Standards Act (FLSA) guidelines. Hours worked for call back duty will begin when the employee reaches the work place. This policy is not applicable when off duty employees are asked to work for all or part of a shift as a result of short staffing.

## POLICY

There shall be a uniform process for compensating non-exempt County employees called to work outside of scheduled work hours during an emergency situation.

## PROCEDURE

A non-exempt employee who has left their normal place of work and is called back to work for emergency duty after their scheduled work hours, will receive two (2) hours pay at one and one-half (1 ½) times the normal hourly rate of pay. This provision will only be allowed one (1) time during a twenty-four (24) hour period. After the first such call during the twenty-four (24) hour period, subsequent call backs will be paid on the basis of hours actually worked in accordance with (FLSA) guidelines. Emergency duty is necessitated by a serious situation or occurrence that happens unexpectedly and demands immediate action. The department will determine whether or not the situation requiring the call back constitutes an emergency. Any disagreement regarding this designation shall be decided by the county administrator. The county administrator's decisions shall be final.

## PURPOSE

The compensation plan shall cover all classified employees and consist of a salary schedule and a schematic list of classes assigned to salary grades. When adopted by the Board of Commissioners, the compensation plan shall remain in effect until amended by the Board. The County Administrator shall submit modifications to the plan as deemed necessary and recommend those actions to the Board of Commissioners for approval.

## POLICY

There shall be a consistent and uniform process of establishing rates of pay. The compensation plan shall remain in effect until amended by the Board of Commissioners.

## PROCEDURE

Rates of Pay

The rates of pay for County employees shall be in accordance with the provisions of the Fair Labor Standards Act and the salary schedule adopted by the Board of Commissioners. Generally, a new employee shall be paid the minimum rate of pay for his/her class. Appointments may be made above the minimum rate when such action is determined to be necessary and in the best interest of the County. Prior written approval from the County Administrator is required for all appointments above the minimum rate of pay for the class.

Salary Increases

1. Performance Increase – Refer to Performance Pay Policy for specific guidelines

The performance of regular full-time and regular part-time employees should be reviewed at least annually. If funding is available, an employee may be entitled to a salary increase for successful job performance. Performance increases should be awarded to employees in accordance with the County's performance evaluation system. Increases in compensation resulting from the performance evaluation should be awarded annually.

2. General Salary Increase

Upon the recommendation of the County Administrator and with the approval of the Board of Commissioners, a general salary increase for all classes of positions may be granted. These increases may be in recognition of the cost of living or of any other conditions which warrant salary adjustments. A general salary increase shall be applied to the salary schedule where applicable.

Maintenance of the Compensation Plan

The County Administrator shall make, or cause to be made, a comparative study of all factors affecting the County's compensation plan. The study should be undertaken periodically and

consider rates of pay for comparable positions in public and private employment in the area, fringe benefits, cost of living data, the County's financial condition, and other pertinent factors.

The County Administrator is responsible for recommending changes to the compensation plan to the Board of Commissioners when appropriate. The Board of Commissioners may make changes in the compensation plan as deemed in the best interests of the county.

## PURPOSE

The purpose of this policy is to provide administrative guidance regarding the use of compensatory (comp) time as provided for local governments by The Fair Labor Standards Act (FLSA). The FLSA authorizes local governments to grant compensatory (comp) time off at a rate of 1.5 hours for each overtime hour worked in lieu of cash overtime compensation to non-exempt personnel.

## POLICY

There shall be a consistent and uniform process for the use of comp time by Fayette County employees.

## PROCEDURE

The following restrictions are imposed by the FLSA:

1. Comp time must be provided at a premium rate equal to at least one and one-half hours for each hour of overtime compensation earned.

2. Comp time accrued and used in the same FLSA work week is used as straight time.

Example: a nonexempt employee works two hours past his/her normal schedule on the fourth day of a seven-day FLSA work week. The employee then uses the accrued comp time on the sixth day of the same FLSA work week. The time is used as straight time (two hours), since the use of the comp time took place in the same FLSA work week.

### Approval

Comp time is approved at the discretion of the Elected Official/Department Director. Comp time must be provided in accordance with an agreement or understanding with employees prior to the performance of the work.

### Request for Use of Compensatory Time

The employee has the right to request the use of accumulated comp time. Elected Officials/Department Directors must allow for the use of the comp time within a reasonable period of time following the employee's request to take the time off unless the operation of the government would be unduly disrupted by the employee's absence from work. The employee is entitled to receive cash compensation for unused accumulated comp time when employment is terminated.

### Record Keeping

Elected Officials/Department Directors will be responsible for maintaining records for comp time accrual and usage. Comp time accruals and usages will be entered into the payroll processing

system during the relevant pay periods. Detailed instructions for data entry of comp time information are available upon request from the Human Resources Department.

Comp time usage should be requested and approved in the same manner as other leave (annual, sick, etc.).

Maximum Comp Time Accrual

The FLSA establishes the maximum amount of comp time that employees can accrue. The maximum accrual limit for employees engaged in work associated with public safety work is 480 hours. For employees in all other areas, the maximum accrual is 240 hours. Any hours worked over these limits must be paid in cash overtime.

Payment for Unused Comp Time

The FLSA requires the paying out of comp time at separation of employment. When compensatory time is cashed out upon separation of employment, it must be paid at the regular rate the employee is earning at the time the banked comp time is cashed out.

Requiring the Use of Comp Time before Other Leave

Elected Officials/Department Directors may require employees to use accrued comp time before using accrued annual, sick and/or holiday leave. For situations involving the use of leave associated with the Family and Medical Leave Act (FMLA), requiring the use of comp time is not allowed.

Employees Transferring From One Department/Office to Another

When an employee with a comp time balance transfers from one department/office to another department/office, the department/office from which the employee is transferring may be responsible for cashing out the comp time balance and paying the employee prior to the effective date of the transfer.

## PURPOSE

The purpose of this policy is to provide guidelines for handling personnel issues with respect to demotions.

## POLICY

There shall be a consistent and uniform process for the demotion of a County employee.

## PROCEDURE

Compensation

When an employee is demoted as a result of a disciplinary action, they shall receive a salary decrease of 10% or be placed at the minimum of the pay grade, whichever is less. In the event an employee requests a voluntary demotion, the employee shall be placed on the requested demoted position's pay grade at their existing pay step. Demotion salary decreases shall be effective on the first day of the next pay period.

Probationary Period

A twelve-month probationary period shall be in effect for all demotions.

Evaluation

Whenever an employee is demoted to a new position classification his/her evaluation date shall be adjusted to the effective date of the demotion and shall thereafter become the date used for evaluation purposes.

## PURPOSE

Recognize individual performance.

## POLICY

The Board of Commissioners may establish an amount of Performance Pay, by department, during the budget process.

## PROCEDURE

1. Department Heads will forward the completed annual performance evaluations to Human Resources by December 15th each year.

2. Human Resources will compile summary data and forward to the County Administrator for review with the Board of Commissioners who shall determine if and what amount of performance pay may be made available for eligible employees.

3. Department Heads will communicate the decision of the Board of Commissioners to their employees.

Eligibility Period

1. Twelve months - January 1 through December 31.

Employee Eligibility

1. Employee must have received an evaluation by December 31st of the preceding year and is documented as received in Human Resources (if applicable); and

2. Employee must be classified as regular full-time and hired for an indefinite period of time without a stated limitation as to length of service and who is employed to work forty (40) hours per week or its equivalency;

3. Employee who have not attained the end of their pay scale and;

4. Employee performance pay and promotional salary increases do not exceed 10% in a 6 month period; and

5. Employee must be employed on the date of the Performance Pay is distributed.

Effective and Process Date

1. Approved performance pay shall be processed and be effective during the first quarter of the year following the submitted December 31st annual evaluation.

## PURPOSE

The purpose of this policy is to provide guidelines for handling personnel issues with respect to promotions.

## POLICY

There shall be a consistent and uniform process for the promotion of a County employee.

## PROCEDURE

Standards of Employment

Applicants must meet the specifications of the position as defined in the classification plan. Other reasonable minimum standards for the position may be established including, but not limited to, promotional examinations as established by the County Administrator with the advice of the Director of Human Resources and the Department Head.

Compensation

When an employee is promoted, he/she shall receive a minimum salary increase of 10%. Whenever an employee receives performance pay within a six month period prior to receiving a promotion, said employee shall be limited to a maximum salary increase of 10% for both changes (performance pay and promotion), or shall be classified at the minimum of the pay grade, whichever is greater.

Probationary Period

A twelve-month probationary period shall be in effect for all promotions.

Evaluation

Whenever an employee is promoted to a new position classification his/her evaluation date shall be adjusted to the effective date of the promotion and a promotion evaluation will be due one year after the new effective date. Thereafter, beginning with the next calendar year, the employee will receive an annual evaluation conducted in the time frame designated by the County.

Selection

A promotion will be granted upon recommendation of the Department Head, Division Director and approval of Human Resources.

## PURPOSE

The purpose of this policy is to provide guidelines governing the temporary appointment of employees as acting department heads.

## POLICY

There shall be a consistent and uniform process for the temporary appointment of a County employee.

## PROCEDURE

*Appointment*

The County Administrator may appoint an employee as acting department head when the position is vacant because of absence, illness, termination, resignation or other cause.

*Compensation*

An employee may be appointed to work as an acting department head on a temporarily, incidental or emergency basis and may do so for a period of 30 days or less at no increase in pay. Employees who serve more than 30 consecutive calendar days in an acting department head capacity may be compensated at a rate equal to 10% above the appointed employee's current salary.

*Conclusion of Appointment*

At the conclusion of the appointment, the employee's pay shall revert to the authorized rate established for the regular position.

*Evaluation*

Any such temporary increase granted shall not affect the employee's eligibility for regular pay increases.

## PURPOSE

The purpose of an annual employee evaluation is to have constructive, open, two-way communication that will document and accomplish the following:

- Recognize and highlight strengths and achievements; Provide positive feedback; and motivate.
- Identify areas that could use improvement, and provide specific ways (plans/training) to improve performance.
- Help to facilitate the achievement of organizational goals.
- Clarify responsibilities and performance expectations. Determine if job responsibilities are current and relevant. Modify job description if necessary.
- Discuss and provide guidance for career growth.
- Enhance rapport and working relationship between Management and employee.
- If applicable, support disciplinary or other legal issues.
- Review County and department policies and procedures.

## POLICY

It is the policy of Fayette County that conducting a regular dialogue between supervisors and their subordinates serves to improve the efficiency of county government by clarifying performance expectations and focusing the efforts of the staff on those outcomes and services which advance the mission of the organization. Consequently, annual evaluations will be conducted for all regular full time employees.

Although employee evaluation should be an ongoing process, the annual review meeting should be one of the most important communications that a manager has with an employee all year. Therefore, it is extremely important to be prepared by keeping notes during the year, be thorough, be honest, and be fair. Consider the employee's entire performance and not just the most recent or a single event that stands out. Communication is to transpire with the employee to ensure they are informed about the specific job responsibilities and goals upon which they will be evaluated on during the evaluation year, January to December.

## PROCEDURE

### Timetable for Performance Appraisals

1. Employees shall have a performance appraisal conducted prior to the end of the initial 12 month probationary period of employment. It is recommended that a newly hired employee's performance be evaluated after six (6) months in the position and close to the end of their probationary period.

2. Performance will be reviewed annually during October and November for the current calendar year. A completed performance appraisal will be submitted by December 10th of each calendar year and be documented as being received by Human Resources.

3. The review date is changed to the effective date of the promotion, demotion, reclassification, or in case of a transfer, when the job title or pay grade changes.

4. If an employee accepts a lateral transfer, to the same job title or pay grade, the annual review date will remain the same.

5. If a supervisor vacates a position, the supervisor is required to submit performance appraisals on all employees under his/her supervision who have not been evaluated within the previous six (6) month period.

### Review Process

1. Supervisors should prepare employees for periodic performance appraisal sessions by scheduling them 10 to 14 days in advance and by asking the subordinate to complete a separate self-assessment prior to the session. The supervisor will complete an employee evaluation for each employee. The supervisor will consolidate and reconcile the results of the supervisor's and subordinate's assessments. The employee's self-assessment will be returned to the employee. All employees should be evaluated using this form. For each category of appraisal, check the appropriate line or box. Checks are converted to numeric scores at the end.

2. The same form will be used for all employees, except that employees who do not have supervisory responsibilities will not use page 6; employees who have supervisory responsibilities will use page 6. In using this instrument, the supervisor should consider the extent to which the employee meets the expected standards for the major job duties and factors listed. Performance ratings should not be made for job behaviors that were not observed during the appraisal period, or which were not identified as a performance appraisal factor prior to the review period. Reviewers should indicate the employee's level of performance by checking the appropriate box. Although some judgment is required in assessing overall performance, summary findings for each section should reflect the ratings assigned in sub-categories. All employees should complete a self-assessment prior to the face-to-face interview. Employees' self-assessments will not be retained after the appraisal interview, or become a part of their files.

3. The appraisal process will be conducted in electronic format. The supervisor will complete the appraisal electronically and review it with the employee. The supervisor will provide the employee with an opportunity to add any comments and to electronically sign the performance appraisal. The electronic signature will acknowledge that the employee has read and discussed the annual review with their supervisor and that they may or may not agree with all of its contents. Employees will be instructed on how they can access their performance appraisal electronically from home and print their own copy if they so desire. The county will provide computer access to those individuals who do not have internet access at home.

**Ratings**

1. The ratings shall be based upon the following three (3) levels of performance:

   Development Needed – means performance is frequently below expected standards and needs improvement. Characteristic performance in this category is of the type that clearly fails to meet expected standards.

   Meets Expectations – means performance which meets expected standards. Overall, work is acceptable and rarely needs improvement.

   Exceeds Expectations – means performance of an exceptional nature. Performance exceeds expectations when it consistently or frequently surpasses expected standards.

2. EVALUATION INDICATING "DEVELOPMENT NEEDED" - A performance score of 63 or below for non-supervisory employees or 87 and below for supervisory employees shall be deemed "development needed" and shall result in the employee being placed on performance probation for 3 months. The Department Head shall provide the employee with a plan outlining specific steps on how to improve their overall performance. The employee shall then be reviewed in 30 day increments. At the end of the 3 months a determination will be made as to the improvement of work and whether to retain or dismiss the employee.

**Scoring**

Evaluators should make an overall determination of performance level for each of the ten (or eight for non-supervisory personnel) categories. An overall determination for each of the ten categories will be valued as follows: a determination of "Development Needed" will receive a score of one (1), "Meets Expectations" will receive a score of two (2), and "Exceeds Expectations" will receive a score of three (3).

**Compensation Distribution and Eligibility**

1. The Board of Commissioners will make an annual determination as to whether or not

funds will be made available for performance pay and if so, the amount of funds that will be made available for that purpose.

2. Performance Pay will be distributed to employees no later than the month of March following the year for which the appraisal was conducted.

3. The employee must have been employed prior to January 1st of the evaluation year.

4. The employee must have been evaluated as of November 30th of the evaluation period and the evaluation must be documented as being received in Human Resources by the deadline.

5. The employee must be employed on the date that Performance Pay is distributed and the employee must not have attained the end of their pay scale.

6. Promotion and Performance Pay will continue to be limited to a maximum of 10% in a six (6) month period.

**Confidentiality of Performance Appraisal**

Performance appraisal documents, ratings and final scores are personal matters of business between the employee and management. Supervisory/management personnel shall endeavor to maintain the confidentiality of all performance appraisals to the best of their abilities. It is recognized that disclosure under certain circumstances, such as binding legal requests or administrative and/or employment related requests, would be required.

**Changes in Performance Appraisal**

In the event of extenuating circumstances, should a Department Director request a change of a performance appraisal after it has been forwarded to Human Resources, that request shall be submitted in writing and shall explain in detail the reason(s) for the change. The Human Resources Director shall make requested changes only after it has been demonstrated that such changes have been communicated by the Department Director/Elected Official to the respective employee and that the employee has received a copy of the changed performance appraisal document. It will be the department's responsibility to forward a copy of the revised/changed performance appraisal document to the respective employee.

## PURPOSE

Establish training to meet position requirements, existence of maintaining a quality workforce, and assisting in the progress in skill development and employee advancement.

## POLICY

It shall be the responsibility of the Department of Human Resources to pursue and promote up-to-date, applicable training programs in accordance with the County Administrator, division/department directors, supervisors, and employees.

## PROCEDURE

Each employee will be required to participate in the annually established hours of training. Required hours of training for new employees will be prorated on the basis of their employment date. This requirement is inclusive to all employee evaluations.

Registration:

Employees will enroll for training conducted in-house electronically on Munis Self Service (MSS).

Each employee will receive an email confirmation of enrollment.

Number of Participants:

In-house training classes will require a minimum and a maximum number of participants depending upon course material. All technical (computer training) classes carry a minimum registration requirement of five, with a maximum of nine participants.

Cancellation Procedures:

Cancellations for in-house training courses will be accepted only in the event of an unavoidable situation. Cancellations must be received "in writing" prior to the date of the scheduled course. Every effort should be attempted to send an alternate. Alternate's name shall be sent to the Department of Human Resources. Although most courses require no enrollment fee, a cancellation fee may be imposed if the cancellation procedure is not adhered to.

Computer training cancellations must be received "in writing" no later than 15 working days prior to the date of the scheduled training. Failure to do so WILL result in a $100 (or applicable fee) charge-back to the employee's department to defray the cost of training.

OFF-SITE TRAINING CREDIT REQUESTS

Off-Site Training:

Request for Off-site training:
ALL off-site training must be approved by the appropriate Division/Department Head prior to registration and attendance.

Training Synopsis:

A brief overview (narrative) of off-site training must be submitted on the Training Synopsis form by the employee. The original shall be retained by the Division/Department Director and a copy shall be forwarded to the Department of Human Resources within ten working days of the off-site training. Excluded are off-site training requests submitted for actual certification tests.

Presenter Synopsis:

Employees who are asked to facilitate or conduct training sessions for companies, conferences, cities or counties outside Fayette County's training responsibility, shall complete a brief overview (narrative) of the training facilitated. The original shall be submitted to the Division/Department Director and a copy shall be forwarded to the Department of Human Resources within ten working days of the training conducted.

Credit Requests:

Training credit for off-site trainer/training credit (not conducted by Fayette County) must be applied for by completing a "Fayette County Training Credit" form, with all required documentation of criteria attached.

Application of Training Credit:

It is the responsibility of the Division/Department Director and/or employee to forward documentation of participation in off-site training to the Department of Human Resources on the appropriate Training Credit Request form, so that accurate training credit and records can be maintained. All training credits should be requested within 60 days of training. Requests after 60 days will not be considered.

Training Records

Training records will be maintained in the Department of Human Resources for all employees. Division/Department Directors and employees may request, in writing, a copy of an employee's training record. A copy of the employee's training record will be returned within 5 working days of request.

Location of Training

Every effort will be made to provide required and requested on-site training. In the event travel is required, requests should be submitted to the employee's Division/Department Director for approval.

Compensation for Completion of Association County Commissioners of Georgia (ACCG) Training

The County Administrator and/or Board of Commissioners may approve additional compensation above and beyond an employee's base salary upon the completion of certain ACCG sponsored training courses. Ongoing annual continuing education may be required in order to maintain certain certifications and in turn any additional approved compensation.

## PURPOSE

The purpose of this policy is to provide guidelines for administering administrative leave.

## POLICY

There shall be a consistent process for the determination of administrative leave.

## PROCEDURE

Authorization

Administrative leave can only be authorized by the Division Director and the Department Head, with the concurrence of the County Administrator.

Administrative Leave With or Without Pay

An employee may be immediately suspended with or without pay and ordered not to return to the worksite until notified.

Notification

Department Head will notify the employee in writing as to the status of their employment pending the outcome of the investigation.

## PURPOSE

Annual leave is a type of paid leave accrued by an employee based on length of service and utilized under certain conditions. Annual leave is considered a benefit for eligible employees. Employees are eligible to take accrued annual leave from the date of employment. No employee may take annual leave in excess of the number of hours he/she has accrued. Employees separating from County employment, who have been employed a minimum of three (3) months, shall be paid for unused annual leave, up to the allowed maximum, upon retirement, resignation, termination or death.

Provide guidelines for the request and assignment of annual leave.

## POLICY

There shall be a consistent process for the accrual and use of annual leave of regular full-time and part-time County employees.

## PROCEDURE

Eligibility for Annual Leave

All regular full-time and regular part-time employees of Fayette County shall be eligible to accrue annual leave. Annual leave shall be charged to the nearest quarter hour.

Accrual Rate of Annual Leave

Annual leave for regular full-time employees shall be calculated on a per hour basis in accordance with the following schedule:

| | 40 Hr. Workweek | | | 43 Hr. Workweek | | | 53 Hr. Workweek | |
|---|---|---|---|---|---|---|---|---|
| Years of Service | Per Hr. | Days/year | | Per Hr. | Days/year | | Per Hr. | Shifts/year |
| Up to 1 | .0231 | 6 | | .0615 | 16 | | .0696 | 8 |
| | | | | | | | | |
| 1 up to 4 | .0462 | 12 | | .0846 | 22 | | .0957 | 11 |
| | | | | | | | | |
| 5 up to 9 | .0577 | 15 | | .0961 | 25 | | .1088 | 12.5 |
| | | | | | | | | |
| 10 up to 20 | .0692 | 18 | | .1076 | 28 | | .1219 | 14 |
| | | | | | | | | |
| 20+ years | .0808 | 21 | | .1192 | 31 | | .1349 | 15.5 |

Annual leave accruals for employees on a 43-hour workweek or a 24-hour duty schedule include holiday accrual.

Regular part-time employees who work thirty (30) hours or more but less than forty (40) hours during a work period shall accrue annual leave at the rate of one-half (1/2) the schedule of regular full-time employees.

Request for Annual Leave

The earliest possible notice of intent to take annual leave shall be given by employees who are eligible to take annual leave. A request for annual leave shall be submitted to the employee's immediate supervisor a minimum of two weeks in advance. Department heads may grant annual leave with a shorter notice if the work load of the department permits. A Department may designate an annual sign up period.

Department heads shall be responsible for the scheduling of annual leave of employees without decreasing the operating efficiency of the department. The annual leave schedule shall be arranged in each department so that insofar as practicable; the department can function without hiring temporary help.

Annual Leave Carryover

Employees cannot accrue annual leave beyond the following year. For example, employees who accrue annual leave from January through and including December 2007 cannot carry over that accrued leave beyond December 2008.

## PURPOSE

Bereavement leave shall be defined as leave with pay granted to regular full-time and regular part-time employees only upon the death of a member of the immediate family.

## POLICY

There shall be a consistent process for granting bereavement leave to regular full-time and part-time employees.

## PROCEDURE

Bereavement leave shall be granted by the department head if requested by the employee for a period not to exceed two (2) consecutive working days following the death of a member of an employee's immediate family. Bereavement leave may be extended by the County Administrator in unusual circumstances. Bereavement leave shall commence upon notification and approval by the department head. In the event of multiple deaths in the employee's immediate family, each death shall be treated separately and the Bereavement leave shall be granted accordingly.

If more than the allotted number of days leave is required, or if leave is desired for a death other than the immediate family, annual leave, leave without pay or accrued compensatory time may be used. Advance emergency leave may be requested.

Public Safety Department employees on a 24-hour duty schedule shall be granted bereavement leave not to exceed 24-hours.

Immediate Family Member

Immediate family is defined as: spouse, parent, guardian, brother, sister, son, daughter, son-in-law, daughter-in-law, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandparent, grandchild, step-parents and step-children.

## PURPOSE

Employees summoned by a court for the purpose of qualifying for jury duty are entitled to court leave for the actual period of absence, whether or not they are selected to serve. Employees on court leave shall be credited with having worked for the duration of the leave. Employees shall be allowed to accumulate all other eligible benefits.

## POLICY

There shall be a consistent process for a regular full-time and regular part time employee's absence from work for jury duty.

## PROCEDURE

Jury Duty

A regular full-time and regular part-time employee's absence from work for jury duty shall be defined as court leave. The employee must submit a copy of the official summons for jury duty to his/her supervisor or department head prior to the beginning date of such service.

Employees on jury duty shall be compensated at the regular rate of pay during court appearances. Employees may retain compensation for jury duty.

Partial Days

If the employee's presence is required for less than a full work day the employee is required to return to work. Employees who fail to contact their department risk the loss of pay for that day and may be subject to the County's disciplinary policy.

Ineligible

Employees appearing in court either as a witness, defendant or plaintiff in a case not related to official job duties shall not be eligible for court leave.

Job Duty

Employees whose job duties require them to report to Court during their normal work schedule shall be compensated at their regular rate of pay during court appearances. Court hours which exceed a non-exempt employee's normal work schedule shall receive additional compensation as defined in the Overtime Policy.

## PURPOSE

FMLA entitles eligible employees to take up to 12 weeks of unpaid, job-protected leave each year for specified family and medical reasons and for qualified exigencies for certain family members of the Armed Forces on active duty or who are called to active duty in support of a contingency operation. Eligible employees can take up to 26 weeks of military caregiver leave in a single 12 month period to care for a current member of the Armed Forces who has a serious injury or illness incurred in the line of duty while on active duty.

## POLICY

Employees who have been employed at least twelve (12) months and have worked at least 1,250 hours during the twelve (12) month period preceding the commencement of the leave.

Eligibility

Definitions

1. "Serious Health Condition" is an illness, injury, impairment or physical or mental condition that involves (a) inpatient care in a hospital, hospice or residential medical care facility; and/or (b) continuing treatment by a health care provider.

2. "Parent" includes a biological parent or an individual who stood in loco parentis to the employee.

3. "Child" includes biological children, adopted children, foster children, legal wards.

4. "Spouse" includes only the legal marital partner of the employee.

5. "Health Care Providers" includes doctors of medicine or osteopathy; podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse-midwives and clinical social workers who are authorized to practice in the State of Georgia, Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts, and any health care provider authorized to practice in the State of Georgia.

Reasons for leave

An employee is eligible for up to twelve (12) weeks of leave annually for one or more of the following reasons:

1. Birth of a child and to care for that child (entitlement to leave for this reason expires at the end of one year after birth of the child and the employee is to provide at least 30 days notice, if foreseeable); or

2. Placement of child for adoption or foster care of a child (entitlement to this leave expires one year after placement of the child, and if foreseeable, employee is to provide at least

30 days notice). Foster care is defined as requiring State action rather than just an informal arrangement to take care of another person's child; or

3. Serious personal health condition making employee unable to perform his/her job functions more than (3) three consecutive full [required by recent Federal change to FMLA] calendar days: or

4. Care of a parent, spouse, or child with a serious health condition. A qualifying child must be under 18 years of age or, if older, incapable of self-care due to a physical or mental disability.

Conditions of Leave

1. Employee is required to use accrued sick and vacation time prior to requesting Family and Medical Leave.

2. Employee must give 30 days notice for all requests for leaves of absence for any planned medical treatment, if possible.

3. All requests for leaves of absence for a serious medical condition of the employee, spouse, parent or child may be accompanied by a physician's certification of the existence of such medical condition. Re-certification may be required every 4 weeks during a continuous leave of absence.

4. Intermittent leave or a reduced schedule of work may be permitted for leave granted for serious health condition of employee, spouse, child or parent. The County reserves the right to temporarily transfer the employee to an alternate position or shift with equivalent pay and benefits if the position better accommodates the occurring period of leave than the employee's regular position.

5. If a husband and wife are both employed by the County, a combined total of 12 weeks of leave are applicable for a qualifying event.

Responsibilities

1. Employee: The employee requesting family and medical leave must complete a FMLA Application and submit it to his/her department head for approval and forward to the Director of Human Resources. Upon request, the employee may be required to provide a Certificate of Health Care Provider form within 15 days of the request. Timely payment of any contributions or premiums due for coverage is required. Re-certify every 4 weeks during a continuous leave. Notify Department Head, 5 days prior to the employee's planned return.

2. Department: The Director, Chief or Department Head is required to approve leave for eligible employees who meet the criteria as outlined in this regulation. Submit leave requests on behalf of employee when applicable conditions of leave exist. Supervisors are prohibited from discriminating against employees who take family and medical leave

in employment decisions such as performance appraisals, promotions or disciplinary actions. Departments are required to keep posted the poster notifying employees of the provisions of the FMLA. If an employee notifies a supervisor of a need for leave which may be eligible under this policy, the supervisor should inquire further of the employee to determine if FMLA is appropriate.

3. Department of Human Resources: The Department of Human Resources will serve as advisor to employees and directors, chiefs or department heads on the requirements of eligibility for family and medical leave and provisions of FMLA. The Department of Human Resources will be responsible for providing the employee with an Employer Response to Employee Request for Family or Medical Leave form. All medical records pertaining to family and medical leave will be maintained in a confidential employee medical file in the Department of Human Resources. Department of Human Resources will maintain records of FMLA taken by County employees.

Benefits During Leave

The County will continue to pay their portion of applicable benefits throughout the duration of the leave. Employees will be required to continue to make any contributions/premiums that they made prior to taking leave. Employees who fail to pay their portion may result in loss of coverage.

1. Health Insurance: The County will provide and pay for the same health care coverage during this twelve (12) week Family and Medical Leave in the same manner as for active employees.

2. Life Insurance: The County will provide and pay for the same life insurance coverage during this twelve (12) week Family and Medical Leave in the same manner as for active employees.

3. Reimbursement Benefits: The County will provide and pay for the same reimbursement benefits during this twelve (12) week Family and Medical Leave in the same manner as for active employees.

4. Long-Term Disability: The County will provide and pay for long-term disability during this twelve (12) week Family and Medical Leave in the same manner as for active employees.

5. Short -Term Disability: The employee will be responsible for timely payment of this benefit during this twelve (12) week Family and Medical Leave.

6. Optional Benefits: The employee will be responsible for timely payment of these benefits during this twelve (12) week Family and Medical Leave.

Restoration of Employment Following Leave

Notification to return to work must be given to the Director, Chief or Department Head 5 days prior to the employee's planned return.

Failure to Return to Work

Employees who fail to return to work upon expiration of the leave will be subject to termination unless an extension is granted.

Use of Paid Leave and Family and Medical Leave

An employee is required to take any available paid sick leave or vacation prior to requesting Family and Medical Leave. Accrued sick leave must be used first, then remaining leave time. An employee has the option of using accrued compensatory time. Family and Medical Leave is taken consecutive to paid leave. For example, if an employee has available two weeks of vacation, then a 12 week Family and Medical Leave, the leave would consist of 2 paid vacation weeks and 12 unpaid leave weeks.

Exigency Leave

The National Defense Authorization Act for Fiscal Year 2008 amended FMLA to provide for up to 12 weeks of protected leave for qualified "exigencies" for a spouse, son, daughter or parent of a member of the Armed Forces on active duty or who is called to active duty in support of a contingency operation to assist service members' families in managing their affairs while the covered service member is on active duty. Only family members of service members in the Reserves, National Guard and certain retired members of the Armed Forces are covered by this provision.

Definitions

1. "Contingency Operation" is a military operation designated by the Secretary of Defense as an operation in which members of the Armed Forces are or may become involved in military actions, operations or hostilities against an enemy of the United States or against an opposing military force.

2. "Active Duty or Call to Active Duty Status" means duty under a call to order to active duty or notification of an impending call or order to active duty in support of a contingency operation. Included are retired members of the regular Armed Forces and members of the retired Reserve, members of the Reserves, National Guard and state militias called to active federal duty (29 C.F.R.§825.800).

3. "Son or Daughter on Active Duty or Called to Active Duty" means the employee's biological, adopted or foster child, stepchild, legal ward or a child to whom the employee stood in loco parentis, who is on active duty or call to active duty status and who is of any age (29 C.F.R. §1229g). The son or daughter of a covered service member means the service member's biological, adopted or foster child, stepchild, legal ward or a child to

whom the employee stood in loco parentis, who is on active duty or call to active duty status and who is of any age (29 C.F.R. §825.122(i)).

4. "Parent of a Covered Service Member" means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the service member. It does not include parents-in-law (29 C.F.R. §825.122(i)).

Qualifying Exigencies

1. Short-term Deployment – Employees are entitled to seven calendar days of leave, beginning on the day the military member is notified of an impending call or order to active duty. The seven days of leave may be taken to address any issue that arises because a covered military member is notified of a call or order to active duty seven or fewer days prior to the date of deployment.

2. Military Events and Related Activities – To attend any official military ceremony, program or event related to the call to active duty and to attend support or assistance programs and informational briefings sponsored by the military, one of its service organizations or the American Red Cross.

3. Childcare and School Activities – To arrange for alternative childcare for a biological, adopted or foster child, a stepchild or a legal ward of a covered military member or a child for whom a covered military member stands in loco parentis who is either under age 18 or age 18 or older and incapable of self-care; to provide childcare on an urgent, immediate-need basis; to enroll in or transfer a child to a new school or day care facility; or to attend meetings with school or daycare facility staff when due to circumstances arising from the active military duty.

4. Financial and Legal Arrangements- To make or update financial or legal arrangements to address the service member's absence, such as powers of attorney; bank account signature authority; enrolling in the Defense Enrollment Eligibility Reporting System; obtaining military identification cards; or preparing or updating a will or living trust; or to act as the service member's representative before a federal, state or local agency to obtain, arrange or appeal military service benefits while the service member is on active duty and for a period of 90 days following the termination of active duty status.

5. Counseling – To attend counseling (provided by someone other than a health care provider) for the employee, the covered service member or his or her child, if the need for counseling is due to the active duty.

6. Rest and Recuperation – To spend time with a covered service member who is on short-term, temporary rest and recuperation leave during the period of deployment.

7. Post-deployment Activities – To attend arrival ceremonies, reintegration briefings and events and any other official ceremony or program sponsored by the military for 90 days following the termination of the active duty; and to address issues that arise from the

death of a covered service member while on active duty, such as meeting and recovering the body and making funeral arrangements.

8. Additional Activities – To address other events that arise out of the active duty or call to active duty if the employer and employee agree that the leave qualifies as an exigency and agree to the timing and duration of the leave.

Documentation Requirements

The employee may be required to provide a copy of the service member's active duty orders or other documentation issued by the military. The employee may be required to sign a certification that provides a description of the facts regarding the exigency that are sufficient to support the need for leave. The county may require information regarding whether the leave is on an intermittent or reduced schedule basis, an estimate of the frequency and duration of the exigency; and if the leave involves meeting with a third party, the county has the right to contact the third party with or without the employee's permission to verify the meeting and its purpose (29 C.F.R. §825.309(b)). The county may also contact the appropriate unit of the Department of Defense without the employee's permission to verify that the covered service member is on active duty or was called or ordered to active duty status. Documentation of the family relationship for this leave may be required.

Military Caregiver Leave

Military caregiver leave provides up to 26 weeks o protected leave in a single 12 month period by an eligible spouse, parent, son, daughter or next of kin of a covered service member to care for a current member of the Armed Forces – including a member of the National Guard or Reserves who is on the temporary disability retired list – who has a serious injury or illness incurred in the line of duty while on active duty.

Definitions

1. "Next of Kin" of a covered service member means the nearest blood relative (other than the already listed spouse, parent, son or daughter) in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins; unless the service member has specifically designated in writing another blood relative as his or her nearest blood relative. If there are multiple family members with the same level of relationship to the service member, all of them are considered next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously (29 C.F.R. §825.122(d)).

2. "Outpatient Status" means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (29 C.F.R §825.000).

3. "Serious Injury or Illness" of a covered service member is one that occurs in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating (29 C.F.R §§825.127 (a) (1) and 825.000).

Conditions and Eligibility

The service member must be undergoing medical treatment, recuperating or therapy or otherwise on outpatient status of the temporary disability retired list, and the illness or injury must be severe enough that it may render the service member medically unfit to perform the duties of his or her military office, grade, rank or rating.

Former members of the Armed Forces, Reserves, or National Guard are not covered by this provision, but all members of the regular Armed Forces as well as the Guard and Reserves, are.

The 26 weeks of leave are per service member and per injury or illness. A covered employee who has more than one covered family member in the Armed Forces may take 26 weeks of leave in a subsequent 12 month period to care for a second service member and may do the same if a covered service member is injured or becomes ill a second time.

Caregiver leave must be taken in a single 12 month period, which begins on the first day the employee takes leave to care for a covered service member and ends 12 calendar months later. If the employee does not take all 26 weeks of leave during a 12 month period, the remaining weeks of leave are forfeited.

Employees are entitled to a combined total of 26 weeks of leave for any FMLA qualifying reason during a single 12 month period, but to only 12 weeks for anything other than to care for a seriously ill or injured service member.

If the leave qualifies as both military caregiver leave and traditional FMLA leave, for example to care for a spouse with a serious health condition that resulted from an injury while on active military duty, the leave must first be designated as military caregiver leave and the leave cannot be counted simultaneously against both types of leave. The county may retroactively designate the leave as military caregiver leave.

In the case of a husband and wife who are both employed by the county, they are limited to a combined total of 26 workweeks of leave.

Certification

The county may require certification that the employee is needed to care for a seriously ill or injured service member. Certification my be completed by a Department of Defense health care provider, a Veterans Affairs health care provider, or a Department of Defense TRICARE authorized health care provider (29 C.F.R. §825.310). The county may seek authentication and or clarification of the certification, but second and third opinions are not permitted. The employer may also require the employee to provide confirmation of the family relationship to the service

member. In lieu of the medical certification, the county must accept invitational certification travel orders (ITO) or invitational travel authorizations (ITA) issued to a family member to join an injured or ill serviced member at his or her bedside. An ITO or ITA is sufficient certification of the need for leave if the employee is not named in the order or authorization (29 C.F.R. §825.310(e)).

## PURPOSE

The purpose of this policy is to provide guidelines for the request and use of established holidays.

## POLICY

There shall be a consistent process for the observance of holidays approved by the Board of Commissioners.

## PROCEDURE

Holidays

Fayette County shall observe the following holidays and other such holidays as may be prescribed by the Board of Commissioners.

| | |
|---|---|
| New Year's Day | First day of January |
| Martin Luther King Day | Fifteenth day of January |
| Memorial Day | Last Monday in May |
| Independence Day | Fourth day of July |
| Labor Day | First Monday in September |
| Veteran's Day | Eleventh day of November |
| Thanksgiving Day | Fourth Thursday in November |
| Day after Thanksgiving Day | Fourth Friday in November |
| Christmas Eve | Twenty-fourth day of December |
| Christmas Day | Twenty-fifth day of December |

Observance

If any such holiday falls on Saturday then the Friday preceding the holiday shall be observed. If the holiday falls on Sunday, then the following Monday shall be observed. The Board of Commissioners may adjust the schedule to accommodate special circumstances.

Holiday Worked

If a regular full-time employee is required to work on a holiday, he/she shall receive regular pay plus holiday pay or compensatory time off. Pay for working the holiday in lieu of compensatory time off shall be approved by the County Administrator. All regular full-time employees of the County shall be entitled to holiday benefits equal to the employee's regularly scheduled hours of work. Regular part-time employees shall be entitled to holiday benefits if the holiday falls on a normally scheduled work day and the facilities are closed. Regular part-time employees shall receive holiday pay equal to the number of hours he/she would have worked on the holiday.

Unpaid Holiday

An employee who has an unpaid absence for part or all of the regularly scheduled work day prior to a holiday shall only receive compensation proportionate to the pay received for the prior work day.

Maximum Accumulation

Employees who are required to work on a holiday cannot accrue holiday leave beyond the following year. For example, employees who accrue leave from January through and including December, 2007 cannot carry over that accrued leave beyond December, 2008.

## PURPOSE

Provide guidelines for a Leave of Absence. Fayette County may grant leaves of absence to help alleviate difficult situations which may arise during an employee's career with the County. A Leave of Absence may be granted without pay for a period of up to three (3) consecutive months if conditions warrant such action. Department Heads are authorized to grant a Leave of Absence to an employee subject to a one-time occurrence within a calendar year not to exceed 3 days. Leave of Absence requests greater than 3 days or multiple requests within a calendar year require the authorization of the County Administrator.

## POLICY

There shall be a consistent and uniform process for County employees to be granted a leave of absence.

## PROCEDURE

Request for Leave of Absence

Employees are required to provide a written statement detailing the reason(s) for requesting a Leave of Absence. Such requests shall be granted only when all other applicable leave time (sick, vacation, compensatory etc.) has been exhausted.

Compensation/Accruals

When a Leave of Absence includes a holiday, the employee is not eligible for compensation for the holiday. Employees who are on a leave of absence shall not accrue annual or sick leave during the period of absence.

Benefits

Benefits are available to all regular full-time and regular part-time employees who are actively at work and receive compensation for a minimum of 30 hours per week unless protected by law.

When pay period earnings are insufficient to cover premium and contribution deductions, the employee must make arrangements with Human Resources to bring them current. Employees who fail to bring premiums and contributions current or who fail to return to work will lose their eligibility for health insurance coverage.

An employee may be eligible to continue coverage for qualifying events as defined in the COBRA Policy.

## PURPOSE

The purpose of this policy is to establish guidelines for employees who are subject to military leave that are in compliance with state and federal laws, namely the Uniformed Services Employment and Reemployment Rights Act (USERRA). An employee, other than a temporary employee, who is a member of an officially recognized military reserve unit or component of the United States armed forces, shall be entitled to a leave of absence from duties when they are training or when called to duty. Any employee subject to call for military service shall complete a REGISTRATION FOR MILITARY LEAVE OF ABSENCE FORM at their time of employment with the County or at the time during their employment with the County that they become eligible for being called to military service.

## POLICY

There shall be a consistent process for regular part-time and full-time County employees who are subject to military leave to be entitled to a leave of absence from the County while in training or called to duty.

## PROCEDURE

### Notification

An employee should present their military orders to their Department Head as far in advance as possible prior to utilizing military leave, unless circumstances make it impossible to provide such notice. The Department Head will forward to the Department of Human Resources a copy of any military orders received from an employee. If possible, this will be done prior to the effective date of the military leave. The employee will complete a MILITARY LEAVE OF ABSENCE RECORD when notifying the County of their impending leave. If the employee is deployed without sufficient time to notify the County, when word is received from a family member or other third party about the military leave, the Department Head and Human Resources will complete the MILITARY LEAVE OF ABSENCE RECORD.

### Length of Duty Limit

An employee may take a maximum of five (5) years leave for military service, unless serving in time of war or national emergency such as that accompanying an Executive Order.

### Benefits

Family and Medical Leave Act (FMLA) – Military leave time will be counted toward the employee's eligibility for FMLA leave once reemployed during the reinstatement period.

Health Insurance - An employee must have met the eligibility period prior to utilizing military leave to be eligible for this benefit. Health insurance can be continued at the employee's request for a period of time that is the lesser of the twenty-four (24) month period beginning on the date on which the employee's military leave begins or the period beginning on the date the employee's military leave begins and ending on the date which he or she fails to return from service or apply

for reemployment. If an employee is on military leave thirty (30) days or less, this benefit will remain in force as if the employee was actively at work. All employee contributions or premiums will be due and payable within the thirty (30) days. Non-payment will result in termination of coverage. The employee will be given the opportunity to continue health benefits after thirty (30) days, at 102% of the overall premium rate, which represents the employer's share plus the employee's share, plus 2% for administrative costs, as defined in the Consolidated Omnibus Budget Reconciliation Act (COBRA). Non-payment will result in termination of coverage. If coverage is dropped as a result of non-payment, it can be reinstated at any time during the leave upon notification to Human Resources and the payment of missed premiums. If the employee met the eligibility period prior to utilizing military leave and is re-employed within the reinstatement period, and if coverage was waived or cancelled at any time during the military leave, the employee will be eligible to participate in the plan immediately upon reemployment.

**Leave** – Military training leave will not automatically count against accumulated annual leave. Employees are entitled, at their option, to use any or all accrued paid vacation for military absences when called to active duty. If the employee chooses not to do so, their accrued leave will be frozen until such time the employee returns to work or separates employment. Accrued sick leave can not be used for military leave. Accrued sick leave will be frozen until such time the employee returns to work or separates employment.

**Life and Disability Benefits** - An employee must have met the eligibility period prior to utilizing military leave to be eligible for this benefit. If an employee is on leave thirty (30) days or less, this benefit will remain in force as if the employee was actively at work. All employee contributions or premiums will be due and payable within the thirty (30) days. Non-payment will result in termination of coverage. If the employee met the eligibility period prior to utilizing military leave and is reemployed within the reinstatement period, the employee will be eligible to participate in the plan as soon as practicable.

Voluntary Supplemental Life and Short-Term Disability – These benefits will become inactivate at the beginning of the military leave and will resume upon re-employment.

**Reimbursement Benefits** - An employee must have met the eligibility period prior to utilizing military leave to be eligible for this benefit. Health insurance can be continued at the employee's request for a period of time that is the lesser of the twenty-four (24) month period beginning on the date on which the employee's military leave begins or the period beginning on the date the employee's military leave begins and ending on the date which he or she fails to return from service or apply for reemployment. If an employee is on military leave thirty (30) days or less, this benefit will remain in force as if the employee was actively at work. All employee contributions or premiums will be due and payable within the thirty (30) days. Non-payment will result in termination of coverage. If the employee met the eligibility period prior to utilizing military leave and is re-employed within the reinstatement period, the employee will be eligible to participate in the plan the first of the month following re-employment.

Retirement Plan - If the employee met the eligibility period prior to utilizing military leave and is re-employed within the reinstatement period, the employee will be eligible to participate in the plan the first of the month following re-employment. Employees will also receive service credit for purposes of participation, vesting, and benefit accrual. County contributions will

automatically be deposited for the first ninety (90) days of military leave. Thereafter, County contributions will not be deposited or matched during the military leave while the employee is not being compensated by the County. Immediately upon reinstatement, the employee may, at the employee's election, make any or all employee contributions that the employee would have been eligible to make had their employment not been interrupted by military service. Such contributions must be made within a period that begins with the employee's reinstatement and that is not greater in duration than three times the length of the employee's military service, not to exceed five years. Employees will receive all associated County matches for such contributions.

Wages

Employees on military leave shall be entitled to regular pay during such period for up to a maximum of eighteen (18) working days in a calendar year, unless otherwise specified under the Official Code of Georgia Annotated (O.C.G.A) § 38-2-279. If the employee elects to request pay for accrued vacation, that pay will commence following the end of the federal or state mandated pay period. An employee's current hourly rate of pay will be adjusted to include any cost of living adjustments given during their leave of absence when the employee returns to work.

Performance Evaluation Period

The date of an employee's performance period will be unaffected by military leave. No performance evaluation will be conducted during the period in which the employee is on military leave. An employee will be entitled to a performance review at the next regularly scheduled date upon returning to work.

Reinstatement

Upon return from military leave, an employee must report to work or complete a REEMPLOYMENT APPLICATION FOR EMPLOYEES RETURNING FROM MILITARY LEAVE FORM within the specified time period for the restoration of rights and benefits in accordance with applicable state and federal laws. Employees who receive dishonorable discharges, bad conduct discharges, discharges under "other than honorable" conditions, and those who are dismissed or "dropped from the rolls" for disciplinary reasons are not entitled to the Uniformed Services Employment and Reemployment Rights Act (USERRRA) protections. The employee must furnish a copy of their discharge papers (DD-214, Certificate of Release or Discharge from Active Duty) when applying for reemployment. An employee will be reinstated from active military leave if they report to work or re-apply within the appropriate schedule:

- 30 days or less must report to work at the start of the next regularly scheduled work period, allowing for eight hours rest plus adequate travel time.
- 31 - 180 days must reapply for reinstatement within 14 days of the end of service.
- 181 days must reapply within 90 days of completing service.

Employees who do not apply within the eligibility period will not be considered for re-employment as defined in the military leave policy, but will be considered as any other applicant would be under the County's standard hiring practices.

Employees who are reemployed during the reinstatement period following military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained, with reasonable certainty, had the individual remained continuously employed.

Position

Employees who have served ninety (90) days or less will be reinstated to their previous position. An employee who has served ninety-one (91) days or more will be reinstated to their previous position or a position of like seniority, status and pay.

Termination

Employees who have served in the military for any period of time are subject to termination as defined in the County's disciplinary policy.

Disability

Fayette County, as required by the Americans with Disabilities Act (ADA), will reinstate an employee, who has a service connected disability, in a position for which they are qualified. Fayette County will not re-employ the employee if such reasonable accommodation creates an undue hardship.

## PURPOSE

Provide guidelines for the request and use of sick leave. Sick leave benefits are provided to ease the financial burden when employees are required to be absent from their jobs because of an illness or injury.

Sick leave is a type of paid employee leave which is accrued by an employee and utilized by the employee in restricted situations. Sick leave may also be used to obtain preventive medical care. Sick leave is a privilege given by the Board of County Commissioners. Sick leave shall be taken for instances of illness or injury of the employee or for the care of a family member as defined in the County's Family and Medical Leave Policy. Sick leave may not be used for annual leave purposes except when an employee has exhausted all other leave and the employee is unable to return to work because of an illness or injury.

## POLICY

There shall be a consistent and uniform process for the use of sick leave by County employees.

## PROCEDURE

Eligibility for Sick Leave

Employees are eligible to take accrued sick leave from the date of employment. No employee may take sick leave in excess of the number of hours he/she has accrued.

Accrual of Sick Leave

Sick leave shall be accrued on a per hour basis for all regular full-time employees.

| EMPLOYEE | ANNUAL ACCRUAL | MAXIMUM ACCRUAL |
|---|---|---|
| Regular full-time | 96 hours | 960 hours |
| Regular part-time | 48 hours | 480 hours |
| Public Safety (8.6 shift) | 103.2 hours | 1032 hours |
| Fire/EMS (24 hour shift) | 144 hours | 1440 hours |

Employees shall retain all benefits and seniority while on paid sick leave.

Requests for Sick Leave

So that accurate records can be kept, employees shall notify his/her department head promptly by telephone or messenger no later than one hour prior to reporting time, if possible. Failure to comply with this section may result in denial of sick leave with pay and disciplinary action.

In the event a department head determines sick leave can no longer be granted, other leave policies may apply such as annual leave, family medical leave or leave without pay. Absence for a job-related injury shall be recorded as injury leave.

Certification by Physician

A licensed physician's certificate may be required as evidence of an illness before compensation for such absence is allowed

1. Any period of absence (due to illness) consisting of three (3) or more consecutive working days.

2. To support a request for sick leave during a period when the employee is on vacation leave, or when taken before or after a holiday or other scheduled day off.

3. Leave of any duration if absence from duty recurs frequently or habitually, provided the employee has been notified or warned that a medical certificate will be required.

4. To support a request for leave under the Family and Medical Leave Act of 1993.

Payment for Unused Sick Leave Upon Retirement

Regular full time employees who are vested in the defined benefit retirement plan at the time they resign in good standing or retire from the County will have 100% of their sick leave accrual balance converted to credited service in the defined benefit retirement plan, unless the disposition of sick leave is otherwise provided for in a contract of employment.

Regular full-time employees who have completed ten (10) years of service and who are unable to return to work because they are entitled to disability retirement benefits under the federal Social Security Act due to a job-related disability shall have 100% of their sick leave accrual balance converted to credited service in the defined benefit retirement plan, unless the disposition of sick leave is otherwise proved for in a contract of employment.

## PURPOSE

Unauthorized leave shall be defined as an absence from the job during a scheduled work period without approval of the employee's supervisor or department head. It is the responsibility of the requesting employee to obtain authorization for leave from the appropriate supervisory personnel. Authorization for leave may only be granted by the appropriate Department Director/Elected Official, or a designated representative.

## POLICY

There shall be a consistent process for disciplinary action for unauthorized leave by a County employee.

## PROCEDURE

Failure to Report

Failure to report to work at the expiration of an authorized leave without an extension of time shall be considered to be unauthorized leave. An unauthorized absence from duty during required hours of attendance shall be treated as an absence without pay unauthorized leave. The employee shall be subject to disciplinary action as may be determined by the department head subject to the provisions governing discipline set forth herein.

Failure to Secure Leave Authorization

Where there are not adequate reasons for the failure to secure leave authorization prior to the absence, the employee shall be subject to disciplinary action as may be determined by the department head subject to the provisions governing discipline set forth herein.

Compulsory Resignation

An employee, who without a valid reason, is absent for one (1) day (or one 24 hour shift for employees assigned to such shifts in the Department of Fire and Emergency Services) without approval shall be deemed to have resigned due to job abandonment, and shall have effected a compulsory resignation.

## PURPOSE

In accordance with Federal law, Fayette County is required to offer employees and their families the opportunity for continued healthcare, dental and vision coverage under COBRA. This notice is intended to inform you, in a summary fashion, of your rights and obligations under the continuation coverage provisions of the law.

You and your family have the right to choose temporary extension of medical/dental coverage if you lose your group medical/dental coverage because of a reduction in your hours of employment or the termination of your employment (for any reason other than gross misconduct on your part). This "continuation coverage" is offered at group rates in certain instances where coverage under the plan would otherwise end.

Your spouse or dependent children ALSO have the right to choose continuation coverage under the County's group medical/dental/vision insurance plan if he/she would lose group medical/dental/vision coverage because of any of the following events: 1) your death, 2) a divorce or legal separation, 3) entitlement to Medicare benefits, 4) your child loses dependent status under the group medical/dental plan.

## POLICY

There shall be a consistent process for a County employee, their spouse or dependent children to choose continuation coverage of the County's medical/dental/vision insurance plan.

## PROCEDURE

Enrollment

In the event an employee loses outside medical, dental or vision coverage, due to divorce or legal separation, death of spouse, change in spouse's employment or other qualifying family status events, the employee may elect to participate in the county's health, dental or vision plans. However, the employee must contact Human Resources within 30 days of loss of coverage to be eligible to enroll. Otherwise, the employee may not be eligible until annual open enrollment.

## PURPOSE

It is the purpose of the Benefit Plan to help provide County employees with a current, competitive, and comprehensive compensation package by supplementing the county pay plan and thereby broadening the compensation base of County employees.

The plan shall be uniformly administered in accordance with the applicable provisions of these Rules and Regulations which shall govern all matters relative to the benefits to be received by covered County employees.

All actions within the realm of the benefit plan are subject to availability of funds and shall be appropriately modified and controlled in this regard by the County Commission.

Changes in some of the benefit plan may, as appropriate, be recommended by the Board, and such changes shall become effective upon approval of the County Commission. Upon adoption and effectuation, the benefit plan shall constitute the official benefit compensation for positions under the System. Benefits are a privilege of employment and can be changed or revoked at any time.

As a result of employment with Fayette County, an employee who meets the eligibly requirements shall be eligible for all applicable benefits.

Benefits are personal to the employee and cannot be assigned to other employees.

## POLICY

There shall be a consistent and uniform process for a County employee to participate in the Deferred Compensation Plan.

## PROCEDURE

Deferred Compensation (457)

The Board of Commissioners may adopt a retirement plan(s) for employees, appointed officials and elected officials. The Board of Commissioners may adopt different plans for different classes of employees. Once adopted by the Board of Commissioners, plan documents will be made available to employees.

Eligibility

Benefits are available to all regular full-time employees who are actively at work and receive compensation for a minimum of 40 hours per week unless protected by law.

Enrollment

Regular full-time employees are eligible to enroll in Deferred Contribution Plans, to the extent made available by the Board of Commissioners, the first of the month following 3 months of employment.

Effective

Benefits become effective the first of the quarter following 3 months of employment.

Contributions

Contributions are the responsibility of the Employee.

Termination of coverage upon separation of employment

Benefits terminate on the last day of employment unless otherwise noted.

## PURPOSE

It is the purpose of the Retirement Plan to help provide County employees with a current, competitive, and comprehensive compensation package by supplementing the county pay plan and thereby broadening the compensation base of County employees.

The plan shall be uniformly administered in accordance with the applicable provisions of these Rules and Regulations which shall govern all matters relative to the benefits to be received by covered County employees.

All actions within the realm of the benefit plan are subject to availability of funds and shall be appropriately modified and controlled in this regard by the County Commission.

Changes in some of the benefit plan may, as appropriate, be recommended by the Board, and such changes shall become effective upon approval of the County Commission. Upon adoption and effectuation, the benefit plan shall constitute the official benefit compensation for positions under the System. Benefits are a privilege of employment and can be changed or revoked at any time.

As a result of employment with Fayette County, an employee who meets the eligibly requirements shall be eligible for all applicable benefits.

Benefits are personal to the employee and cannot be assigned to other employees.

## POLICY

There shall be a consistent and uniform process for providing County employees with a defined contribution retirement plan.

## PROCEDURE

The Board of Commissioners may adopt a retirement plan(s) for employees, appointed officials, and elected officials. The Board of Commissioners may adopt different plans for different classes of employees. Once adopted by the Board of Commissioners, plan documents will be made available to employees.

### Eligibility

Benefits are available to all regular full-time who are actively at work and receive compensation for a minimum of 40 hours per week unless protected by law.

The Board of Commissioners may adopt a plan with mandatory participation. In such a case, every employee who is required to participate shall be enrolled in the plan.

### Enrollment

Regular full-time employees who are eligible/required to enroll in the official retirement plan as provided by Fayette County may enroll immediately upon employment commencement.

## PURPOSE

It is the purpose of the Benefit Plan to help provide County employees with a current, competitive, and comprehensive compensation package by supplementing the county pay plan and thereby broadening the compensation base of County employees.

The plan shall be uniformly administered in accordance with the applicable provisions of these Rules and Regulations which shall govern all matters relative to the benefits to be received by covered County employees.

All actions within the realm of the benefit plan are subject to availability of funds and shall be appropriately modified and controlled in this regard by the County Commission.

Changes in some of the benefit plan may, as appropriate, be recommended by the Board, and such changes shall become effective upon approval of the County Commission. Upon adoption and effectuation, the benefit plan shall constitute the official benefit compensation for positions under the System. Benefits are a privilege of employment and can be changed or revoked at any time.

As a result of employment with Fayette County, an employee who meets the eligibly requirements shall be eligible for all applicable benefits.

Benefits are personal to the employee and cannot be assigned to other employees.

## POLICY

There shall be a consistent and uniform process for providing County employees and family members living in the same household an Employee Assistance Program. Any such program may be terminated by the Board of Commissioners at any time.

## PROCEDURE

Employee Assistant Program

This benefit provides confidential counseling by a professional counselor for marital, family, child behavior, health, financial, alcohol/drug abuse, legal, emotional, stress, grief, spouse abuse, child abuse, or other personal concerns which affect employee job performance.

Eligibility

Benefits may be available to all regular full-time and regular part-time employees who are actively at work and receive compensation for a minimum of 25 hours per week unless protected by law.

Enrollment

Regular full-time and regular part-time employees may be enrolled in the EAP plan provided by Fayette County the first of the month following 3 months of employment.

Effective

Benefits may become effective the first of the month following 3 months of employment.

Contributions/Premiums

Contributions and/or premiums may be the responsibility of the County.

Termination of Coverage

Benefits terminate on the last day of employment; if you no longer meet the eligibility requirements; if you fail to pay required contributions; if you waive coverage or the Group Contract ceases.

## PURPOSE

It is the purpose of the Benefit Plan to help provide County employees with a current, competitive, and comprehensive compensation package by supplementing the county pay plan and thereby broadening the compensation base of County employees.

The plan shall be uniformly administered in accordance with the applicable provisions of these Rules and Regulations which shall govern all matters relative to the benefits to be received by covered County employees.

All actions within the realm of the benefit plan are subject to availability of funds and shall be appropriately modified and controlled in this regard by the County Commission.

Changes in some of the benefit plan may, as appropriate, be recommended by the Board, and such changes shall become effective upon approval of the County Commission. Upon adoption and effectuation, the benefit plan shall constitute the official benefit compensation for positions under the System. Benefits are a privilege of employment and can be changed or revoked at any time.

As a result of employment with Fayette County, an employee who meets the eligibly requirements may be eligible for all applicable benefits.

Benefits are personal to the employee and cannot be assigned to other employees.

Additional benefits may be made available. These include but are not limited to credit union memberships, savings bonds and Fayette County Library Card.

Employees and family members residing at the employee's residence may receive emergency medical transportation free of charge so long as the residence is within the jurisdiction of the Fayette County Emergency Services.

## POLICY

There shall be a consistent and uniform process in providing regular full-time and regular part-time County employees a comprehensive health, wellness and prescription programs.

## PROCEDURE

<u>Healthcare</u>

The County provides comprehensive health, wellness and prescription program in accordance with Consolidated Omnibus Budget Reconciliation Act. Specific coverage is defined in the Summary of Benefits.

Eligibility

Benefits are available to all regular full-time employees who are actively at work and receive compensation for a minimum of 30 hours per week unless protected by law.

Enrollment

Regular full-time and regular part-time employees are eligible to enroll in one healthcare plan provided by Fayette County the first of the month following 3 months of employment.

Failure to enroll

Failure to enroll in any of these programs timely will result in no coverage until the following plan year's open enrollment period or a qualifying Family Status Change as defined in Internal Revenue Service Code 125. To acquire some of the coverages at that time may require acceptable Evidence of Insurability from the insurance carrier.

Effective

Benefits become effective the first of the month following 3 months of employment.

Contributions/Premiums

Contributions and/or premiums will be shared by the County and eligible employees as defined by the Board of Commissioners. Employees who elect optional or supplemental coverage will be responsible for the entire contribution and/or premium.

Change in Coverage

Coverage that is governed under Section 125 of the IRS code may permit certain changes mid-year in the event a recognized Family Status Change (i.e. marriage, divorce, legal separation, birth, death, spouse's loss of coverage or other qualifying event) occurs. An employee may make changes (add/drop coverage) to their existing county health plan. However, the employee must notify Human Resources within 30 days of the qualifying event to be eligible for changes.

Termination of coverage

Benefits terminate on the last day of employment; if you no longer meet the eligibility requirements; if you fail to pay required contributions; if you waive coverage or the Group Contract ceases.

COBRA - Consolidated Omnibus Budget Reconciliation Act

An employee may be eligible to continue coverage for qualifying events as defined in the COBRA Policy.

## PURPOSE

It is the purpose of the Benefit Plan to help provide County employees with a current, competitive, and comprehensive compensation package by supplementing the county pay plan and thereby broadening the compensation base of County employees.

The plan shall be uniformly administered in accordance with the applicable provisions of these Rules and Regulations which shall govern all matters relative to the benefits to be received by covered County employees.

All actions within the realm of the benefit plan are subject to availability of funds and shall be appropriately modified and controlled in this regard by the County Commission.

Changes in some of the benefit plan may, as appropriate, be recommended by the Board, and such changes shall become effective upon approval of the County Commission. Upon adoption and effectuation, the benefit plan shall constitute the official benefit compensation for positions under the System. Benefits are a privilege of employment and can be changed or revoked at any time.

As a result of employment with Fayette County, an employee who meets the eligibly requirements shall be eligible for all applicable benefits.

Benefits are personal to the employee and cannot be assigned to other employees.

## POLICY

There shall be a consistent and uniform process for providing regular full-time and regular part-time County employees with basic life insurance/accidental death and dismemberment benefits.

## PROCEDURE

Life

The County provides each employee with basic life insurance and accidental death and dismemberment in the amount of one times the employee's annual salary up to a maximum of $50,000. Dependent coverage is available. Supplemental life insurance is available. (Acceptable Evidence of Insurability may be required)

Eligibility

Benefits are available to all regular full-time employees.

Enrollment

Regular full-time and regular part-time employees are enrolled in the Life Insurance Plan provided by Fayette County the first of the month following 3 months of employment.

Failure to enroll

Failure to enroll in any of these programs timely will result in no coverage until the following plan year's open enrollment period or a qualifying Family Status Change as defined in IRS code 125. To acquire some of the coverage at that time may require acceptable Evidence of Insurability from the insurance carrier.

Effective

Benefits become effective the first of the month following 3 months of employment.

Contributions/Premiums

Contributions and/or premiums for employee life are the responsibility of the County. Contributions and/or premiums for dependent life will be shared by the County and eligible employees as defined by the Board of Commissioners. Employees who elect optional or supplemental coverage will be responsible for the entire contribution and/or premium.

Change in Coverage

Coverage that is governed under Section 125 of the IRS code may permit certain changes mid-year in the event a recognized Family Status Change (i.e. marriage, divorce, legal separation, birth, death, spouse's loss of coverage or other qualifying event) occurs. An employee may make changes (add/drop coverage) to their existing county health plan. However, the employee must notify Human Resources within 30 days of the qualifying event to be eligible for changes.

Termination of coverage upon separation of employment

Benefits terminate on the last day of employment; if you no longer meet the eligibility requirements; if you fail to pay required contributions; if you waive coverage or the Group Contract ceases.

## PURPOSE

It is the purpose of the Benefit Plan to help provide County employees with a current, competitive, and comprehensive compensation package by supplementing the county pay plan and thereby broadening the compensation base of County employees.

## POLICY

The plan shall be uniformly administered in accordance with the applicable provisions of these Rules and Regulations which shall govern all matters relative to the benefits to be received by covered County employees.

All actions within the realm of the benefit plan are subject to availability of funds and shall be appropriately modified and controlled in this regard by the County Commission.

Changes in some of the benefit plan may, as appropriate, be recommended by the Board, and such changes shall become effective upon approval of the County Commission. Upon adoption and effectuation, the benefit plan shall constitute the official benefit compensation for positions under the System. Benefits are a privilege of employment and can be changed or revoked at any time.

As a result of employment with Fayette County, an employee who meets the eligibly requirements shall be eligible for all applicable benefits.

Benefits are personal to the employee and cannot be assigned to other employees.

## PROCEDURE

### Long Term Disability

The County provides a Long-Term Disability Plan which begins to pay benefits after you've been disabled for a specific number of days. You are eligible to receive a percentage of your basic monthly earnings, not to exceed a maximum monthly benefit, less other income benefits you receive such as Social Security, Worker's Compensation and Government Benefits as defined in the certificate of coverage.

### Eligibility

Benefits are available to all regular full-time employees.

### Enrollment

Regular full-time employees are enrolled in the long term disability plan provided by Fayette County the first of the month following 3 months of employment.

### Effective

Benefits become effective the first of the month following 3 months of employment.

Contributions/Premiums

Contributions and/or premiums are the responsibility of the County.

Termination of coverage upon separation of employment

Benefits terminate on the last day of employment; if you no longer meet the eligibility requirements or the Group Contract ceases.

## PURPOSE

It is the purpose of the Benefit Plan to help provide County employees with a current, competitive, and comprehensive compensation package by supplementing the county pay plan and thereby broadening the compensation base of County employees.

## POLICY

There shall be a uniform process for the administration of the Reimbursement Plan to eligible County employees.

## PROCEDURE

The plan shall be uniformly administered in accordance with the applicable provisions of these Rules and Regulations which shall govern all matters relative to the benefits to be received by covered County employees.

All actions within the realm of the benefit plan are subject to availability of funds and shall be appropriately modified and controlled in this regard by the County Commission.

Changes in some of the benefit plan may, as appropriate, be recommended by the Board, and such changes shall become effective upon approval of the County Commission. Upon adoption and effectuation, the benefit plan shall constitute the official benefit compensation for positions under the System. Benefits are a privilege of employment and can be changed or revoked at any time.

As a result of employment with Fayette County, an employee who meets the eligibly requirements shall be eligible for all applicable benefits.

Benefits are personal to the employee and cannot be assigned to other employees.

<u>Reimbursement Plan</u>

The Reimbursement Plan reimburses for out of pocket expenses incurred for eligible expenses and must be submitted for payment within one year after service or treatment was received.

Dental - The plan reimburses a defined percentage up to a specific amount per eligible person in a calendar year.

Orthodontic - The plan reimburses a defined percentage up to a specific amount per eligible person up to a lifetime maximum.

Vision – The plan reimburses a defined amount per eligible person in a calendar year.

Weight Loss – The plan reimburses a defined amount per eligible person up to a lifetime maximum.

Smoking Cessation – The plan reimburses a specific amount per eligible person up to a lifetime maximum.

Eligibility

Benefits are available to all regular full-time employees.

Enrollment

Regular full-time employees are eligible to enroll in the reimbursement plans at the same level of coverage as their health plan provided by Fayette County the first of the month following 3 months of employment.

Failure to enroll

Failure to enroll in any of these programs timely will result in no coverage until the following plan year's open enrollment period or a qualifying Family Status Change as defined in IRS code 125. To acquire some of the coverages at that time may require acceptable Evidence of Insurability from the insurance carrier.

Effective

Benefits become effective the first of the month following 3 months of employment.

Contributions/Premiums

Contributions and/or premiums will be shared by the County and eligible employees as defined by the Board of Commissioners. Employees who elect optional or supplemental coverage will be responsible for the entire contribution and/or premium.

Change in Coverage

Coverages that are governed under Section 125 of the IRS code may permit certain changes mid-year in the event a recognized Family Status Change (i.e. marriage, divorce, legal separation, birth, death, spouse's loss of coverage or other qualifying event) occurs. An employee may make changes (add/drop coverage) to their existing county health plan. However, the employee must notify Human Resources within 30 days of the qualifying event to be eligible for changes.

Termination of coverage

Benefits terminate on the last day of employment; if you no longer meet the eligibility requirements; if you fail to pay required contributions; if you waive coverage or the Group Contract ceases.

COBRA - Consolidated Omnibus Budget Reconciliation Act

An employee may be eligible to continue coverage for qualifying events as defined in the COBRA Policy.

## PURPOSE

It is the purpose of the Benefit Plan to help provide County employees with a current, competitive, and comprehensive compensation package by supplementing the county pay plan and thereby broadening the compensation base of County employees.

The plan shall be uniformly administered in accordance with the applicable provisions of these Rules and Regulations which shall govern all matters relative to the benefits to be received by covered County employees.

All actions within the realm of the benefit plan are subject to availability of funds and shall be appropriately modified and controlled in this regard by the County Commission.

Changes in some of the benefit plan may, as appropriate, be recommended by the Board, and such changes shall become effective upon approval of the County Commission. Upon adoption and effectuation, the benefit plan shall constitute the official benefit compensation for positions under the System. Benefits are a privilege of employment and can be changed or revoked at any time.

As a result of employment with Fayette County, an employee who meets the eligibly requirements shall be eligible for all applicable benefits.

Benefits are personal to the employee and cannot be assigned to other employees.

## POLICY

There shall be a consistent and uniform process for regular part-time and regular full-time County employees to receive short term disability benefits.

## PROCEDURE

Short Term Disability

Short-Term Disability is an optional employee benefit which begins to pay benefits for a defined period of time after you've been disabled for a specific number of days. You are eligible to receive a percentage of your basic weekly earnings, not to exceed a maximum weekly benefit less other income benefits you receive such as Social Security, and Government Benefits as defined in the certificate of coverage.

Eligibility

Benefits are available to all regular full-time employees.

Enrollment

Regular full-time employees are eligible to enroll in the Short Term Disability Plan provided by Fayette County the first of the month following 3 months of employment.

Failure to enroll

Failure to enroll in any of these programs timely will result in no coverage until the following plan year's open enrollment period. To acquire some of the coverages at that time, may require acceptable Evidence of Insurability from the insurance carrier.

Effective

Benefits become effective the first of the month following 3 months of employment.

Contributions/Premiums

Contributions and/or premiums are the responsibility of the employee.

Termination of coverage

Benefits terminate on the last day of employment; if you no longer meet the eligibility requirements; if you fail to pay required contributions; if you waive coverage or the Group Contract ceases.

## PURPOSE

It is the purpose of the Benefit Plan to help provide County employees with a current, competitive, and comprehensive compensation package by supplementing the county pay plan and thereby broadening the compensation base of County employees.

The plan shall be uniformly administered in accordance with the applicable provisions of these Rules and Regulations which shall govern all matters relative to the benefits to be received by covered County employees.

All actions within the realm of the benefit plan are subject to availability of funds and shall be appropriately modified and controlled in this regard by the County Commission.

Changes in some of the benefit plan may, as appropriate, be recommended by the Board, and such changes shall become effective upon approval of the County Commission. Upon adoption and effectuation, the benefit plan shall constitute the official benefit compensation for positions under the System. Benefits are a privilege of employment and can be changed or revoked at any time.

As a result of employment with Fayette County, an employee who meets the eligibly requirements shall be eligible for all applicable benefits. Benefits are personal to the employee and cannot be assigned to other employees.

## POLICY

There shall be a consistent process for participation in the Social Security program.

## PROCEDURE

### Social Security

Social Security and Medicare taxes are withheld from your salary and the County pays the equal employers' share of the taxes. This is true, regardless of your age. Your earnings will be reported to SSA every year just like any other worker's earnings.

### Eligibility

Participation in the Social Security program is mandatory with respect to the payment of Social Security taxes. Unless specifically exempt by law, everyone working in the United States is required to pay Social Security taxes on earnings from employment. These earnings are subject to Social Security tax without regard to the citizenship or place of residence of either the employer or the employee. Enrollment is effective immediately upon employment unless specifically exempt by law.

### Deduction

Deductions will be shared by the County and employee as defined by law.

## PURPOSE

The purpose of this disciplinary policy is to provide supervisors with a fair and objective guide for determining the seriousness of an employee's unsatisfactory work performance or misconduct. The seriousness of the unsatisfactory work performance or misconduct shall determine the appropriate disciplinary action to be taken.

## POLICY

There will be a minimum standard of conduct expected of each employee of the County. An employee shall conduct himself/herself in a manner compatible with public service and the position to which he/she may occupy. Conduct which is not compatible with public service and/or the position of the employee will be subject to a progressive disciplinary policy. All regular full-time and regular part-time employees who have successfully completed their new hire probationary period and are within departments which are part of the classified service shall be covered under this policy.

## PROCEDURE

Progressive Policy

All regular full-time and regular part-time employees shall fall within the County's progressive disciplinary policy. When appropriate, disciplinary actions less severe than dismissal shall be taken in an attempt to correct an employee's unsatisfactory work performance or misconduct. A dismissal is appropriate only when a serious offense of the type outlined herein has occurred or where an employee's unsatisfactory work performance or misconduct has continued in spite of efforts to correct the behavior. Disciplinary action may take any of the following forms and is not necessarily restricted to the order set forth below:

Verbal reprimand
Written reprimand
Suspension
Demotion
Dismissal

All disciplinary actions which are adverse actions may be appealed by the employee using the County's Appeal procedure. However, only those adverse actions which diminish the employee's pay (i.e. suspension, demotion, dismissal) may be appealed to the County Administrator.

Definitions

Verbal Reprimand - A discussion between the supervisor and the employee where the employee is advised and cautioned about his/her unsatisfactory work performance or misconduct. Verbal reprimands are given for offenses which are less severe in nature but which require correction in the interest of maintaining a productive and well managed work force.
Written Reprimand - Documentation presented to the employee from the supervisor wherein the employee is advised and cautioned about his/her unsatisfactory work performance or misconduct.

Written reprimands are generally given where a verbal reprimand has not successfully corrected the behavior at issue. However, it is not necessary that a verbal reprimand be issued prior to the issuance of a written reprimand.

Suspension - The temporary prohibiting of an employee from performing his/her duties. The suspension period shall be without pay. Suspensions are given for acts of misconduct of a serious nature, including unsatisfactory work performance or misconduct which continues after discipline has previously been imposed. Suspensions may also occur where an employee's continued presence on the job is deemed to be a substantial and immediate threat to the welfare of the employee's department, other departments, or to the public.

Administrative Leave - The temporary prohibiting of an employee from performing his/her duties. The leave period shall be with pay. Employees are placed on administrative leave, when necessary, for the purpose of conducting investigations in order to determine whether or not disciplinary action is appropriate.

Demotion - A reduction of the pay grade of an employee and a change in job duties and responsibilities. Demotions can occur as an intermediate discipline or as an alternative to termination in Second or Third Group offenses and in cases of continued commission of First Group offenses after discipline has been imposed for prior First Group offenses.

Dismissal - An involuntary separation from employment initiated by the County as a result of the employee's unsatisfactory work performance or misconduct. An employee may be dismissed for acts and/or behavior of such a serious nature that a first occurrence should warrant termination. An employee may also be dismissed for unsatisfactory performance or misconduct of a less serious nature which continues where discipline has been imposed for prior unsatisfactory performance or misconduct.

Adverse Action - An action taken by the County toward an employee resulting in either a loss of pay, a change in job duties or responsibilities due to unsatisfactory work performance or misconduct, or documentation made part of the employee's personnel file due to unsatisfactory work performance or misconduct. Examples of adverse action are: written reprimand, suspension, demotion and dismissal.

Mitigating Circumstances - Those conditions related to a given offense that would serve to support a reduction of corrective action in the interest of fairness and objectivity, including consideration of an employee's work history with the County.

Types of Offenses

Unacceptable conduct has been divided into three (3) types of offenses according to severity. The severity of the discipline chosen by the supervisor must fit the seriousness of the offense. If there are mitigating circumstances, supervisors may reduce the discipline, but they must state their reasons for such action.

First Group Offenses (Examples Only)

a. Unsatisfactory attendance or tardiness;
b. Abuse of County time, such as: Unauthorized time away from work area; or failure to notify supervisor promptly of completion of assigned work;
c. Use of obscene or abusive language;
d. Inadequate or unsatisfactory job performance;
e. Violating the Safety and Loss Control Policy where there is not a threat to life;
f. Failure to timely report a work related accident.

Second Group Offenses (Examples Only)

a. Failure to follow supervisor's instructions, perform assigned work or otherwise comply with applicable established written policies;
b. Reporting to work when under the influence of alcohol or unlawful controlled substances;
c. Leaving the work area without proper notice to supervisor;
d. Unauthorized use, misuse, or inappropriate use of County property or records;
e. Unauthorized installation of computer programs;
f. Conviction of or failure to report, a moving traffic violation, or accident, while using a County vehicle.

Third Group Offenses (Examples Only)

a. Absence or leave without a satisfactory explanation;
b. Unlawful possession, consumption, distribution, sale or manufacturing of controlled substances and/or alcohol;
c. Falsifying any records such as, but not limited to: vouchers, reports, insurance claims, time records, leave records, or other official records;
d. Willfully or negligently damaging or defacing County property or property of another;
e. Theft or unauthorized removal of County property or property of another;
f. Acts of physical violence or fighting;
g. Engaging in sexual activities while on the job or on County property;
h. Violating safety rules where there is a threat to life;
i. Unauthorized sleeping during working hours;
j. Participating in any kind of work slowdown, sit down, or similar concerted interference with County operations;
k. Unauthorized possession or use of firearms, dangerous weapons or explosives;
l. Threatening or coercing employees or supervisory personnel;
m. Criminal convictions for acts of conduct occurring on or off the job which are related to job performance or are of such a nature that to continue the employee in the assigned position could constitute negligence in regard to the department's duties to the public or to other County employees;
n. Sexual and racial harassment, including but not limited to: making unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature and either (1) making submission to such conduct by another

employee an explicit or implicit term or condition of employment, or (2) making another employee's submission to or rejection of such conduct the basis for employment decisions which affect that employee;

o. Failure to follow supervisor's instructions when such failure poses critical problems to the operation of the department;
p. Illegal gambling while at work;
q. Violation of the Code of Ethics.

Not All Inclusive

The offenses listed herein are not intended to be all inclusive. Conduct which, in the judgment of the Department Head and/or Division Director, although not listed, would seriously undermine the effectiveness of the County's activities or the employee's performance, should be treated as an offense to be dealt with consistent with the provisions herein.

Verbal Reprimands

Verbal Reprimands shall be issued in the following manner:

1. The supervisor shall discuss the behavior at issue with the employee and advise him/her of the need for corrective action.
2. The supervisor shall recommend a corrective course of conduct appropriate to the behavior at issue. This discussion is a verbal reprimand.
3. Failure on the part of the employee to successfully correct his/her behavior could result in a written reprimand.

Adverse Actions

The procedure for commencing an adverse action against an employee shall be as follows:

1. The issuance of the adverse action from the supervisor to the employee shall occur in a meeting between the supervisor and the employee where the supervisor explains the reason(s), as documented, for the adverse action.
2. The supervisor shall warn the employee on the appropriate notice form of the type of further possible disciplinary action which could be imposed if the behavior at issue is not corrected.
3. The supervisor shall provide the employee an opportunity to comment in writing.
4. The supervisor shall provide the employee an opportunity to sign the document. Should the employee refuse to sign, the supervisor shall note such refusal on the document where appropriate.
5. The supervisor shall notify the employee in writing of the employee's right to appeal (if any) in accordance with the County's Appeal procedure.
6. The supervisor shall provide the employee a copy of the document at the end of this meeting.
7. The supervisor shall place all documentation generated by this process in the employee's file.

Procedure to Appeal Adverse Actions

The employee must present a written appeal request to their Department Head or Division Director within five (5) work days of when the adverse action was issued to the employee. The Department Head or Division Director shall issue a written decision supporting, reversing, or modifying the adverse action to the employee within five (5) work days of receipt of the written request for review. The written decision shall also notify the employee of the employee's right to appeal (if any) in accordance with the County's Appeal procedure. The written decision shall be provided to the employee and placed in the employee's personnel record.

If the employee is dissatisfied with the decision of the Department Head or Division Director, The employee may request that the adverse action be reviewed by the County Administrator. The employee must present a written request to the County Administrator within five (5) work days of receipt of the written decision of the Department Head or Division Director. The County Administrator shall review all the documentation surrounding the adverse action and render a written decision supporting, reversing, or modifying the adverse action within five (5) work days of receipt of the written request for review. The written decision of the County Administrator will be the final decision in the appeal process. Any further action taken by the employee must be through civil court proceedings. The written decision shall be provided to the employee and placed in the employee's personnel record.

Procedure to Appeal Adverse Actions, Supervisory Personnel

This appeal procedure shall be followed as described above except that when the employee at issue reports directly to a Division Director or is a Division Director, the appeal process shall be amended accordingly.

When the employee reports directly to a Division Director, the appeal procedure will commence with the meeting between the employee and the Division Director.

Where the employee is a Division Director, the appeal procedure shall consist of a meeting with or review by the County Administrator.

Adverse Actions as Part of Employee's Personnel File

Documentation from adverse actions shall be placed in and become part of the employee's personnel file.

Meeting and Response Time Frames

Notwithstanding any provisions in this policy to the contrary, should any meeting or response time frame contemplated herein involving the Department Head, Division Director or County Administrator conflict with the Department Head's, Division Director's or County Administrator's ability to accomplish same, the Department Head, Division Director or County Administrator, as the case may be, shall notify the employee in writing of the inability to meet the meeting or response time frame and the reason therefore. This written notification shall be mailed to the employee's home address. The Department Head, Division Director or County

Administrator, as the case may be, shall provide an alternate meeting date or response date within the aforementioned written notification.

Emergency Action

The County Administrator, Division Director and/or Department Head may take immediate action against an employee under emergency situations. The immediate action will be to place the employee on administrative leave until an investigation can be conducted. If discipline is appropriate, the foregoing disciplinary procedures will be followed. Examples of emergency situations include crimes of moral turpitude, commission of a felony, injurious or dangerous behavior, and damage to or destruction of public property.

## PURPOSE

A grievance is a complaint made by an employee concerning the application of these policies and procedures, unfair treatment, working conditions, or unlawful discrimination affecting the employee's employment with the County.

## POLICY

There shall be a consistent process for a County employee to file a grievance.

## PROCEDURE

Most employee concerns or complaints can be resolved informally through communications between the employee and his/her supervisor. Accordingly, employees are encouraged to take their complaints to their immediate supervisor and then to upper-management levels to seek a solution. Employees are encouraged to pursue these grievance issues through the grievance procedure.

### Definition

A grievance is a claim initiated by an employee and filed on a Grievance Form supplied by the County alleging:

1. That the employee's employment or productivity has been adversely affected by unfair treatment;
2. Unsafe or unhealthy working conditions;
3. Erroneous or capricious application of County policy and procedures; or
4. Unlawful discrimination.

### Areas That May Not Be Grieved

The following may not be grieved:

1. Issues which are pending or have been concluded by other administrative or judicial procedures;
2. Work assignments which do not result in a demotion or salary reduction;
3. Budget allocations and expectations, and organizational structure, including the person(s) or number of persons assigned to particular jobs or units;
4. The content or rating of a performance evaluation; or
5. Adverse Actions.

### Determination of Grievability

The grievance procedure is commenced by the employee making a request by filling out the Grievance Form supplied by the County for a ruling of grievability from the County Administrator within five (5) work days following the occurrence of the issue being grieved. The County Administrator shall respond in writing within five (5) work days. The written decision shall be provided to the employee and placed in the employee's personnel record.

No grievance may be addressed before grievability has been determined. The decision of the County Administrator shall be the Final Decision of the County as to grievability.

Initiating Grievance Procedure

An employee must file a written grievance within five (5) work days of the favorable ruling from the County Administrator as to grievability to their Department Head or Division Director. The Department Head or Division Director shall respond in writing within five (5) work days following receipt of the grievance. The written decision shall be provided to the employee and placed in the employee's personnel record.

Should the grievance remain unresolved after the meeting with the Department Head or Division Director, the employee may present the grievance to the County Administrator. The employee must present a written request to the County Administrator for this review within five (5) work days of the Grievant' s receipt of the Division Director's written response. The County Administrator shall review the action taken and issue a written response to the employee within five (5) work days. The written decision shall be provided to the employee and placed in the employee's personnel record. The response from the County Administrator is the Final Decision of the County with respect to the grievance.

## PURPOSE

The purpose of this policy is to set standards for time and attendance issues in regards to non-exempt employees and to also outline disciplinary actions that will be used to enforce these standards.

## POLICY

There shall be a consistent process for non-exempt employees to clock in and clock out for their scheduled work period.

## PROCEDURE

Accurately reporting time is the responsibility of every employee. Fayette County must keep an accurate record of time worked in order to calculate employee pay and benefits. All employees will be required to clock in at the beginning and clock out at the end of their scheduled work period. Each employee must clock himself/herself in or out. Fayette County requires that all hourly or non-exempt employees, except poll workers and bailiffs, clock in and out at a time reporting device.

The normal working hours for employees shall be as scheduled by the various Agency/Department Directors, with such schedules to be established so that the needs of the department to deliver services to the citizens are met. Such schedules shall be approved by the County Administrator. Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule. The meal periods should be scheduled to allow for continuous staffing of offices with at least one person, except where more personnel are required to be on duty.

Recording Time

All payroll administrators are to adhere to the payroll policies and procedures to maintain accurate records for reporting and auditing of time. Payroll administrators are responsible for editing and reviewing missed punches, employee sick leave, vacation and other paid absences on a daily basis. Employees without access to the time and attendance system can review their time upon request with their payroll administrator. All payroll documentation must be approved and forwarded to human resources for processing.

1. Not Clocking In - Employees that do not clock in or out must sign in at the designated area for their department at their required start and end time. Failure to properly record time may result in lost wages and disciplinary action up to and including discharge.

2. Miss Rule - Employees are expected to personally clock in and out each workday at their designated time and place using proper procedures. If an employee fails to clock in and/or out, the employee will be subject to disciplinary action.

3. Wrongful Clocking In/Out - Fayette County will consider the action of one employee

clocking in or out for another employee as an act of fraud. Improper actions include but are not limited to: clocking in or out for another employee, impersonation of one's identity for any purpose and/or any action that is defined by law as illegal.

Payroll Calculations

The automated time and attendance system is programmed to calculate the hours on timecards in accordance with the Fayette County Policies and Procedures and the Fair Labor Standards Act (FLSA), Section 406, Examples of Non-compensable Time.

1. Clock-ins - The time system rounds the employee's punch in time to the start time of the scheduled work period if the employee punches in within seven minutes prior to their scheduled start time. Example: If an employee clocks in between 7:53-8:00, they will be paid as arriving at 8:00.

2. Clock-outs - The time system rounds the employee's punch out time to the end time of the scheduled work period if the employee punches out within seven minutes after the end of their scheduled shift. Example: If an employee clocks out between 4:53-5:07, they will be paid as leaving at 5:00.

Time waiting to clock in or out is considered non-compensable time.

3. Late Arrivals – Time recorded after the scheduled start time will be considered late and the employee will be subject to disciplinary action.

Request for Leave Time

The earliest possible notice of intent to take leave shall be given by the employee. All requests for leave shall be submitted to the employee's immediate supervisor at least two weeks in advance. Department heads may grant leave with a shorter notice if the work load of the department permits. A copy of the leave request form must be attached to the department's payroll for the appropriate time period. Failure to submit forms for approved leave within the appropriate pay period will result in loss of wages.

Tardiness and Absences

Vacation and compensatory time can not be used to compensate the employee for wages lost due to late arrivals, early departures and unauthorized absences.

| **Type** | **Description** |
|---|---|
| Late Arrival | • Reporting to work station after the start time of the scheduled work period;<br>• Returning to work station late from lunch. |
| Early Departure | • Leaving work station and/or clocking out before normal scheduled work period or assigned lunch period |
| No call/no show | • Not reporting to work at beginning of normal scheduled work |

| | |
|---|---|
| | period;<br>• Failure to notify supervisor of absence no later than 1 hour prior to reporting time;<br>• Failure to report to work for three (3) consecutive work days. |
| Authorized Absence | • Personal illness – a doctor's statement may be required;<br>• Death in family – if covered by Funeral Leave;<br>• Jury Duty and other court appearances required by law;<br>• Military leave;<br>• Event covered under the Family And Medical Leave Act;<br>• County paid vacations and holidays;<br>• Compensatory time;<br>• Other absences approved by supervisor. |
| Unauthorized Absence | • Absence from the job during a scheduled work period without approval of the employee's supervisor or department head. |

Unauthorized Time Off Corrective Process

Unauthorized time away from work, either tardy or absent, shall be subject to corrective actions. In order to be excluded from corrective action, employees with qualifying events must fulfill their reporting and status update requirements as outlined in the County's FMLA Policy.

Overtime/Compensatory Time

All overtime/compensatory time must have supervisor's approval prior to commencing the work. Overtime/compensatory time must have the approval of the County Administrator. No overtime/compensatory time shall be paid to employees and other parties exempt from, or not covered by, FLSA.

Overtime is paid to all non-exempt employees in accordance with federal and state wage and hour restrictions. Overtime pay is based on actual hours worked. Time off for sick leave, vacation, bereavement pay, compensatory time or leave without pay will not be considered hours worked for purposes of performing overtime calculations, with the exclusion of call back pay and firefighter "Kelly Days" in accordance with FLSA.

Attendance at Training Classes or Meetings

Employees scheduled to attend a training class or meeting at the start or end of their normal scheduled work period, at an onsite location other than their normal work area, should clock in at the designated time clock for that area. If the training or meeting is offsite, time will be manually entered for that day by the payroll administrator. These exceptions should be approved in advance by the employee's supervisor.

Lunch Period

The County designates a specific lunch period for each employee. Employees who take extended lunch periods will be subject to disciplinary action and will not be compensated for time not worked unless prior approval has been granted.

Holiday Pay

In order to receive Holiday Pay, employees must work their scheduled hours before and after the holiday, or be on approved paid leave the day immediately before and after the holiday.

The definition of Approved Paid Leave as it pertains to eligibility for Holiday Pay:

- Using Annual Leave or Accrued Comp Time that was scheduled and approved in advance of the Holiday
- Bereavement Leave
- On Jury Duty
- Using Sick Leave that was scheduled and approved in advance of the Holiday (e.g. scheduled surgery or medical procedure)

Violations

Clocking in or out for another employee will result in termination for all employees involved. All County employees are expected to abide by this policy and record their work hours. Failure to do so will result in disciplinary action up to and including discharge.

Editing timecards in order to falsify an employee's time will result in termination for all employees involved.

Revised: 6.18.2013

## PURPOSE

Under the authority and approval of the Fayette County Board of Commissioners and the County Administrator, the Human Resources Department has established Human Resources Rules and Regulations for all employees.

It is with this authorization that the Human Resources Department publishes these rules and regulations to become effective 01-19-2005.

## POLICY

There shall be a consistent process regarding the use and disclosure of medical information of County employees.

## PROCEDURE

THIS POLICY DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU MAY GET ACCESS TO THIS INFORMATION. (If you are an employee of Fayette County and have questions about this notice, contact Human Resources, all others can contact Division Chief Steven G. Folden.)

OUR PLEDGE REGARDING MEDICAL INFORMATION:

"We understand that medical information about you and your health is personal. We are committed to protecting medical information about you. We create a record of the care and services you receive with Fayette County. We need this record to provide you with quality care and to comply with certain legal requirements. This notice applies to all the records of your care generated by Fayette County, whether made by the Emergency Services or the associated facility you are carried to or from."

This policy tells the employee how the Human Resources Department may use and disclose medical information about you. It also describes your rights and certain obligations the Human Resources Department has regarding the use and disclosure of medical information.

Human Resources is required by law to:

1. Ensure that medical information that identifies you is kept private.

2. Provide notice of our legal duties and privacy practices with respect to medial information about you; and,

3. Follow the terms of the notice that is currently in effect.

## SCOPE

This directive is applicable to all Fayette County employees.

## PROCEDURE

All copies of these rules and regulations shall remain the property of Fayette County.

It shall be the responsibility of all Fayette County employees to be familiar with the contents of the Policy and Procedure manual.

A. HOW WE MAY USE AND DISCLOSE MEDICAL INFORMATION ABOUT YOU:

The following categories describe different ways the Human Resources Department may use and/or disclose medical information. For each category of use or disclosure, this document will explain what we mean and provide some examples. Not every use or disclosure in a category will be listed. However, all of the ways Human Resources is permitted to use and disclose information will fall within one of the categories.

i. For Treatment. We may use medical information about you to provide you with medical treatment or services. We may disclose medical information about you to doctors, nurses, technicians, medical students, or other hospital personnel who are involved in taking care of you with Fayette County. For example, a doctor treating you for a broken leg may need to know if you have diabetes because diabetes may slow the healing process. We also may disclose medical information about you to people outside the hospital who may be involved in your medical care after you leave the hospital, such as family members, clergy or other service providers that are part of your care.

ii. For Payment. We may use and disclose medical information about you so that the treatment and services you have received from Fayette County may be billed to and payment may be collected from you, an insurance company or a third party. For example, we may need to give health care information about treatment you received at the ambulance service so that your health plan will pay us or reimburse you for the care and transportation.

iii. For Health Care Operations. We may use and disclose medical information about you for ambulance operations. These uses and disclosures are necessary to operate the emergency services and ensure that all of our patients receive quality care. For example, we may use medical information to review our treatment and services and to evaluate the performance of our staff in caring for you. We may also combine medical information about many ambulance patients to decide what additional services Fayette County should offer, what services are not needed, and whether certain new treatments are effective. We may also disclose information to doctors, nurses, technicians, medical students, and other department personnel for review and learning purposes. We may also combine the medical information we have with medical information from other ambulance services to compare our

performance to other emergency services and identify any areas where we can make improvements in the care and services we offer. We may remove information that specifically identifies you from this set of medical information so that others may use it to study health care and health care delivery while we protect your privacy.

iv. Individuals Involved in Your Care or Payment for Your Care. We may release medical information about you to a friend or family member who is involved in your medical care. We may also give information to someone who helps pay for your care. In addition, we may disclose medical information about you to an entity assisting in a disaster relief effort so that your family can be notified about your condition, status and location.

v. Research. Under certain circumstances, we may use and disclose medical information about you for research purposes. For example, a research project may involve comparing the health and recovery of all patients who received one medication to those who received another medication, for the same condition. All research projects are subject to a special approval process. This process involves an evaluation of a proposed research project and the use made of medical information during the project. An attempt will be made to balance the research needs with patients (need for privacy of their medical information. Before we use or disclose medical information for research, the project will be approved through this research approval process. However, we may disclose medical information about you to people preparing to conduct a research project to help them look for patients with specific medical needs. This will be done only so long as the medical information they review does not leave Fayette County's possession. We will almost always ask you for your specified permission if the researcher will have access to your name, address or other information that reveals your identity, or will be involved in your care with the ambulance service.

vi. As Required By Law. We will disclose medical information about you when required to do so by federal, state or local law.

vii. To Avert a Serious Threat to Health or Safety. We may use and disclose medical information about you when necessary to prevent a serious threat to your health and safety or the health and safety of the public or another person. Any disclosure will be made only to an individual capable of preventing that threat.

viii. SPECIAL SITUATIONS

a. Organ and Tissue Donation. If you are an organ donor, we may release medical information to organizations that handle organ procurement or organ, eye or tissue transplantation or to an organ donation bank, as necessary to facilitate organ or tissue donation and transplantation.

b. Workers Compensation. We may release medical information about you

for workers compensation or similar programs. These programs provide benefits for work-related injuries or illness.

c. Public Health Risks. We may disclose medical information about you for public health activities. These activities generally include the following:

i. prevention or control of disease, injury or disability;

ii. reporting births and deaths;

iii. reporting child abuse or neglect;

iv. reporting reactions to medications or problems with products;

v. notification of people that a product they may be using, has been recalled;

vi. notification of those persons who may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition;

vii. notification of the appropriate government authority, when we believe a patient has been the victim of abuse, neglect or domestic violence. We will only make this disclosure if you agree or when required or authorized by law.

d. Health Oversight Activities. We may disclose medical information to a health oversight agency for activities authorized by law. These oversight activities include audits, investigations, inspections, and licensure. These activities are necessary for the government to monitor the health care system, government programs, and compliance with civil rights laws.

e. Lawsuits and Disputes. If you are involved in a lawsuit or a dispute, we may disclose medical information about you in response to a court or administrative order. We may also disclose medical information about you in response to a subpoena, discovery request, or other lawful process by someone else involved in the dispute, but only after efforts has been made to inform you about the request or to obtain an order protecting the information requested.

f. Law Enforcement. We may release medical information if asked to do so by a law enforcement official:

i. In response to a court order, subpoena, warrant, summons or similar process;

ii. In response to National Security and Intelligence activities;

iii. To identify or locate a suspect, fugitive, material witness, or missing person;

iv. About the victim of a crime if, under certain limited circumstances, we are unable to obtain the person's agreement;

v. About a death we believe may be the result of criminal conduct; and

vi. In emergency circumstances to report a crime; the location of the crime or victims; or the identity, description or location of the person who committed the crime.

g. Coroner, Medical Examiners, and Funeral Directors. We may release medical information to a coroner or medical examiner. This may be necessary, for example, to identify a deceased person or determine the cause of death. We may also release medical information about patients of the ambulance service to funeral directors as necessary to carry out their duties.

h. Inmates. If you are an inmate of a correctional institution or under the custody of a law enforcement official, we may release medical information about you to the correctional institution or law enforcement official. This release would be necessary (1) for the institution to provide you with health care; (2) to protect your health and safety or the health and safety of others; or (3) for the safety and security of the correctional institution.

B. YOUR RIGHTS REGARDING MEDICAL INFORMATION ABOUT YOU:

You have the following rights regarding medical information we maintain about you:

1. Right to Inspect and Copy. You have the right to inspect and copy medical information that may be used to make decisions about your care. Usually, this includes medical and billing records, but does not include separate incident related reports.

2. To inspect and copy medical information that may be used to make decisions about you, you must submit your request in writing to the HIPAA Compliance Officer. If you request a copy of the information, we may charge a fee for the cost of copying, mailing or other supplies associated with your request.

3. We may deny your request to inspect and copy in certain very limited circumstances. (See Policy on Patient Access to, Amendment of, and Restriction on the use of Protected Health Information). If you are denied access to medical information, you may request that the denial be reviewed. Another Licensed Health Care Professional, chosen by Fayette County, will review your request and the denial. The person conducting the review will not be the person who denied your request. We will comply with the outcome of the review.

4. Right to Amend. If you feel that medical information we have about you is incorrect or incomplete, you may ask us to amend the information. You have the right to request an amendment for as long as the information is kept by or for Fayette County.

5. To request an amendment, your request must be made in writing and submitted to the HIPAA Compliance Officer. In addition, you must provide a reason that supports your request.

6. We may deny your request for an amendment if it is not in writing or does not include a reason to support the request. In addition, we may deny your request if you ask us to amend information that:

   a. Was not created by us, unless the person or entity that created the information is no longer available to make the amendment;

   b. Is not part of the medical information kept by or for Fayette County;

   c. Is not part of the information which you would be permitted to inspect and copy; or

   d. Is accurate and complete.

7. Right to an Accounting of Disclosures. You have the right to request an accounting of disclosures. This is a list of the disclosures we made of medical information about you.

8. To request this list of accounting of disclosures, you must submit your request in writing to the HIPAA Compliance Officer. Your request must state a time period which may not be longer than six years and may not include dates before April 04, 2003. The first list you request within a 12 month period will be free. For additional lists, we may charge you for the cost of providing the list. We will notify you of the cost involved and you may choose to withdraw or modify your request at that time before any costs are incurred.

9. Right to Request Restrictions. You have the right to request a restriction or limitation on our use and disclosure of medical information pertaining to your treatment, payment or health care operations. You also have the right to request that we limit the disclosure of medical information about you to someone who is involved in your care or the payment for your care, like a family member or friend. For example, you could ask that we not use or disclose information about your transportation.

10. We are not required to agree to your request. If we do agree, we will comply with your request unless the information is needed to provide you emergency treatment.

11. To request restrictions, you must make your request in writing to the HIPAA Compliance Officer. In your request, you must tell us (1) what information you want to limit; (2) whether you want to limit our use, disclosure or both; and (3) to whom you want the limits to apply, for example, disclosures to your spouse.

12. Right to Request Confidential Communications. You have the right to request that we communicate with you about medical matters in a certain way or at a certain location. For example, you can ask that we only contact you at work or by mail.

13. To request confidential communications, you must make a request in writing to the HIPAA Compliance Officer. We will not ask you the reason for your request. We will accommodate all reasonable requests. Your request must specify how or where you wish to be contacted.

14. Right to a Paper Copy of this Notice. You have the right to paper copy of this notice. You may ask us to give you a copy of this notice at any time. Even if you have agreed to receive this notice electronically, you are entitled to a paper copy of this notice.

15. You may obtain a copy of this notice at our website, www.fayettecountyga.gov

16. To obtain a paper copy of this notice, send a written request to:

Steven G. Folden
HIPAA Compliance Officer/Privacy Officer
140 Stonewall Avenue, Suite 214
Fayetteville, GA 30214

The County reserves the right to change this notice. The County reserves the right to make the revised or changed notice effective for medical information we already have about you as well as any information we receive in the future. We will post a copy of the current notice in our facilities and in our ambulances. The notice will contain the effective date. In addition, each time you are provided medical services by Fayette County, we will offer you a copy of the notice currently in effect.

COMPLAINTS:

If you believe your privacy rights have been violated, you may file a complaint with Fayette County or with the Secretary of the Department of Health and Human Services. To file a complaint with Fayette County, contact Division Chief Steven G. Folden. All complaints must be submitted in writing. You will not be penalized for filing a complaint.

OTHER USES OF MEDICAL INFORMATION:

Other uses and disclosures of medical information not covered by this notice or the laws that apply to us will be made only with your written permission. If you provide us permission to use or disclose medical information about you, you may revoke that permission, in writing, at any time. If you revoke your permission, we will no longer use or disclose medical information about you for the reasons covered by your written authorization. You understand that we are unable to

take back any disclosures we have already made with your permission, and that we are required to retain our records of the care that we provided to you.

C. FAYETTE COUNTY POLICY ON DESIGNATED RECORD SETS

Purpose - Ensure that Fayette County releases medical information about your Protected Health Information (PHI), in accordance with the HIPAA Privacy Rule. This policy establishes a definition of the information that should be accessible to patients as part of the Designated Record Set (DRS). Under the Privacy Rule, the DRS include medical records that are created or used by Fayette County to make medical decisions about a patient.

Policy - The DRS should only include PHI and should not include information used for operational purposes of the organization, such as quality assurance data, accident reports, and incident reports. The types of information that should be included in the DRS are medical records and billing records.

Procedure - The Designated Record Set

1. The DRS for any request for access to PHI includes the following records:

   a. The patient care report or PCR created by E.M.S. (Emergency Medical Services) field personnel (this includes any photographs, monitor strips, physician certification statements, refusal of care forms, or other source data that is incorporated and/or attached to the PCR.):

   b. The electronic claims records or other paper records of submission of actual claims to my medical or other insurance companies;

   c. Any patient specific claim information, including responses from insurance payers, such as remittance advice statements, Explanation of Medicare Benefits (EOMBs), charge screens, patient account statements, signature authorization and agreement to pay documents.

   d. Medicare Advance Beneficiary Notices, notices from insurance companies indicating coverage determinations, documentation submitted by the patient, and copies of the patient's insurance card or policy coverage summary, that related directly to the care of the patient;

   e. Amendments to PHI, and statements of disagreement filed by the patient when a request to amend is denied, or an accurate summary of the statement of disagreement.

2. The DRS also includes copies of records created by other service providers and other health care providers such as first responder units, assisting ambulance services, air medical services, nursing homes, hospitals, police departments, coroner's offices, etc., that are used by Fayette County for treatment and payment purposes related to the patient.

3. The DRS shall be maintained on-site by Fayette County for a period of six (6) years. After this time, the DRS will be purged of any identifiable personal information and destroyed by means of a commercial shredding device. The HIPAA Compliance Officer or his designee shall be responsible for DRS destruction and shall take reasonable steps to assure that the process is performed in accordance with HIPAA guidelines.

D. FAYETTE COUNTY - PROTECTED HEALTH INFORMATION POLICY

Purpose - Ensure that personal Protected Health Information (PHI) is protected so that the fear associated with seeking health care or disclosing sensitive information to health care professionals is removed. To ensure that personal health information is protected during its collection, use, disclosure, storage, and destruction by Fayette County.

Definitions:

1. "Protected Health Information" (PHI) means all information, recorded or exchanged verbally about an identifiable individual that relates to:

a. An individual's health, or health care history, including genetic information about the individual or the individual's family.

b. Information that has been learned or observed by the officials or employees of Fayette County, including conduct or behavior that may be a result of illness or the effect of treatment.

c. Patients who are employees or their families will have their privacy protected in the same manner as all other patients.

d. Payment for healthcare provided to the individual, and includes:

i. the personal health identification number and any other identifying number, symbol, etc. assigned to an individual.

ii.any identifying information about an individual that is collected in the course of, and is incidental to, the provision of health care or payment for health care.

2. "Persons associated with Fayette County" includes all contracted individuals, volunteers, students, researchers, Fayette County staff, educators, members of the Board of Commissioners, and employees or agents of any of the above mentioned persons or groups.

Policy - All Fayette County employees and persons associated with Fayette County are responsible for protecting the security of all PHI (oral or recorded in any form) that is obtained, handled, learned, heard or viewed in the course of their work or association with Fayette County.

1. PHI shall be protected during its collection, use, storage and destruction by Fayette County.

2. Use or disclosure of PHI is acceptable only in the discharge of one's responsibilities and duties (including reporting duties imposed by legislation) and based on the need to know. Discussion regarding PHI should not take place in the presence of persons not entitled to possess such information or in public places.

3. The execution of a Personal Health Information Pledge of Confidentiality (see attachment) is required as a condition of employment/contract/association/appointment with Fayette County. All Fayette County employees and persons associated with Fayette County are to sign the Confidentiality Pledge at the commencement of their relationship with Fayette County.

4. Unauthorized use or disclosure of confidential information will result in a disciplinary response up to and including termination of employment/ contract/ association/appointment with Fayette County. A person convicted of an offense under the applicable Federal Law may be required to pay a fine of up to $250,000 and incur a prison term of up to 10 years. A confirmed breach of confidentiality may be reported to the Georgia Department of Human Resources or the individual's professional regulatory body.

5. All individuals who become aware of a possible breach of the security or confidentiality of Personal Health Information are to follow the procedures outlined below.

Pledge Procedure - As a condition of employment, an employee of Fayette County who will have access to or are responsible for Protected Health Information, will be required to sign a confidentiality pledge. The administration of this pledge is to be handled by the Human Resource Department and the pledge is to be placed in the employee's personnel file. All persons not included above will sign a confidentiality pledge at the time a contract to work with Fayette County is signed, or upon the commencement of work for the Fayette County.

Procedure For Alleged Breach of Confidentiality - All allegations of a breach of confidentiality involving Personal Health Information may be made to the HIPAA Compliance Officer or Human Resource Director of Fayette County. Any individual receiving an allegation of breach of confidentiality, having knowledge of a breach, or a reasonable belief that a breach of confidentiality of PHI may have occurred should immediately notify his/her supervisor or the HIPAA Compliance Officer.

The HIPAA Compliance Officer or a designee in consultation with the employee's supervisor will decide whether to proceed with an investigation. It may be decided that a complaint does not require investigation if:

1. The length of time that has elapsed since the date of the incident makes an investigation no longer practicable or desirable.

2. The subject matter of the complaint is trivial, the complaint was not made in good faith, or the complaint is frivolous.

3. The circumstances of the complaint do not require investigation.

If the decision is made to proceed with an investigation, it is the responsibility of the employee's supervisor and the HIPAA Compliance Officer to investigate the allegation and consult appropriate resources to make a determination of whether a breach of confidentiality involving PHI has occurred.

If a breach of confidentiality involving PHI has occurred, disciplinary action should be taken in accordance with article 7, section 7.4 of Fayette County's Disciplinary Policy. Breach of confidentiality of PHI is considered a (Third Group Offense.)

All incidents involving a breach of confidentiality involving PHI should be documented and filed in the Human Resources Department (employee's file) and the office of the HIPAA Compliance Officer.

D. Fayette County Policy on Patient Access to, Amendment of, and Restriction on the Use of Protected Health Information

Purpose:

1. Under the HIPAA Privacy Rule, individuals have the right to access, request amendment to, or restrict the use of any personal Protected Health Information, or PHI, that is maintained in the Designated Record Set or DRS (See Policy on Designated Record Sets).

2. To ensure that Fayette County only releases the PHI that is covered under the HIPAA Privacy Rule, this policy outlines procedures for handling requests by patients or the appropriate representative for access, amendment, and restriction on the use of PHI.

3. This policy also establishes the procedure by which patients or appropriate representatives may access PHI, request amendment to PHI, and request a restriction on the use of PHI.

Policy - Only information contained in the DRS outlined in this policy (See Policy on Designated Record Sets) is to be provided to patients who request access, amendment and restriction on the use of their PHI in accordance with the HIPAA Privacy Rule and the Privacy Practices of Fayette County.

Procedure

1. Patient access

   a. Upon presentation to the business office, the patient or appropriate representative will complete a Request for Access Form.

   b. The County employee must verify the patient's identity, and if the requester is not the patient, the name of the individual and reason that the request is being made by this individual. The use of a driver's license, Social Security card, or other form of government issued identification is acceptable for this purpose.

c. The completed form will be presented to the HIPAA Compliance Officer (a.k.a. the Privacy Officer) for action.

d. The HIPAA Compliance Officer will act upon the request within 30 days, preferably sooner. Generally the County must respond to requests for access to PHI within 30 days of receipt of the access request. If the Designated Record Set is not maintained on site, the response period may be extended to 60 days.

e. If the County is unable to respond to the request within the 30 day time frame, the County must provide a written notice to the requester no later than the initial due date for a response. This notice will explain the reason for the delay, which will allow the County to extend the response time by an additional 30 days.

f. Upon approval of access, the patient will have the right to access the PHI contained in the DRS, outlined below, and may make a copy of the PHI contained in the DRS upon verbal or written request.

g. Access to the actual files or computers that contain the DRS being sought by the patient or appropriate representative should not be permitted. Rather, copies of the records should be provided for the patient or requester to view in a confidential area, under the direct supervision of a designated county staff member. UNDER NO CIRCUMSTANCES SHOULD ORIGINALS OF ANY PHI LEAVE THE PREMISES.

h. If the patient or requester would like to retain copies of the DRS, as provided by law, then the County may charge a reasonable fee for the cost of reproduction.

i. The County business office will establish a reasonable charge for copying PHI for the patient or appropriate representative.

j. Whenever a patient or appropriate representative accesses a DRS, a note should be maintained in a log book indicating the time and date of the request, the date access was provided, what specific records were provided for review, and what copies were left with the patient or appropriate representative.

2. Final Denial

a. Patient access may be denied for the reasons listed below, and in some cases the denial of access may be appealed to the County for review.

b. The following are reasons to deny access to PHI that are not subject to review and are final. They may not be appealed by the patient.

i. The information the patient requested was compiled in reasonable anticipation of, or use in, a civil, criminal or administrative action or proceeding;

ii. The information the patient requested was obtained from someone other than a health-care provider under a promise of confidentiality and the access requested would be reasonably likely to reveal the source of the information.

iii. The patient is an inmate and the information requested could jeopardize the health, safety, security, custody or rehabilitation of the patient-inmate or others.

iv. The information requested is not contained in the Designated Record Set (DRS) approved for review.

3. Appealable Denial

a. The following reasons to deny access to PHI are subject to review. The patient may appeal the denial.

i. The HIPAA Compliance Officer has determined, in the exercise of professional judgment, that the access requested is reasonably likely to endanger the life or physical safety of the individual or another person;

ii. the Protected Health Information makes reference to another person (other than a health-care provider) and the HIPAA Compliance Officer has determined, in the exercise of professional judgment, that the access requested is reasonably likely to cause substantial harm to that person;

iii. If the denial of the request for access to PHI is for reasons a, or b of this subpart, then the patient may request a review of the denial of access by sending a written request to the HIPAA Compliance Officer.

iv. The County will designate a Privacy Officer to review the decision to deny the patient access. The County will promptly refer the request to this designated review official. The review official will determine within a reasonable period of time whether the denial is appropriate. The County will provide the patient with written notice of the determination of the designated review official.

v. The patient may file a complaint in accordance with the Procedure for Filing Complaints About Privacy Practices if the patient is not satisfied with the county's determination.

b. Following a request for access to PHI, the patient or appropriate representative may request an amendment to PHI, and request restriction on the use of PHI in some circumstances.

4. Requests for Amendment to PHI

a. The patient or appropriate representative may only request amendment to PHI contained in the DRS. The Request for Amendment of PHI form must accompany any request for amendment.

b. The County must act upon a Request for Amendment of PHI within 60 days of

the request. If the County is unable to act upon the request within 60 days, it must provide the requester with a written statement of the reasons for delay, and in that case may extend the time period in which to comply by an additional 30 days.

5. Granting Requests for Amendment

   a. All requests for amendment must be forwarded immediately to the HIPAA Compliance Officer for review.

   b. If the HIPAA Compliance Officer grants the request for amendment, then the requester will receive a letter indicating that the appropriate amendment of the PHI has been made.

   c. There must be written permission provided by the patient so that the County may notify the persons with which the amendments need to be shared. The County must provide the amended information to those individuals identified as having previously received the PHI that has been amended and to those persons or Business Associates that currently have such information and may have relied on or could be reasonably expected to rely on the amended PHI in the future.

   d. The patient must identify individuals who may need the amended PHI and sign the statement in the Request for Amendment form giving the County permission to provide them with the updated PHI.

   e. The County will add the request for amendment, the denial or grant of the request, any statement of disagreement by the patient and any rebuttal statement by the County to the Designated Record Set.

6. Denial of Request for Amendment

   a. The County may deny a request to amend PHI for the following reasons: 1) the County did not create the PHI at issue; 2) the information is not part of the DRS; or 3) the information is currently accurate and complete.

   b. The County must provide a denial written in plain language stating the reason for the denial; the individual's right to submit a statement disagreeing with the denial; the procedure to file such a statement; notice that, if the individual does not submit a statement of disagreement, that individual may still request that the County provide the request for an amendment and the denial in any future disclosures of PHI; and a description of how the individual may file a complaint with the County (including the name and telephone number of the HIPAA Compliance Officer) or the Secretary of Health and Human Services.

   c. If the individual submits a Statement of Disagreement, the County may prepare a written rebuttal to the patient's Statement of Disagreement. The Statement of Disagreement will be appended to the PHI, or at the County's option, a summary

of the disagreement will be appended, along with the rebuttal statement of the County.

d. If the County received a notice from another covered entity, such as a hospital, that it has amended the PHI it maintains for a particular patient, the County must amend the PHI that it is authorized to amend and that may be affected by the amendments of the other entity.

7. Request for Restriction

a. The patient may request a restriction on the use and disclosure of PHI.

b. The County is not required to agree to any restriction, and given the emergency nature of many of our operations, we generally will not agree to a restriction.

c. ALL REQUESTS FOR RESTRICTION ON USE AND DISCLOSURE OF PHI MUST BE SUBMITTED IN WRITING ON THE APPROVED COUNTY FORM. ALL REQUESTS WILL BE REVIEWED AND APPROVED OR DENIED BY THE HIPAA COMPLIANCE OFFICER.

d. If the County agrees to a restriction, we may not use or disclose PHI in violation of the agreed-upon restriction, unless the patient who requested the restriction is in need of emergency services. Then, if the restricted PHI is needed to provide the emergency services, the County may use the restricted PHI or disclose such PHI to another health-care provider to provide treatment to the individual.

e. The agreement to restrict PHI will be documented to ensure that the restriction is followed.

f. The restriction may be terminated if the individual agrees to or requests the termination. Oral agreements to terminate restrictions must be documented. A current restriction may be terminated by the County as long as the County notifies the patient. Any PHI created or received after the restriction is removed will no longer be restricted. PHI that was restricted prior to the County removal of the restriction must continue to be treated as restricted PHI.

E. Procedure for Filing Complaints about Privacy Practices

YOU MAY MAKE A COMPLAINT DIRECTLY TO US - You have the right to make a complaint directly to the HIPAA Compliance Officer (a.k.a. the Privacy Officer) of Fayette County concerning our policies and procedures regarding the use and disclosure of Protected Health Information (PHI) about you. You may also make a complaint regarding our compliance with any of our established policies and procedures concerning the confidentiality, use, or disclosure of your PHI, or about the requirements of the Federal Privacy Rule.

All complaints should be directed to our HIPAA Compliance Officer at the following address and phone number:

Steven G. Folden
HIPAA Compliance Officer/Privacy Officer
140 Stonewall Avenue, Suite 214
Fayetteville, GA 30214

YOU MAY ALSO MAKE A COMPLAINT TO THE FEDERAL GOVERNMENT - If you believe Fayette County is not complying with the applicable requirements of the Federal Privacy Rule, you may file a complaint with the Secretary of the U.S. Department of Health and Human Services.

Requirements for filing complaints.

Complaints under this section must meet the following requirements.

1. A complaint must be filed in writing.

2. A complaint must name the entity that is the subject of the complaint and describe the acts or omissions believed to have occurred in violation of the applicable requirements of the Federal Privacy Rule or the applicable standards, requirements, and implementation specifications of subpart E of part 164 of the Federal Privacy Rule.

3. A complaint must be filed within 180 days of the time that the complainant knew or should have known that the act or omission complained of had occurred, unless the Secretary for demonstrated good cause waives this time limitation.

4. The Secretary may prescribe additional procedures for the filing of complaints, as well as the place and manner of filing, by notice in the Federal Register.

5. Investigation. The Secretary may investigate complaints. Such investigation may include a review of the pertinent policies, procedures, or practices of Fayette County and of the circumstances surrounding any alleged acts or omissions concerning compliance.

## PURPOSE

All personnel records of employees and all records and materials relating to the administration of the Human Resources system shall be considered confidential and the property of the County. An employee may not make use of or permit others to make use of confidential information acquired for the purpose of furthering a private interest acquired by virtue of employment with Fayette County. Information obtained in the course of official duties shall not be released by any employee other than by those officially charged with this responsibility.

## POLICY

There shall be a consistent and uniform process for requesting and handling of personnel information of County employees.

## PROCEDURE

All requests for personnel information must be processed through the Human Resources Department. The release of personnel records is governed under the Georgia Open Records Act.

## PURPOSE

To provide an alternative work duty program for employees who are injured due to an on the job accident and cannot perform routine job tasks required under normal operational duties.

The Alternative Work Duty Program may be made available to employees injured on the job on a case-by-case basis subject to the approval of Human Resources. The Workers Compensation Alternate Work Duty Program may be activated up to a period of 90 days.

## POLICY

There shall be a consistent and uniform process for a County employee's participation in the Alternative Work Duty Program.

## PROCEDURE

Employees who are injured on the job and cannot perform the routine functions of their jobs may be allowed to participate in the Alternative Work Duty Program should circumstances be applicable to the policies of this program.

1. All requests shall be accompanied by a signed physician's statement that the employee is unable to perform the routine functions of their respective jobs.

2. If assigned Department is unable to accommodate restrictions, Human Resources may search for other available positions within the County taking into consideration the skills and capabilities of the eligible employee.

3. Human Resources submits alternate job duty description, provided by the Department, to the treating physician for approval.

4. Upon approval by the treating physician, Human Resources will mail the employee a certified letter to reinforce the restrictions specified by the physician in conjunction with the Alternate Work Duty Program. At no time will the employee be expected to perform a task that will exceed the treating physician's restrictions.

5. Supervisor and employee to discuss progress weekly or upon return of doctor's appointment.

6. Employee to provide Human Resources with Medical Authorization Form/physician's statement after each visit to their authorized treating physician. Physician statements shall be updated every thirty days unless another time frame is specified by the physician.

7. Supervisor will report any difficulties encountered including, but not limited to the inability of the employee to perform the job; the employee's non-cooperation in performing the assigned duties; or non-cooperation of co-workers.

8. Human Resources will review Medical Authorization of full duty release with employee if the form is not returned, the employee will not be permitted to return to work.

9. Human Resources will advise assigned Department of employee's return to work date without restrictions.

Nothing within this program either through offer of or participation in shall constitute the creation of a new position or assignment.

## PURPOSE

The purpose of this policy is to establish that all employees of Fayette County have the right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive, or disruptive, including sexual harassment.

Fayette County is committed to maintaining a work environment that is free from unlawful discrimination and harassment where employees at all levels are able to devote their full attention and best efforts to their jobs. Unlawful harassment, either intentional or unintentional, has no place in the work environment. This policy ensures that in the workplace, each employee is able to accomplish his or her job without being subject to unlawful harassment.

Fayette County maintains that sexual harassment, intentional or unintentional, is a form of misconduct which undermines the integrity of the employment relationship. No employee – male or female – should be subject to unsolicited and unwelcomed sexual overtures or conduct, whether physical, verbal or visual. Sexual harassment refers to behavior which is not welcome, which is personally offensive, which debilitates morale, and which, therefore, interferes with work effectiveness. Fayette County will not tolerate sexual harassment in the workplace.

## POLICY

There shall be a consistent process for a County employee to file a harassment complaint and an investigation to be made.

## PROCEDURE

The county encourages employees, who believe that a situation is unjust, inequitable, and/or a hindrance to effective operation, or who otherwise perceive a work-related problem to exist, to bring any complaint of harassment to the attention of his or her supervisor, Department Head, Division Director or the Department of Human Resources by filing a written complaint.

After notification of an employee's complaint, management will immediately contact the Department of Human Resources.

After notification from management of an employee complaint, the Department of Human Resources will immediately initiate a confidential investigation to gather all facts about the complaint.

After the investigation has been completed, a determination will be made by the Director of Human Resources and the County Administrator regarding the resolution of the case. If warranted, disciplinary action will be taken, up to and including involuntary termination.

<u>Definition</u>

Discriminatory practices and harassment on the basis of race, color, religion, sex, national origin, age, disability, or any other reason prohibited by law, whether the harassment is caused by another employee, supervisor, manager or other person are unlawful. Harassment can include,

but is not limited to, slurs, epithets, threats, derogatory comments, and unwelcome jokes which would make a reasonable person experiencing such harassment uncomfortable in the work environment or which would interfere with the employee's job performance.

Sexual harassment is defined as any unwanted physical, verbal or visual sexual advances, requests for sexual favors, and other sexually-oriented conduct, which is offensive or objectionable to the recipient, including, but not limited to: epithets; derogatory or suggestive comments, slurs or gestures; offensive posters, cartoons, pictures, or drawings; or other conduct such as uninvited touching and sexually-related comments which tend to create an intimidating, hostile, or offensive work environment.

Violation

A violation of County policy to provide a workplace free of harassment would occur when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, e.g., promotion, training, timekeeping or overtime assignments, etc., or
2. Submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting such individual, or
3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

**Responsibilities**

Management

It is the responsibility of Department Heads, Division Directors and Supervisors to make sure that the workplace is in full compliance with this policy. Management, at all levels, is responsible for taking corrective action to prevent harassment in the workplace.

Employee

It is the responsibility of employees with complaints to report in writing such conduct to Management. If this is not appropriate, employees are urged to seek the assistance of the Department of Human Resources. Allegations of harassment will be promptly investigated, giving due regard to the need for confidentiality.

Human Resources

It is the responsibility of the Director of Human Resources to provide guidance, investigate charges of impropriety and recommend appropriate action. All complaints must be thoroughly investigated.

Confidentiality Provision

The identity of both complainant and alleged harasser will be protected throughout the investigation. Upon completion of the investigation all records become public record.

Protection Provision

Any employee making a complaint will not be subjected to disciplinary action, so long as the complaint was made in good faith. Any witnesses will also be protected from retaliation. An employee has the legal right at any time, when conduct comprising sexual harassment occurs, to raise the issue of sexual harassment without fear of reprisal.

Penalties

Any employee violating this policy will be subject to discipline ranging from a warning to termination, if appropriate. Civil penalties may also be imposed for violating the laws against harassment.

## PURPOSE

It is the purpose of this policy is to reduce the possibility of risk to the public who may visit county-owned facilities, and to promote the safety of County Government employees during periods of inclement weather.

Adverse weather conditions sometimes require a flexible approach to opening or closing County offices. County Offices may be closed at the discretion of the County Administrator, after an assessment of road conditions by the Fayette County Emergency Management Agency which determines that ice, snow, heavy rains, or other adverse conditions have created hazardous circumstances for the traveling public. It is the responsibility of the employee to obtain information regarding work status changes.

## POLICY

There shall be a consistent process for the opening and closing of County offices during periods of inclement weather.

## PROCEDURE

Plan A – Offices Closed

If Plan A is implemented by the County Administrator, County Offices will be closed all day and nonessential employees should not report to work. If a decision to close County offices is made before or after normal working hours, the County Administrator, or his designated agent, will notify radio and television stations and update the County Weather Number (770-305-5444). The radio/TV stations to tune to are: WSB, Chanel 2, WSB FM 95.5, WSB FM 98.5, or WSB AM 750. Nonessential employees should be advised to call the County Weather Number for current information concerning the status of office hours during inclement weather. Each department should assign one representative from within the department to contact employees who do not have a touch tone telephone. Employees will be compensated at their normal rate of pay for the period in which County offices were closed, provided however, an employee who has an unpaid absence for part or all of the regularly scheduled work day prior to an inclement weather day shall only receive compensation proportionate to the pay received for the prior work day.

Plan B – Delayed Opening

If Plan B is implemented by the County Administrator, nonessential employees should report to work at a time to be determined by the County Administrator. The above referenced media contacts and County Weather Number should be reviewed. Upon implementation of Plan B, a nonessential employee may arrive at his/her work site on or before the designated time without a penalty. Employees arriving after the designated time will be required to charge all time lost to accrued annual leave or accrued compensatory time. If an employee does not have accrued annual leave or accrued compensatory time, the employee's salary will be adjusted to reflect all lost time after the designated time with said amount to be deducted from the employee's next scheduled payroll check. Employees will be compensated at their normal rate of pay for the period prior to the designated time during which County offices were closed, provided however,

an employee who has an unpaid absence for part or all of the regularly scheduled work day prior to an inclement weather day shall only receive compensation proportionate to the pay received for the prior work day. Lost time prior to the designated time will not count toward leave without pay hours.

Weekend Personnel

The County Administrator will determine which plan of action will be implemented for nonessential employees who are required to report for work during weekend hours. Department Heads who are responsible for nonessential employees should contact the County Administrator, or his designated agent, via telephone, cellular phone or pager, for instructions for Plan A or B. Department Heads will then inform employees of action. Employees will be compensated at their normal rate of pay for the period during which the department is closed. Lost time will not count toward leave without pay hours.

Essential Personnel

Essential personnel are defined as employees who work in Public Safety, Public Works, Water System, 911 or where 24-hour personnel are essential to the operation. The designation of essential employees within these departments is at the Department Head's discretion. Employees who are classified as essential personnel and who are required to report to work while the County is operating during inclement weather conditions, will receive additional compensation at their normal rate of pay for the period in which he/she worked. Overtime policy applies to essential personnel who work hours in addition to their normal scheduled hours excluding additional compensation for hours worked during inclement weather. Compensation may be in the form of compensatory time.

Early Closing

In the event weather conditions become adverse during normal working hours, the County Administrator may dismiss nonessential employees. The County Administrator, or his designated agent, will advise Department Heads of the appropriate action to take. Employees will be compensated at their normal rate of pay for the period during which County offices were closed. Lost time will not count toward leave without pay hours.

Extenuating Circumstances

In the event of loss of power or heat, or if structural problems are sustained by a department, it will be at the discretion of the County Administrator, if and when said department will be closed. In departments where multiple sites exist, only the affected site will be closed. Employees will be compensated at their normal rate of pay for the period in which the department is closed. Lost time will not count toward leave without pay hours. Essential personnel will not receive additional compensation due to an extenuating circumstance.

## PURPOSE

The County reserves the right to inspect an employee's office, desk, locker, cabinets, drawers, county vehicle or other places in County buildings, without the employee's knowledge or consent when reasonable and/or necessary to do so. Such inspection may occur to obtain items such as, but not limited to, county documents, evidence of work-related, misconduct or missing articles.

## POLICY

There shall be a consistent process for the inspection of county property.

## PROCEDURE

Only a supervisor, department director or elected official may conduct such an inspection. All other employees should ask a supervisor, department director or elected official to retrieve any needed documents or missing articles from another's work area. Employees shall have no expectation of privacy in any desk, drawer, cabinet, vehicle, or any other county owned property.

## PURPOSE

The intent of this policy is to communicate that smoking is not allowed on County property.

## POLICY

There shall be specific regulations regarding smoking in and on Fayette County government property.

## PROCEDURE

Inasmuch as it is recognized that in order to promote and protect the health and welfare of the general public and public employees, smoking in public facilities owned and/or occupied by the Government of Fayette County, its agents and employees, Fayette County will be "smoke free," and as such the following restrictions shall apply:

1. At all Fayette County facilities, smoking shall be prohibited, both inside and outside.

2. Smoking is prohibited on all Fayette County property. This includes all outdoor sports complexes and public gathering locations.

3. Smoking is prohibited in all County vehicles.

ADMINISTRATIVE GUIDELINES

For the purpose of this policy, smoking is considered the use of any tobacco products, including smokeless tobacco products, as well as non-tobacco products containing nicotine, with the exception of nicotine containing products used as part of a smoking cessation program.

It shall be the responsibility of each employee to be familiar with and to comply with this policy. Department Heads and supervisory personnel shall be responsible for ensuring adherence to this policy. Reasonable limits, including time restrictions, shall be imposed by the department head or other supervisory persons to ensure maximum productivity of all department employees in respect to this policy. Violation of this policy will result in disciplinary action in accordance with the County's Personnel Policy.

## PURPOSE

The Fayette County Board of Commissioners is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any Fayette County employee illegally uses drugs on or off the job, comes to work under the influence, possesses, distributes or sells drugs in the work place, or abuses alcohol on the job. Fayette County has therefore established the following policy.

It is a violation of county policy for any county employee to use alcohol during or prior to working hours where the alcohol can be measured at the level of .02 grams or higher during working hours, said level being presumptively adverse to the safety of the workplace. Additionally, it is a violation of this policy for any county employee to manufacture, distribute, sell, use, or possess a controlled substance, marijuana, or dangerous drug in an unlawful manner, or to abuse prescription medication

## POLICY

There shall be a consistent process for the determination of substance abuse by a County employee and a uniform process for disciplinary actions if warranted.

## PROCEDURE

Prohibited Substances

1. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication containing alcohol which, when consumed, causes an alcohol concentration in excess of the level prescribed in the policy.

2. Controlled Substance: Fayette County will conduct urinalysis to detect the presence of the following substances:

    a. Marijuana

    b. Cocaine

    c. Opiates

    d. Amphetamines

    e. Phencyclidine (PCP)

3. Prescription medication in excess of normal prescribed amounts.

Types of required testing

1. Pre-employment testing. All applicants considered for employment will be tested. Any applicant testing positive shall be removed from further consideration for employment.

2. Physical fitness testing. All employees are required to be tested as a part of any required annual physical fitness examination.

3. Random testing. Employees whose job duties are considered "high risk" and could adversely affect or injure the public or other employees shall be placed on an eligible list by the County Administrator for random testing. Each year, Fayette County will conduct a number of random tests equal to 50% of the total average number of employees at the county during the calendar year who are subject to random testing.

4. Reasonable suspicion testing. Employees demonstrating abnormal or erratic behavior or impaired ability to perform work related tasks sufficient to convince a supervisor that possible use of an illegal substance or alcohol abuse or abuse of prescription medication is involved shall be tested.

5. Post-accident testing. Employees involved in an accident shall be tested in the event one of the following occurs:

    a. Personal injury to anyone

    b. Property damage of a serious nature in the judgment of a supervisor occurred.

6. Voluntary admission testing. An employee who notifies the County prior to request to test or an arrest that the employee illegally uses a controlled substance, marijuana, or a dangerous drug or abuses alcohol or prescription medication shall be tested upon such notification.

7. Return to duty testing. All employees testing positive in any required alcohol or substance abuse test must pass a Return to Duty Test prior to returning to the workplace.

<u>Drug Testing Process</u>

All required substance or alcohol abuse tests shall be administered by the Fayette County Marshal's Office or a qualified testing agency selected by the County Board of Commissioners.

The following process will be followed to accomplish the random testing requirements:

1. The Marshal's Office will randomly choose a select number of days for each month for testing. The testing will take place during both normal business hours and either before 8:00 a.m. or after 5:00 p.m. one day a month to accommodate those employees on other shifts.

2. On the day of the test the Marshal's Office will gather a list of employees to be tested using a random generating software program. This list will include a number of alternates in the case of the selected employee being on leave or on another work shift schedule.

3. The Marshal's Office will notify the appropriate department head or designee that their employee has been selected and will assign an appointment time for the testing.

4. If the department head or designee is unable to locate the employee, the department head will contact the Marshal's Office with this information, so the employee will not be reported as a failed test.

5. On arrival at the Marshal's Office the employee will be logged in, will be given an informational handout concerning the testing procedures and possible outcomes and will be sent to the employee break room to await the start of the testing process.

6. The employee will be escorted from the waiting area, through the rear door into the alcohol testing area. After the alcohol testing is completed the employee will then be escorted to the drug testing area.

7. After this sample is collected, the employee will be given a (completed testing form( indicating that the employee successfully complied with the Fayette County Substance Abuse Policy.

8. The employee will be given instructions to return the (completed testing form( to his/her department head or designee for that department's internal records.

9. At this point the employee will be allowed to leave and will be given the option of leaving the complex either by the rear outside stairs or thru the employee break room.

10. The alcohol results are immediate while the drug results will take from 24 to 36 hours depending on the collection time of the last sample. Only positive test results will be forwarded for corrective action.

**Alcohol – Negative Test**

A Fayette County employee whose alcohol breath test results in a level below the .02 grams (BAC) level will be deemed as passing this section of the test and will be given directions for the next step in the testing procedure.

**Alcohol – Positive Test**

A Fayette County employee whose alcohol testing results in a level of .02 grams or higher will be directed to a waiting area where the employee will be observed for a period of not less then 15 minutes. After this waiting period the employee will be given a second (confirmation) test.

If this confirmation test is below .02 grams the employee is deemed to have passed this section of the test and will be given directions for the next step in the testing procedure.

If the confirmation test is .02 or higher the employee has failed the alcohol test and the employee will be advised that they are in a suspended status without pay and the County Administrator and Human Resource Director will be notified.

The employee's supervisor and/or department head will also be immediately notified of the failed test and will be reminded that the employee is now in a "leave without pay status" pending a review of possible termination by the County Administrator.

The employee will be advised of the following:

1. The employee will not be allowed back to work until a "Return to Duty Test" is completed no sooner than (5) days or no later than 10 days from the date of the failed test. This time off is in: "without pay status."

2. The employee will be directed to the Human Resources Department for information concerning contacting the County's Employee Assistance Program (EAP) for any treatment, counseling or educational programs required by the EAP personnel. This referral is mandatory and the employee must bring back to the Marshal's Office proof that the employee has had or will have an appointment with the EAP provider before a retest can be scheduled.

3. If the employee drove a county owned vehicle to the testing location, arrangements will be made to return the vehicle back to the employee's office and the employee will be assisted in making transportation arrangements back to their place of employment. The Marshal's Office will provide transportation if required.

4. If the employee drove their own vehicle (POV) to the testing location and the failed test level was 0.06 grams or higher the employee will not be allowed to leave the complex in their POV. Instead the Marshal's Office will assist the employee in making transportation arrangements and their vehicle will be secured.

5. If the employee's level is .06 grams or above the employee may be subject to criminal prosecution depending on the results of any independently required investigation. The results of the random testing will not be used as evidence in a criminal case.

6. Any future positive test will result in the immediate and automatic termination of the employee.

**Drug – Negative Test**

When the Urine Sample is collected it is immediately forwarded to a certified testing facility where the testing takes place. All negative results are emailed to the Marshal's Office and the employee is not notified of the results. The results are then stored in a secure storage area in the Marshal's Office.

**Drug – Positive Test**

If the results of the original test are positive, a second confirmation test is conducted and a Medical Review Officer (MRO) reviews both tests. If the tests are confirmed, the results are immediately forwarded to the Marshal's Office. This testing procedure may take up to 36 hours.

The Chief Marshal or his designee will contact the employee's supervisor and/or department head with the positive results and the results will be forwarded to the Fayette County Administrator and the Director of Human Resources.

The employee will be advised of the following by their supervisor:

1. The employee will be placed in a suspension status, pending a review by the County Administrator for possible termination. The employee will not be allowed back to work until a "Return to Duty Test" is completed no sooner than 5 days and no later than 10 days from the date of notification of the positive test.

2. The "Return to Duty Test" will not be scheduled until the employee contacts the EAP for any treatment, counseling or educational programs required by the EAP providers. The EAP provider information is available at the Fayette County Human Resources Department.

3. The EAP referral is mandatory and the employee must bring back to the Marshal's Office proof that the employee has had or will have an appointment with the EAP provider before a retest can be scheduled.

   Any future positive test will result in the immediate and automatic termination of the employee.

   Refusal to Submit to an Alcohol or Drug Test

IF THE EMPLOYEE FAILS TO REPORT FOR THE SCHEDULED TESTING IT WILL BE CONSIDERED A POSITIVE TEST UNDER THIS POLICY.

Refusal by an employee of Fayette County to complete and sign the Breath Alcohol / Drug Testing Form, to provide breath or urine, to provide adequate amount of breath or urine or otherwise fail to cooperate with the testing process in any way that prevents the completion of the test(s) will be considered a positive test and the employee will be subject to disciplinary action up to and including termination.

Additionally, the refusal to test for either alcohol or controlled substances reasonably close in time to an on – the – job injury may adversely affect an employee's entitlement to workers' compensation benefits.

Duties of Directors, Department Heads or their Designees after an Employee's Positive Test:

As soon as the results of a positive test are known (alcohol immediate, drug up to 36 hours) the Chief Marshal or his designee should immediately notify the employee's supervisor and/or department head of the failed test and will email a copy of this Substance Abuse Policy Handout for departments/directors upon request.

The County Administrator will also be notified and will review for possible termination.

If the failed test was the alcohol test, the Marshal's Office will arrange transportation for the employee back to their place of employment.

The employee's supervisor and department head / director will meet with the employee in a private meeting and officially advise the employee the following:

1. The results of the failed test

2. Will notify the employee both verbally and in writing, that s/he is suspended without pay (LWOP) for at least 5 days and up to 10 days pending:

    a. the initial meeting with the EAP representative has been met or scheduled;

    b. the "Return to Duty Test" has been completed; and

    c. A return to work notice has been received from the Department of Human Resources.

3. The Department Head will further advise the employee that any future positive test will result in the employee's immediate and automatic termination.

The supervisor will assist the employee in contacting the Human Resources Department for EAP contact and appointment information. The contact with the EAP representative must be completed BEFORE a retest can be scheduled.

The supervisor will process and sign all disciplinary action paperwork before submitting it to HR. The LWOP leave slip for payroll should include the comment "Failure to Comply with County Policy."

The supervisor will provide to the employee Marshal's Office contact information to schedule a retest and the supervisor will arrange any required transportation for the employee.

The supervisor must wait for notification from HR on the eligibility of the employees return to work status. Upon the return to work or termination notice the department head will consult with the division director and contact the employee with either a return to work day or a termination of employment notice.

The supervisor will send the appropriate return to work or termination date to the Director of Human Resources.

The supervisor must ensure the confidentiality of the employee's status at all times

**Policy Certification**

The Fayette County drug free program is certified by the Georgia Workers Compensation Board in accordance with Title 34, Chapter 9, and Article 11 of the Official Code of Georgia Annotated.

**State of Confidentially**

All information received through substance abuse testing is confidential, but may be used or received in evidence, or obtained in discovery, or disclosed in any civil or administrative proceeding when the information is relevant to Fayette County's defense, e.g., worker's compensation hearing.

**Employee Assistance Program**

Fayette County offers resource information on various means of employee assistance in our community, including but not limited to drug and alcohol abuse programs. Employees are encouraged to use this resource file, which is located in the break room and is available at the Marshal's Office or Department of Human Resources. In addition, we will distribute this information to employees for their confidential use.

**Federal Drug Free Work Place Act of 1988**

As a condition of employment, employees must abide by the terms of this policy and must notify Fayette County in writing of any conviction of a violation of a criminal drug statute no later than five calendar days after such conviction.

**Employee Education**

Every employee of Fayette County should receive a minimum of two hours of education on substance abuse and its effects on the work place.

**Supervisor Training**

Supervisor training is critical to the overall success of the substance abuse program at Fayette County. The supervisor is the first line of defense in recognizing and dealing with the employee who may be affected by the drugs or alcohol.

Each supervisor will receive training in recognizing abuse problems and to make decisions dealing with such situations. All supervisors will receive the same training as employees.

## PURPOSE

It is the goal of the County to rid worksites of violent behavior or the threat of such behavior. It is the shared goal of employees, law enforcement agencies, and employee organizations to individually and jointly act to prevent or defuse, or to aid in preventing or defusing, actual or implied violent behavior at work.

Violence or the threat of violence, by or against any employee of Fayette County or other person is unacceptable and contrary to County policy, and will subject the perpetrator to serious disciplinary action up to and including termination and possible criminal charges. The County will work with law enforcement to aid in the prosecution of anyone not employed by the County who commits violent acts against employees.

Possession, use or threat of use, of a deadly weapon, including all firearms, is not permitted at work or on County property, including in a County vehicle, unless such possession or use of a weapon is a necessary and approved requirement of the job.

## POLICY

There shall be a consistent process for handling potential violence in the workplace and a uniformed process for disciplinary action taken for violence or threat of violence by a County employee.

## PROCEDURE

### Employee Guidelines

When an employee observes an act of violence, actual or threatened, including verbal or physical confrontation or assault at work the following steps should be taken:

1. Where imminent danger to any person is apparent, or an injury results from an altercation, call 911 and report as many details as possible so that the appropriate emergency response unit(s) can be dispatched. EMERGENCY SITUATIONS – CALL 911

2. Contact your Supervisor, Department Head or Division Director. In the event it is impossible or impractical to contact your Supervisor, Department Head or Division Director, contact the following:

    a. County Marshal's Office;

    b. Director of Human Resources; or

    c. County Administrator

The Marshal is the Workplace Critical Incident Coordinator. The Marshal or his/her designee will coordinate resources such as County Administration, the Sheriff's Office, Department of Human Resources, County Attorney and others as needed.

**Supervisor Guidelines**

The supervisor shall call 911 and shall further ensure the appropriate contact person has been notified in circumstances deemed by the supervisor to be an emergency. It is understood that the actions of a supervisor or other employee will be dependent on the seriousness of the situation and the nature of an altercation. However, consistent with personal safety, supervisors have a responsibility to defuse, and/or aid in defusing, violent or potentially violent situations as quickly as possible in order to prevent their escalation, which could create a threat to others.

In general, follow these steps:

1. Attempt to separate the employees involved. Take appropriate measures to prevent a verbal altercation from escalating into something more serious. If the employees cannot be separated, and imminent danger to any person is apparent, call 911 and follow the steps previously described.

2. Contact the appropriate Department Head, Division Director, County Administrator, Department of Human Resources and the Marshal's Office.

3. Once the situation is controlled, separately interview all persons involved, including any witnesses in order to obtain an accurate account of the incident.

All statements received from witnesses and others interviewed shall be reduced to written form. Those involved in an altercation, and those who are possible subjects of further disciplinary action based on the incident, have the right to be represented during the interview. If such representation is denied or questioning continues after representation has been requested, subsequent disciplinary action could be overturned or modified on appeal. It may be necessary to postpone an interview based upon the availability of a representative, where requested. Assistance in this process may be provided by the Marshal's Office.

**Suspension with or without Pay**

If the situation is serious enough that possible termination may be involved and/or the continued presence of an employee at the worksite would not be appropriate, given the circumstances, an employee may be immediately suspended with or without pay and ordered not to return to the worksite until an investigation is concluded. This action may be taken by the County Administrator, or by the Division Director and the Department Head with the approval of the County Administrator.

Workplace altercations, including minor ones involving only verbal exchanges, justify appropriate disciplinary action through the use of the County's progressive discipline policy. At any time during the review of an altercation, the Marshal's Office and the Director of Human Resources will be available for assistance upon request.

## PURPOSE

Workers' Compensation is a benefit program paid by the County which provides the employee with certain medical and lost income benefits if injured by accident in the performance of their job. It also provides benefits to your dependent(s) if you die as a result of the job-related accident/injury.

An employee may elect to receive compensation for accrued leave in lieu of workers' compensation.

Time spent on worker's compensation leave shall not be considered "hours worked" for purposes of leave accrual.

## POLICY

There shall be a uniform and consistent process for a County employee to follow regarding a workers' compensation claim for an on the job accident, injury or illness.

## PROCEDURE

Worker's Compensation/Accident Reporting Procedure

### Injury Occurrence:

1. At the time of injury the employee should refer to the panel of physicians listed within each department to seek medical attention appropriate to the extent of injury.

2. The employee shall report any injury to their supervisor at the time of occurrence, no later than 24 hours after the injury.

3. The employee and/or supervisor shall report the injury to Human Resources as soon after the injury as possible.

### Reporting Forms

1. After the injury has occurred the employee or their supervisor will complete a first report of injury (WC1). The circumstances surrounding the injury shall be detailed in the narrative. This form shall be completed within 24 hours of the injury.

2. A supervisor's investigation report will be completed within 72 hours after notification of the accident.

### Medical Treatment

1. Fayette County has retained the services of a panel of local physicians. Primary care will be provided by this panel. The panel of physicians is listed in each department.

2. In the event of an injury/illness requiring treatment, the employee will select the physician from the panel of doctors. NOTE: County Insurance and Prescription Drug cards will not be used in the cases of Worker's Comp injuries or illnesses.

3. Employee obtains treatment and submits Medical Authorization form to Human Resources.

4. Follow-up examinations and referral to other physicians must be approved by the Personnel Department to insure that the physician/facility is approved by the County.

5. Employee is to complete Election to use sick leave/vacation in lieu of compensation form obtained in Human Resources.

6. Employee will submit an FMLA application to department for an on the job accident, injury or illness which requires an absence from work in excess of 3 days and department to forward to Human Resources, if applicable.

7. Employee will report their progress to Human Resources after each follow up treatment by means of a medical authorization treatment form that should be obtained at the time of doctor's appointment.

8. An employee will not be permitted to return to work before reporting to Human Resources and submitting a full duty release.

In the case that a full duty release is not obtained but the employee may return to work under a modified job duty, please refer to Fayette County's Alternative Work Duty Program.

Volunteer firefighters are covered under a separate County insurance policy administered by Volunteer Firemen's Insurance Services. Contact Human Resources to report injuries within 24 hours.

Failure to follow the guidelines set forth by the department and the county could result in the claim not being paid.

**PURPOSE:**
It is the policy of the County to foster and maintain a work and business environment that minimizes workplace violence, security risks, and manages other such elements within the confines of prevailing law.

**POLICY:**

a) This policy shall apply to all full-time, part-time, paid, non-paid, temporary, and volunteer employees of the County, but does not include sworn or unsworn employees of the Sheriff's Office or employees who otherwise work under the supervision of the Sheriff.

b) Except as specifically provided herein, this policy shall apply to all employees regardless of any license or permit that such employee may have, including a valid weapons carry license.

c) This policy does not apply to firearms issued to employees by the County for use during employment. .

**<u>Prohibited Conduct:</u>**

a) No employee shall carry, possess, or transport a firearm, while on-duty or otherwise acting in the course of his or her employment, including inside any County government building and on the grounds of any County property.

b) No employee, whether on or off-duty and whether or not acting in the course of his or her employment, shall carry, possess, or transport a firearm inside a County government vehicle.

No employee who is off-duty or otherwise not acting in the course of his or her employment shall wear any uniform, shirt, jacket, hat, or other visible article of clothing or other item that identifies him or her as an employee of the County while carrying, possessing, or transporting a firearm. The purpose of this prohibition is to prevent misunderstandings or confusion among members of the general public as to the identity, position, authority, duties, or responsibilities of an off-duty employee of the County and to make clear that such an employee is not carrying, possessing, or transporting the firearm in the course of his or her employment.

**<u>Exceptions to Prohibited Conduct:</u>**

a) Employees with a valid weapons carry license may keep a firearm in a non-County motor vehicle that is parked in a County parking facility, as long as the weapon is contained in a locked compartment, locked container, or in a locked firearms rack.

b) Employees may possess a firearm for personal protection while traveling out of town on business purposes provided that, if the weapon is one for which State law requires a license, said employee holds such license.

c) In his or her sole discretion, the County Administrator shall be authorized to grant a temporary or limited exemption to an employee, in writing, upon a showing of good cause or other appropriate circumstances, provided that such exemption does not place the employee in violation of federal or state law.

**Reporting Violations; Investigations; Disciplinary Action:**

a) Any employee with reason to believe that a co-worker is in violation of this policy shall be expected and required to report same to a supervisor.

b) Reports of violations of this policy may be investigated, which investigation may require employees to allow the investigator access to their desks, lockers, purses, briefcases, bags, backpacks, etc. in the event there exists a justifiable suspicion that such search may produce evidence of such a violation.

c) Any employee found to be in violation of this policy shall be subject to disciplinary action, up to and including termination of employment.

**Construction:** This policy shall be construed and applied in a manner fully consistent with the United States Constitution, the Constitution of the State of Georgia, and HB 60 (2014).

## PURPOSE

Any full-time or regular part-time employee with the exclusion of department heads and division directors may be nominated and may participate in the program. The Employee of the Quarter award will be presented to one employee selected from division nominees who has demonstrated outstanding job performance and productivity, positive job attitude, loyalty, professional pride, low absenteeism rate and other noteworthy accomplishments.

Each quarter, a county Employee of The Quarter may be selected and will receive a check for the net amount of $100 that has been grossed up to compensate for tax withholding along with a day off with pay.

Each year, a county Employee of The Year may be selected from the quarterly county wide winners based on the same criteria for the selection of quarterly winners. The annual Employee of the Year may receive a plaque along with a check for the net amount of $500 that has been grossed up to compensate for tax withholding.

The Human Resources Department shall be responsible for program administration.

## POLICY

There shall be a consistent process for recognizing those County employees who have performed or provided a notable act, or exemplary achievement or service for the County.

## PROCEDURE

Nominations may be submitted by the employee, co-worker, supervisor, employee's department head, or Division Director.

Each quarter a panel consisting of the department heads and division director within each division may review the nominations and select an employee who they feel is deserving of being named the Employee of the Quarter. The name of the divisional nominee will be submitted along with supporting documentation to the selection committee for consideration as being named the county Employee of the Quarter.

The selection of the Employee of the Quarter and the Employee of the Year will be made by a committee consisting of the senior staff, the county administrator and a non-partisan, third party individual not employed by Fayette County.

Quarterly and annual awards will be presented at Board of Commissioners meetings.

A plaque will be maintained at the Administrative Complex with the names of the Employee of the Year award recipients.

For the purpose of administering this policy, the County departments will be grouped in the following divisions:

Public Works – Fleet Maintenance, Public Works, Roads

Public Safety – Animal Control, 911, Fire & Emergency Services, Marshal, Sheriff

Administrative – Administration, Commission, Elections, Finance, HR, Information Systems, Library, Purchasing, Tax Assessor, Tax Commissioner

Judicial – Clerk of Superior & State Court, Juvenile, Magistrate, Probate, Solicitor General, State Court Judge

Facilities Management – Building & Grounds Maintenance, Parks & Recreation, Water System

Community Development – Engineering, Permits & Inspections, Planning & Zoning, Solid Waste

## PURPOSE

Recognize employees for their length of service.

The County realizes the value of having a long-term and dedicated work force. In recognition of the value of the effort, time, and ability of County employees, the County has established a system of acknowledging and rewarding employees for their years of service to the County.

## POLICY

There shall be a consistent process for recognizing regular full-time and regular part-time employees for their length of service.

## PROCEDURE

Recognition

Regular full-time employees shall be recognized and rewarded for their years of service with Fayette County in accordance with the following schedule:

A. Five Years of Service
B. Ten Years of Service
C. Fifteen Years of Service
D. Twenty Years of Service
E. Twenty-Five Years of Service
F. Thirty Years of Service
G. Thirty-five Years of Service
H. Forty Years of Service

## PURPOSE

The purpose of this policy is to establish the Employee Relations Committee which will serve as a communication link between employees and management, thereby enabling top county management to receive direct feedback regarding working conditions and policies and procedures that affect the total workforce.

The Employee Relations Committee will meet quarterly and will consist of non-exempt employees from departments throughout the county. Attendees will receive information on current events within Fayette County Government and be able to ask questions regarding issues affecting county employees. Meetings will be conducted in an open forum style and no topic will be off limits. Minutes of each meeting will be posted electronically and printed in the county's quarterly employee newsletter.

## POLICY

There shall be the existence of an Employee Relations Committee to serve as a communication link between employees and management.

## PROCEDURE

The Committee shall consist of employees from throughout the County's many departments and offices. In attendance at every meeting will be the Chairman of the Board of Commissioners or his designee, the County Administrator, the Human Resources Director and the Assistant Human Resources Director. An annual roster will be created to allow a pro-rata share of employees from each of the respective areas to attend each quarter, thus ensuring an equal opportunity for employees to participate:

### Meetings

Meetings will take place quarterly. Supervisors will accommodate member's schedules to allow attendance at all meetings unless absent from work. A commitment to attendance is expected.

## PURPOSE

No employee shall accept gifts, gratuities or loans of any kind from organizations, business concerns or individuals with whom he/she has official relationships on the business of the County government, the acceptance of which could be reasonably construed as evidence of favoritism, coercion, unfair advantage or collusion.

## POLICY

There shall be a consistent process regarding the acceptance of gifts by County employees.

## PROCEDURE

Violation of this policy will result in disciplinary action up to and including termination.

## PURPOSE

Employees classified as regular full-time, regular part-time, temporary full-time, and temporary part-time will be issued an employee identification card.

Boards, Commissions, and committee members appointed by the Board of Commissioners will be issued an identification card as a member of such for the period in which they are appointed.

Identification cards may be bar-coded for the purpose of security clearance or time entry.

## POLICY

There shall be a consistent process for the issuing and displaying of County identification cards.

## PROCEDURE

Exhibit

Identification cards will be issued as stated below and will only be worn while performing official duties of Fayette County. Cards will remain in their original format upon issuance and may not be modified.

Cards are to be visible while performing official duties of Fayette County. Accessories for the card to be displayed will be provided by the County.

Assessment

Cards will be updated periodically. A replacement fee of $5 may be assessed if an employee, board, commission or committee member requires an additional card or accessory prior to the regularly scheduled replacement.

An Identification Card issued to an employee will remain the property of Fayette County and will be returned upon separation of employment. A fee of $5 will be deducted from the employee's final paycheck if their card is not returned upon separation of employment

Violation of Policy

Employees who violate this policy will be subject to disciplinary action as determined by the Department Director in accordance with the disciplinary policy.

## PURPOSE

Provide guidelines on appropriate clothing and accessories to wear during working hours. Employees of Fayette County act as representatives for the County and, therefore, it is an expectation that all employees in all job classifications will select appropriate clothing and accessories to wear which will give them a clean, neat and professional appearance. All employees are expected to practice good personal hygiene and to be conservative in the use of fragrances both on their person and in their work area. Management is confident that each employee will use his or her best judgment in following this policy and err on the side of caution.

## POLICY

There shall be a consistent and uniform process for an employee's appearance during working hours including clothing, accessories and hygiene.

## PROCEDURE

### Enforcement

In order to maintain a professional work environment, management will apply and enforce these general standards in their areas of responsibility. Management reserves the right to determine the appropriateness of attire and appearance including, but not limited to, hair styles, dress, jewelry, and body art.

### Department Policy

Job specific dress code policies may be established within individual departments. In certain types of jobs, employees may be required to wear uniforms. All employees should refer to their department's standard operating procedures for additional applicable standards.

### Identification

All employees will wear and make visible their Fayette County picture identification badge or approved nametag.

### Appropriateness

When an employee is unsure about the appropriateness of any particular item of attire, they should refer to their department's standard operation procedures or consult with their Department Head.

## PURPOSE

Every County employee is entitled to exercise his/her rights to vote. Employees may join or affiliate with civic organizations of a partisan or political nature, attend political meetings, advocate and support the principles and policies of civic or political organizations in accordance with Federal, State and local laws.

## POLICY

There shall be a consistent process regarding County employee involvement in political activities.

## PROCEDURE

No employee shall:

1. Engage in any political activity while at work during working hours;

2. Be required to contribute to, solicit for, or act as a custodian of funds for political purposes;

3. Coerce or compel contributions by any other employee of the County for political purposes;

4. Use any County supplies, materials or equipment for political purposes or to aid a political candidate, party or cause; or

5. Wear his/her County uniform for political purposes or to aid a political candidate, party or cause.

### Disciplinary

Any violations of the provisions of this section shall be deemed improper conduct and such employee(s) shall be subject to disciplinary action.

### Use of County Property

Use of county property to advocate for one political party or a particular candidate, slate of candidates or any ballot measure is prohibited. However, notices to the public regarding meetings, candidate informational, etc., may be allowed where the information is purely notification of time, place and purpose.

## PURPOSE

Certain employees may be assigned and provided a uniform to identify themselves as a Fayette County employee while performing their job duties. Uniforms are expected to be maintained in a neat and professional manner.

## POLICY

There shall be a consistent process for the purchasing and maintenance of uniforms and uniform accessories assigned to County employees.

## PROCEDURE

### Assignment

Uniforms will be assigned by the Division Director with approval of the County Administrator on an annual basis. Assignments will expire December 31 of each year.

### Design

The Division Director will establish the style and accessories for their department uniforms, clothing articles and uniform accessories. Purchase of such uniforms, clothing articles and uniform accessories will be coordinated through the Purchasing Department and purchased through an authorized vendor consistent with the provisions of the County's Purchasing Ordinance.

### Replacement

The date for changing seasonal uniforms, articles and accessories will be at the discretion of the Division Director. Uniforms, articles and accessories which become frayed or torn will be replaced at the discretion of the Division Director.

### Exhibit

Uniforms, clothing articles and uniform accessories issued by Fayette County will be maintained in a neat and clean fashion. Uniforms, clothing articles and uniform accessories will be worn in their entirety as established by departmental policy. Uniforms, articles and accessories will only be worn while performing official duties of Fayette County.

### Assessment

Employees will be responsible for paying for uniforms, articles and accessories that have been damaged due to neglect or misuse.

Uniforms, clothing articles and uniform accessories issued to an employee remain the property of Fayette County and will be returned upon separation of employment. The replacement value of

uniforms, clothing articles and accessories not returned upon separation of employment will be deducted from the employee's final paycheck.

Violation of Policy

Employees who violate this policy will be subject to disciplinary action as may be determined by the Department Director subject to the disciplinary policy.

## PURPOSE

Employees who are employed in an area of Public Safety may be assigned to drive a County-owned vehicle home. Employees within a Public Safety Department will abide by the standards established in this policy, the Employee Safety and Loss Control Manual and departmental rules and regulations.

A county-owned vehicle may be assigned to an employee within a department where it is necessary to respond in an emergency situation to preserve the safety and welfare of the County, citizens or employees. Employees assigned to respond to emergency situations will abide by the standards established in this policy, the Employee Safety and Loss Control Manual and departmental rules and regulations. Assignment of such vehicles will be at the recommendation of the Division Director and approval of the County Administrator.

## POLICY

There shall be a consistent process for the assignment, maintenance and use of County-owned vehicles driven home by Public Safety employees.

## PROCEDURE

### Assignment

Vehicles will be assigned by the Division Director and approval of the County Administrator. Vehicle assignments are on an annual basis. Vehicle assignments will expire December 31 of each year. Approval is required prior to a vehicle being driven home.

### Authorized passengers

Individuals who are serving the interest of the county may ride in a County owned vehicle operated by an authorized driver. Under no circumstance will an unauthorized individual be permitted to drive a county-owned vehicle. Approval for passengers or family members to ride in a vehicle will be at the recommendation of the Division Director and approval of the County Administrator.

### Assessment

Except for those employees exempt from the Internal Revenue Service Treasury Regulation, employees will be assessed $3 a day in which a county-owned vehicle is driven home. The assessment will be processed during each payroll process and will appear on the employee's pay stub and W-2.

### Maintenance

Scheduling maintenance, physical and mechanical, is the responsibility of the authorized employee. Service and maintenance of an assigned vehicle will be performed as defined in the Safety and Loss Manual.

Requirements

Employees who drive a county-owned vehicle/equipment must possess a valid Georgia Drivers License, maintain Defensive Driving or Emergency Vehicle Operation Certification, and abide by the standards defined in the Employee Safety and Loss Control Manual.

Unauthorized Use

Employees are not authorized to use a county-owned vehicle for anything other than performing official duties of Fayette County unless authorized by the County Commission or County Administrator.

Violation of Policy

Employees who violate this policy will be subject to disciplinary action as may be determined by the Division Director subject to the disciplinary policy.

## PURPOSE

The purpose of this policy is to establish a safe and non-retaliatory process for reporting information regarding improper governmental action

## POLICY

There shall be a consistent and uniform process for reporting information regarding improper governmental action.

## PROCEDURE

Definition

Fayette County may receive and investigate complaints or information from any county employee regarding improper governmental action. For the purpose of this policy, "improper governmental action" means any action taken by a county officer or employee in the performance of their official duties, whether or not the action is within the scope of their employment, which is:

1. In violation of any state or federal law or regulation;

2. In violation of Fayette County Code, an ordinance or policy adopted by the Board of Commissioners, or an ordinance, policy or regulation adopted by the appointing authority which employs the officer or employee;

3. An abuse of authority;

4. Of substantial and specific danger to the public health or safety; or

5. A gross waste of public money.

Fayette County encourages employees to bring any such concerns to the attention of the County Attorney.

Process

County employees will forward their complaint or information in writing to the County Attorney for review and referral to an outside attorney who will be charged with conducting a full and complete investigation. Based on the outcome of the investigation, the County Attorney will forward to the County Administrator recommended corrective action to be taken in accordance with the County's Disciplinary Policy.

Non-Retaliation

No officer or employee of the county shall retaliate against another county employee for disclosing improper governmental action. However, any employee making a disclosure with the

knowledge that it is false or with willful disregard for its truth or falsity will be subject to disciplinary action.

No officer or employee of the county shall retaliate against another county employee for participating in an investigation regarding improper governmental authority.

The county will not allow retaliation against any employee for objecting to, or refusing to participate in, any activity, policy or practice of the county that the employee has reasonable cause to believe is in violation of or noncompliance with a law, ordinance, policy, regulation or rule or which they feel may constitute improper governmental action.

Any county employee who feels they have suffered retaliatory action as a result of their divulging information or for their participation in an investigation regarding improper governmental action should immediately contact the County Attorney. A written appeal must be filed within 60 workdays after the date that the alleged retaliatory action took place. The retaliatory action must have occurred within 2 years after the date the officer or employee disclosed information concerning the improper governmental action. The County Attorney will conduct a full and complete investigation. Corrective action will be administered against any county employee found to be in violation of this policy in accordance with the County's Disciplinary Policy.

Protection Rights

Protection under this policy does not apply to county employees who violate privilege or confidentiality obligations recognized by constitutional, statutory or common law.

Nothing in this policy shall be deemed to diminish the rights, privileges or remedies of any county employee under any other federal or state law or regulation.

Not Retroactive

This policy shall become effective immediately upon its adoption by the Board of Commissioners of Fayette County, Georgia and will not be retroactive.

## PURPOSE

This document defines the teleworking program and the guidelines and rules under which it will operate.

## POLICY

Employees taking part in Teleworking must comply with all related County personnel policies and practices. This program can be utilized by managers as a tool to promote workforce productivity. Employee salary and benefits will not change as a result of participation in Teleworking. Employees agree that Teleworking is voluntary and may be terminated by the County, with or without cause at any time. Terms and conditions of employment for teleworkers and their supervisors remains the same. Work hours, overtime compensation and vacation schedules must conform to County guidelines and to terms otherwise agreed upon by the employee and their supervisor. The employee shall abide with all policies, rules and regulations of the County while teleworking. The employee agrees not to conduct personal business during the defined teleworking period at the alternate workplace.

## PROCEDURE

### Selection

Department Heads will work with the Human Resources Director to identify employees who are teleworking candidates. Employees will be selected based on the suitability of their jobs, an evaluation of potential success as a teleworker and an evaluation of their supervisor to handle remote workers.

### Teleworker's Agreement

Every teleworker will have a signed Teleworker's Agreement on file with their supervisor and Human Resources. This agreement will be updated when substantial changes are made to the teleworking agreement.

### Workspace

Since the employee's remote work space is considered an extension of the County work space, the County has workers' compensation liability for job-related accidents during the employee's telework hours. The County has the right to make on-site visits to the employee's residence or other alternative work site at mutually agreed upon times, with reasonable notice to determine that the work site is safe.

The employee remains liable for injuries to third persons and members of the employee's family on the employee's premises.

Individual tax implications related to the home work space shall be the responsibility of the teleworker. Participating employees are advised to consult a tax expert.

**Equipment, Furniture and Supplies**

The use of equipment, software, supplies and furniture, when supplied by the County for use at the remote location, is limited to authorized persons and for purposes relating to County business. The employee is responsible for seeing that equipment is properly used. The County will provide for repairs to County equipment. When the employee uses their own equipment, the employee is responsible for maintenance and repair of that equipment. Office supplies (e.g., pens and paper) shall be provided by the agency and should be obtained during the teleworker's in-office work period.

The employee is expected to use their own furniture, telephone lines and other equipment (with the exception of any equipment provided by the County).

**Security**

The teleworker is responsible for maintaining confidentiality and security at the alternate workplace, as the teleworker would at the primary workplace. The employee must protect the security and integrity of data, information, paper files and access to agency computer systems. County Information System policies apply to teleworking, the same as they would in the primary workplace.

**Child Care, Dependent Care and Business Guests**

Teleworkers may not use telework as a child care or dependent care option. The teleworker may not have business guests at the alternate workplace or any other location except at County offices.

**Mileage Reimbursement**

Mileage between the home and the employee's assigned office or other telework location shall be considered commute mileage and not subject to reimbursement.

## POLICY

There shall be a consistent process for events resulting in a County employee's separation of employment.

## PROCEDURE

Exit Interview

An exit interview shall be conducted whenever possible when an employee separates employment for any reason. The interview shall be conducted on or before the employee's last day of work during normal work hours, if possible. The interview will be conducted by a Human Resources representative and the employee. Information obtained through the exit interview process is subject to release.

An employee separating employment shall contact Human Resources to schedule an exit interview.

County Equipment

At the time of separation and prior to final payment, all records, assets and other items of County property in the employee's custody shall be transferred to his/her department head and certification to this effect shall be signed by the employee. Any money due because of a shortage shall be withheld from the employee's final compensation.

Compensation Upon Separation of Employment

The following section describes the compensation which employees may receive under the various types of separation from County service.

1. Resignation - An employee who provides written notification 14 calendar days prior to the separation date resigns in good standing. An employee who resigns from employment with the County will be paid for all accrued annual leave, compensatory time (if the employee is in an FLSA non-exempt position) and accrued sick leave in accordance with the Sick Leave Policy provided the employee has completed six (6) months of service, submitted a written notice at least (2) weeks before his/her termination date, and worked during the entire notice period. Upon any resignation, payment for floating holiday hours will not be made. The County is not obligated to allow employees who resign to work their notice if it is determined to be in the best interest of the County.

If it is determined to be in the best interest of the County, the County Administrator may grant the employee "pay in lieu of notice." After receiving written notice of voluntary termination, the department head shall notify the Human Resources Department and schedule an exit interview for the employee.

Employees who miss work without notice and/or prior supervisory authorization will be terminated effective as of the last day worked as a voluntary termination (no call, no show) unless there are substantial mitigating circumstances.

2. Dismissal - An employee may be dismissed for causes as delineated in the County's disciplinary policy. The employee shall be furnished notice of dismissal in writing, stating the reasons and his/her right to answer the charge. If the employee wishes to appeal the dismissal, he/she may do so as provided in accordance with the grievance procedure. Department heads may be dismissed only by the County Administrator. An employee who is dismissed will be paid for all accrued compensatory time (if the employee is in an FLSA non-exempt position). An employee who is dismissed will not be paid for any accrued annual leave, accrued sick leave or floating holiday hours.

3. Disability - An employee may be separated for disability when he/she cannot perform the required duties or when continuance on the job is a danger to himself/herself or others. Accrued annual leave and compensatory time (if the employee is in an FLSA non-exempt position) may be paid at the time total and permanent disability is certified. Payment for floating holiday hours will not be made.

4. Retirement – An employee who has been employed for 25 consecutive years and has attained the age of 55 is eligible to retire. An employee who retires will be paid for all accrued annual leave and compensatory time (if the employee is in an FLSA non-exempt position). Payment for accrued sick leave will be paid in accordance with the Sick Leave Policy. Payment for floating holiday hours will not be made.

5. Compulsory Resignation – An employee, who without valid reason, fails to report to work without authorized leave shall be separated from the payroll. An employee who is dismissed will be paid for all accrued compensatory time (if the employee is in an FLSA non-exempt position). An employee who is dismissed will not be paid for any accrued annual leave, accrued sick leave or floating holiday hours.

6. Reduction in Force - Any involuntary separation other than due to delinquency, misconduct or inefficiency shall be considered a layoff.

An employee shall be laid off on the basis of the following three (3) equally weighted factors: length of service in class, length of service with the County, and the employee's performance evaluations.

When a department head believes an individual is essential to the effective operation of the department because he/she possesses special skills or abilities and he/she wishes to retain that person in preference to a person with a higher rating he/she shall submit a written request to the County Administrator. The request shall detail the specific skills and abilities possessed by the individual and the reasons why the person is essential to the effective operation of the department. The individuals may be retained with the approval of the County Administrator.

If a regular employee is scheduled to be laid off, he/she shall be offered a demotion to a lower class if a vacancy exists if he/she is senior to other employees, provided he/she is qualified or able to be trained to fill positions in the lower class involved.

Prior to reduction in force, the names and job titles of all employees scheduled for layoff shall be submitted to the Board of Commissioners for approval. No layoffs shall begin until the Board of Commissioners has approved and confirmed the names submitted for layoff.

Regular employees to be laid off shall be notified in writing by the Human Resources Director at least fourteen (14) calendar days prior to the effective date of the layoff. Employees separated from service with the County as a result of a reduction in force shall receive preference in rehiring in the event a position becomes available for which they meet the minimum requirements. The preference in rehiring shall be available to employees in this status for a period of twelve (12) months from their date of separation. Employees in laid off status shall apply for vacant positions in the same manner prescribed for all applicants.
An employee whose position is eliminated through a reduction in force will be paid for all accrued annual leave and compensatory time (if the employee is in an FLSA non-exempt position). Accrued sick leave will be paid in accordance with the Sick Leave Policy.

7. Death – An employee who dies while in service with the County will receive payments to his/her estate or any other properly designated individual for all accrued annual leave, sick leave, holiday and floating holiday pay, incentive leave, and appropriate compensatory time (if the employee is in an FLSA non-exempt position).

County policies relating to death or disability benefits of an employee are available in the Benefits section of this policy.

**SCOPE OF POLICY**
**Savings Clause**
**900.01**

## PURPOSE

The purpose of this policy is to inform employees that these policies may be amended by the governing authority of the County in accordance with its ordinance adoption procedure.

## POLICY

There shall be a consistent process for the governing authority of the County to amend these polices herein whereas the remaining portions of this ordinance shall not be affected.

## PROCEDURE

If any section, sentence, clause or phrase of this ordinance shall be held, for any reason, to be inoperative, void or invalid, the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intention of the Board of Commissioners in adopting this ordinance that no portion thereof or provision herein, shall become inoperative or fail by reason of invalidity of any other portion or provision and the Commission hereby declares that it would have severally passed and adopted the provisions contained herein, separately and apart one from the other.