



Effingham County Board of Commissioners

*THE OFFICE OF HUMAN RESOURCES –
EMPLOYMENT POLICIES*

SECTION 6: EMPLOYEE RESPONSIBILITIES – PART 2

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6.09 – CONTRIBUTIONS AND SOLICITATIONS

A. STANDARD

To avoid disruption of business operation, the following rules apply to solicitations and the distribution of literature on County property.

B. PROCEDURE

1. A copy of the proposed literature to be distributed must be reviewed and approved in writing by the County Administrator before distribution.
2. County letterhead and other assets shall not be used in conjunction with personal business to include contributions and solicitations.
3. Employees may not distribute unauthorized literature on County property for any purpose.

6.10 - HARASSMENT

A. STANDARD

The County is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has a right to work in a professional atmosphere that promotes equal opportunities and prohibits discriminatory practices. The County will not tolerate any form of harassment of employees, applicants, customers, or visitors in the work environment. The County maintains a work environment where employees are treated with respect and are not subject to harassment, intimidation, or exploitation. In particular, the County will not tolerate harassment of an employee because of race, sex, religion, age, national origin, disability, or veteran status.

B. SCOPE

1. Harassment may include verbal or physical conduct and/or the display of written or graphic materials that:
 - a. Degrade, show hostility, or lack of respect because of race, sex, religion, age, national origin, disability, or veteran status.
 - b. Create an intimidating, hostile, or offensive work environment for an employee.
 - c. Adversely affect an employee's employment opportunities.
2. Sexual harassment constitutes discrimination, and is illegal under federal, state, and local laws. Sexual harassment, whether verbal, physical, or environmental, and whether in the workplace itself, or outside the workplace at County-sponsored activities, is unacceptable and will not be tolerated. The Equal Employment Opportunity Commission (EEOC) Guideline, 1980, as amended, describes sexual



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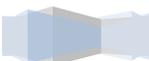
harassment as unwelcome sexual advances or requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
 - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or,
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
3. Sexual harassment can include harassment between individuals of different sexes or individuals of the same sex. Depending on the circumstances, these behaviors may include, but are not limited to:
- a. Unwanted sexual advances;
 - b. Subtle or overt pressure for sexual favors;
 - c. Sexual jokes, flirtations, sexual innuendoes, advances, or propositions;
 - d. Verbal abuse of a sexual nature;
 - e. Graphic commentary about an individual's body;
 - f. Comments on sexual prowess, sexual deficiencies, sexual preferences, or sexual habits;
 - g. Leering, whistling, touching, pinching, assault, coerced sexual acts;
 - h. Suggestive, insulting or obscene comments or gestures;
 - i. Display in the workplace of sexually suggestive objects or pictures; and/or,
 - j. Intimidation, ridicules, and insults based on the employee's gender;
 - k. Interoffice dating.

C. PROCEDURE

1. ALLEGATIONS OF HARASSMENT:

Individuals who perceive that they are being harassed are encouraged to confront the alleged harasser and advise him/her that the behavior is offensive and unwelcome or that it makes the individual uncomfortable. The individual should request that the alleged harasser stop the behavior immediately. Anyone who feels that they have been the subject of unlawful harassment and who wishes to make a complaint and have it pursued should file the complaint in writing with the County Administrator or Human Resources Department. All written complaints directed to the County Administrator or Human Resources Department will be investigated promptly. If the complaint involves allegations against the County Administrator, the complaint should be in writing and addressed to the Chairman of the Board of Commissioners.





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2. **MANAGEMENT RESPONSIBILITY:**

Managers are charged with the responsibility of ensuring that employees are provided an environment where they can be productive, satisfied, and safe. Department Heads who observe instances of harassment, have reason to believe, or should have known that someone has been harassed, shall inform the next level of management and the County Administrator immediately. Department Heads who receive an employee's report or concern of alleged harassment must inform the Human Resources Department and/or County Administrator immediately. Failure to do all of these shall make the individual subject to disciplinary action, up to and including termination of employment.

3. **INVESTIGATION OF COMPLAINTS:**

The County Administrator and Human Resources Department will promptly investigate all complaints. All allegations will be treated confidentially to the extent possible, consistent with the best interests of the County and the employee.

4. **PROTECTION AGAINST RETALIATION:**

Employees will not be subject to retaliation or reprisal for reporting suspected harassment or for taking part in any investigation of the allegation. Acts of retaliation should be reported to the County Administrator and Human Resources Department immediately.

5. **RESPONSIVE ACTION:**

All employees have a shared responsibility to contribute to a positive and professional work environment. All employees should clearly understand that harassment constitutes failure of personal conduct and is subject to disciplinary and corrective action. Responsive action may include, but not be limited to, training and/or referral to counseling, disciplinary and corrective action such as warning, reprimand, withholding of promotion, reassignment, and temporary suspension without pay, compensation adjustments, or termination of employment.

6.11 – SUBSTANCE ABUSE

A. GENERAL

Effingham County promotes a drug-free workplace in accordance with the requirements of the Drug Free Workplace Act of 1988, as amended, and applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. The Federal Transit Administration (FTA) of the U.S. Department of Transportation (DOT) has published 49 CFR Part 653 and Part 654, as amended, that mandates urine drug testing and breath alcohol testing for law enforcement positions and those involving drug interdiction and prohibits performance of these functions when there is a positive test result. The DOT has also published 49 CFR Part 40, as amended, which sets standards for the collection and



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testing of urine and breath specimens. In addition, the Federal government published 49 CFR Part 29, the Drug Free Workplace Act of 1988, as amended, which requires the establishment of drug free workplace policies and the reporting of certain drug related offenses to the FTA. Effingham County has adopted these requirements for employees in these positions, and others, when so noted.

B. STANDARD

Drug and alcohol use by all County employees during assigned working hours, in government buildings or on government grounds or otherwise while on government business is prohibited. This shall include the use of illegal substances, the abuse of prescription and over-the-counter medications, and the use of alcohol. The interpretation and administration of this policy shall be the responsibility of the County Administrator and Human Resources Department.

C. SCOPE

This policy applies to all County employees; paid part-time employees, contract employees and contractors when they are on County property or when performing any transit-related safety-sensitive business. The policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work. Visitors, vendors and contractor employees are governed by this policy while on County premises and will not be permitted to conduct business if found to be in violation of this policy.

D. DEFINITIONS

1. COVERED SUBSTANCES

The following substances are covered by this policy:

- a. Alcoholic beverages of any kind.
- b. Controlled and/or illegal drugs or substances, including all forms of narcotics, hallucinogens, depressants, stimulants.
- c. Other drugs that are restricted or prohibited by law from use, possession, or transfer.

2. PROHIBITED ACTIVITIES

The following activities are prohibited while an employee is on County premises or otherwise engaged in County business:

- a. The manufacture, possession, use, sale, distribution, dispensation, receipt, or transportation of any controlled substance or illegal drug;
- b. The consumption of alcoholic beverages;
- c. Being under the influence of alcohol, illegal drugs, or substances in any manner during business hours, whether or not consumed on County premises and

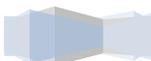


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- whether or not consumed outside of, or during, working hours. This includes being impaired by lawfully prescribed drugs that have been abused; and,
- d. Performing duties while under the influence of alcohol or controlled and/or illegal substances or drugs regardless of whether the employee is on or off County premises;
 - i. Off-premise use of Alcohol, Controlled and/or Illegal drugs, or substances is prohibited, to the extent that it involves, or results in:
 - ii. Any actions involving alcohol, controlled and/or illegal drugs or lawfully prescribed drugs or substances that, in the opinion of management endanger the County’s reputation for honesty, integrity and safety;
 - iii. Indictment or conviction for criminal offenses related to the manufacture, possession, use, sale, distribution, dispensation, receipt or transportation of any controlled substances or illegal drugs;
 - a. Employees who are indicted for, or convicted of, controlled substance-related violations under state or federal law, or who plead guilty or *nolo contendere* (no contest) to such charges must inform the Department Head or Human Resources Department in writing within five (5) days of such conviction or plea. Failure to do so will result in disciplinary action, up to and including termination from employment for a first offense. The Department Head shall then investigate and make an appropriate recommendation to the County Administrator.
3. **SAFETY SENSITIVE POSITIONS**
- The terms “safety sensitive position” and “safety sensitive employee” shall include the following employees and positions:
- a. authorized to drive any Effingham County vehicle; or
 - b. required to carry a Commercial Driver’s License; or
 - c. who carry a weapon in the course of performing their jobs; or
 - d. who serve as dispatchers and Communications Officers; or
 - e. who serve as medical service providers; or
 - f. who serve as firefighters; or
 - g. who have physical custody of detained persons in the course of performing their jobs; or
 - h. who operate heavy equipment and/or motorized equipment and machinery.

NOTE: IN ADDITION, THE TERM “SAFETY SENSITIVE POSITION” AND “SAFETY SENSITIVE EMPLOYEE” ENCOMPASS SAFETY SENSITIVE FUNCTIONS, WHICH INCLUDE ANY DUTY RELATED TO THE SAFE OPERATION OF EFFINGHAM COUNTY SERVICES AND ANY EMPLOYEE OR POSITION WITH THE RESPONSIBILITY TO REGULARLY PERFORM HIGH-RISK WORK WHEREIN INATTENTION TO DUTY OR





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ERRORS IN JUDGMENT HAVE THE POTENTIAL FOR SIGNIFICANT HARM TO THE EMPLOYEE, OTHER EMPLOYEES, OR THE GENERAL PUBLIC.

E. PROCEDURE

All county employees are subjected to the provisions of this policy.

1. CURRENT EMPLOYEES:

Each current employee will be provided with a copy of this policy and the Substance Abuse Acknowledgement form. By signing this form, each employee acknowledges that he/she has received the policy, understands, and agrees to the provisions of this policy. If a current employee refuses to comply with the provisions of this policy, then that employee will be immediately terminated. All completed forms will be forwarded to the Human Resource Department.

2. NEW EMPLOYEE:

Each new employee shall, at the time of hire, be provided with a copy of the policy and the acknowledgement form. The new employee must read the policy and sign the form before being permitted to work.

F. COMPLIANCE WITH TESTING REQUIREMENTS

1. PRE-EMPLOYMENT DRUG AND ALCOHOL TESTING:

All job applicants identified as final candidates for employment in a safety sensitive position with Effingham County shall sign a statement of understanding and consent for pre-employment drug testing and shall submit to required drug testing procedures.

a. Failure to sign the consent release form or to submit to drug screening will result in rejection of the applicant.

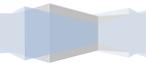
b. If the test measurement of the presence of prohibited substances is less than the sensitivity levels established by the National Institute on Drug Abuse, then the candidate will have passed the screening procedures.

i. Prohibited Substances:

Marijuana	Opiates/Narcotics	Amphetamines
Cocaine	PCP (hallucinogens)	Sedatives
Methaqualone	Stimulants	Benzodiazepines
	Alcohol	

c. If one or more of the measures equals or exceeds the sensitivity levels, then the candidate will not have passed the screening and will not be offered employment.

ii. Job candidates rejected for consideration of employment due to the presence of controlled substances may reapply for employment following a twenty-four month waiting period.





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2. **RANDOM TESTING:**

All employees of the county in safety sensitive positions will be subject to random, unannounced testing. The selection of employees for random testing will be made using a scientifically valid method, which ensures that each employee will have an equal chance of being selected each time selections are made. The random tests will be unannounced and spread throughout the year. Failure to report to the random testing site may result in disciplinary action up to and including termination. Testing positive during random testing will result in immediate termination

3. **EMPLOYEE ASSISTANCE PROGRAM:**

In compliance with state law, if an employee notifies the County Administrator of a drug problem and agrees to attend an approved treatment program, that employee will not be terminated solely for drug dependence or use for one year if the employee adheres to the treatment program. This option is available only one time during any five year period. This policy does not prevent the restructuring of an employee's duties to take the drug dependence into account.

4. **POST-ACCIDENT TESTING:**

Whenever any employee of the County has been involved in an accident, or receives an injury, alcohol and drug testing shall be conducted within two (2) hours of the accident or when the following incidents occur:

- a. Vehicle/equipment damage or bodily injury occurs on public property; or
- b. There is a fatality; or
- c. Driver is cited with a traffic violation; or
- d. There is reasonable suspicion to believe that the employee's behavior or appearance may indicate alcohol or drug use; or
- e. When an employee sustains a work-related injury requiring medical treatment.

5. **REASONABLE SUSPICION TESTING:**

All county employees may be subject to urine and/or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance.

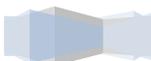
- a. A Reasonable Suspicion referral for testing will be made on the basis of documented objective facts and circumstances that are consistent with the short-term effects of substance abuse or alcohol misuse. Situations that may give rise to a conclusion that an employee is under the influence of drugs and/or alcohol include, but are not limited to the following:
 - i. An employee is involved in a physical or verbal altercation on the job.
 - ii. An employee has an excessive number of incidents/accidents on the job.
 - iii. An employee has an excessive number of sick days off.
 - iv. An employee exhibits unusual behavior such as slurred speech or unsteady walking or movement on the job, and/or change in behavior.



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- v. An employee has an odor of alcohol on his/her person on the job.
 - vi. An employee is in possession of alcohol or drugs on the job.
 - b. Department Heads suspecting that an employee is under the influence of drugs and/or alcohol shall immediately report the incident to the Human Resources Department.
 - c. The determination of whether reasonable suspicion exists shall be made by the Department Head or by the highest-ranking supervisory staff on duty at the time. The facts underlying the determination of reasonable suspicion shall be disclosed to the employee at the time the demand is made to submit to testing.
 - d. Following the determination that reasonable suspicion exists, the employee's Department Head or designee shall transport to and from the testing site the employee. If an employee is found to be in violation of these regulations, then following the testing procedure, the person transporting the employee shall make appropriate arrangements to transport the employee home.
 - e. Department Heads shall be required to document in writing, within the next working day, the specific facts, symptoms or observations that formed the basis for his/her determination that reasonable suspicion existed to warrant the testing of an employee. All documents created in connection with the determination of reasonable suspicion shall be forwarded to the Human Resources Department.
6. **PRESCRIPTION DRUG USE OR OVER THE COUNTER MEDICATIONS:**
- An employee using prescription medication while on the job shall do so in strict accordance with medical directions. It is the employee's responsibility to notify the prescribing physician of the duties required by the employee's position and to ensure that the physician approves the use of the prescription medication while the employee is performing his/her duties. The employee shall be responsible for notifying his or her department head of any restrictions that may affect/prevent the safe performance of the required duties, including driving county vehicles.
- a. An employee or job applicant shall, at the time of testing, provide a list of those prescriptions and over-the-counter medications that he/she has recently used. The list of medications shall be kept confidential until there has been a test result. The list of medications shall be disclosed only to the medical review officials who will determine whether the positive result was due to the lawful use of any of the listed medications.
7. **TESTING PROCEDURES:**
- All testing procedures shall be administered and accounted for by an approved laboratory and/or medical facility that are operated in compliance with the National





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Institute of Drug Abuse (NIDA) Guidelines. These procedures and guidelines shall be available for inspection by contacting the Human Resources Department.

- a. All NIDA urine drug-testing specimens must be collected as “split” specimens, which mean that one urine specimen will be divided into two (2) separately sealed specimen bottles for submission to the laboratory.
- b. Whenever an initial test is found to be positive, an automatic confirmation test will be performed. If result is positive, then that employee has 72 hours to request from the medical review officer that the split sample be sent to a second lab for testing.
- c. If the second portion of the sample also tests positive, then the employee shall be terminated. Notification of Termination shall be by certified letter from the Human Resources Department within two working days of the test result. If the second portion produces a negative result, or for any reason the second portion is not available, the test is considered negative and no sanctions shall be imposed.
- d. If result of an Evidential Breath Test (EBT) is 0.02 or greater, a confirmation test must be conducted within at least 15 minutes, but not more than 20 minutes, after the completion of the initial test.

8. **CONFIDENTIALITY OF TEST RESULT:**

All information from an employee’s or job applicant’s drug and alcohol test shall be confidential and only available to the management and the Human Resources Department. Disclosure of test results to any other person, agency, or organization shall be prohibited unless written authorization is obtained from the employee, job applicant, or by court order or subpoena. The results of a positive drug or alcohol test shall not be released until the results are confirmed.

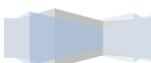
9. **DISCIPLINARY AND TERMINATION POLICY:**

An employee found to be in violation of the Substance Abuse Policy is engaged in misconduct. The employee will be subject to immediate dismissal. As a condition of continued employment, the employee may at his/her own expense be required to participate in and successfully complete drug or alcohol abuse counseling, or a rehabilitation program, if necessary.

a. **IMMEDIATE TERMINATION:**

The following reasons shall be grounds for immediate termination of an employee:

- i. Distributing controlled substances while on the job.
- ii. Operating a County vehicle while under the influence of drugs and/or alcohol.
- iii. Felony conviction for violation of drug laws.





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- iv. Testing positive for drugs or alcohol under the provisions of this policy.
- v. Refusal to submit to a drug test required by the provisions of this policy.
- vi. Failure to disclose a drug problem.
- vii. Failure to participate in a random drug monitoring program.

6.12 – SAFETY IN THE WORKPLACE

A. STANDARD

The County, where ***SAFETY FIRST IS A MUST***; regards the personal health and safety of each employee to be of primary importance. To the greatest degree possible, management will provide all mechanical and physical facilities required for safety and health in keeping with the highest standards of the County. Every effort will be made to provide a work place free from unsafe conditions and to provide adequate safety equipment.

B. PROCEDURE

1. The primary requirement for general safety is that everyone be made aware of the importance of working safely. All employees are encouraged to report to their Department Head any condition or area that could have an adverse impact on the health and safety of the employee or area. The following safety regulations must be strictly observed:
 - a. Dangerous horseplay and practical jokes will not be tolerated on County premises;
 - b. Aisles, exits, stairways, fire extinguishers, and electrical switchboards must be kept clear at all times;
 - c. Water and other spills must be cleaned up immediately as spills can cause slipping hazards;
 - d. Any unfamiliar odors or malfunctions in the ventilation or exhaust systems should be reported immediately;
 - e. Chairs, boxes, tables, etc., should never be used as stepladders; and,
 - f. It is the responsibility of all employees to become familiar with the fire and disaster emergency plan.
2. First aid equipment for minor injuries is located at the EMS site at the Administrative Complex.

6.13 – WORKPLACE VIOLENCE

A. STANDARD

The County will foster a work environment that is free from threats, threatening behavior, acts of violence, or any related conduct which intimidates others, disrupts another's work performance or the organization's ability to carry out its mission. Any behaviors that threaten to harm, harass, or intimidate others will be met with immediate response. Individuals acting inappropriately will be subject to disciplinary action up to, and including, immediate dismissal, and/or criminal charges, as appropriate.



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B. PROCEDURES

1. Any person (employee or non-employee) who makes threats, exhibits threatening behavior, or engages in violent acts on County-owned or leased property may be removed from the premises immediately, pending the outcome of an investigation. Threats, threatening behavior, or other acts of violence made by County employees against other County employees or citizens are a violation of this Policy. Off-site threats include, but are not limited to, threats made via telephone, fax, electronic or conventional mail, or any other verbal or non-verbal communication medium. In that the purpose of this Policy is to maintain a safe workplace, it applies to employees engaged in the conduct of County business as well as non-employees who may be in contact with County employees in the conduct of business.
2. Employees should immediately notify their Department Head of any threats that they have witnessed, received, or have reason to believe that another person has witnessed or received. Employees should also report any behavior they have witnessed that they regard as threatening or violent when that behavior is job-related or might be carried out on County-owned or leased property in connection with County employment. If the Department Head is not immediately available, employees should contact the County Administrator, any other available department head in the area, or contact the Sheriff's Department. The Department Head and County Administrator should be notified as soon as reasonably possible.
3. Department Heads shall orient new employees regarding the County's position on workplace violence and shall facilitate regular training such that all employees are provided awareness. In addition, Department Heads shall continue communications with all employees on a regular basis to maintain awareness of the potential for workplace violence.
4. Employees are encouraged to voice concerns or raise issues related to workplace violence and to bring such issues to the attention of the Department Head, and/or County Administrator. The purpose is to maintain an awareness of all potential risks and to address such risks before they become harmful.
5. Department Heads shall make employees available for necessary training and orientations on this subject.
6. Department Heads are responsible for ensuring that every employee knows the proper procedure for reporting or reacting to potential workplace violence. Failure to properly communicate such procedures or standards of behavior will result in disciplinary action up to and including dismissal from employment.
7. Each employee who receives a protective or restraining order that lists County-owned or leased premises as a protected area is required to provide his/her Department Head and County Administrator with a copy of such order.





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8. Any employee who has a concern that requires immediate action should contact the County Administrator or appropriate Department Head.

6.14 – POLITICAL ACTIVITY

A. STANDARD

Service provided to public customers by County employees shall be delivered without regard to political party or affiliation. To further protect the public trust, no employee shall use his/her County employment position to advocate or oppose the candidacy of any individual. No County employee shall hold a County elective office. No County employee shall coerce, command, or advise any other County employee or officer to contribute anything of value to any person or party for political purposes.

B. PRACTICE GUIDELINES

- a. An employee may participate in political activities at other levels of government (City/State/Federal), provided that such participation is at no time engaged in during working hours or while wearing a County uniform, and provided such participation does not adversely affect performance as a County employee.
- b. An employee who qualifies for elective office at the County *LEVEL* shall resign in writing from County service effective the date of qualification.
- c. Nothing in this section shall be construed to prevent employees from becoming or continuing to be members of any political party, club or organization, attending political meetings, expressing their views in private on political matters outside working hours, and off County premises, or voting with complete freedom in any elections.

6.15 – DISCIPLINARY POLICY AND PROCEDURES

A. PURPOSE

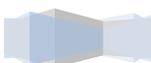
This policy states the County's philosophy with respect to disciplinary action and provides guidelines for the administration of the policy.

B. STANDARD

It is the policy of the County to administer the rules of personal conduct for its employees in a fair, consistent, and uniform manner. The objectives are to ensure proper operations of the County, to maintain safe working conditions and to establish adequate safeguards for the County's property.

C. GENERAL

1. **THE DEPARTMENT HEAD'S ROLE:**





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The Department Head is responsible for the application of discipline. Before acting, however, the Department Head is expected to get all of the facts. The following is a list of examples of questions to ask:

- a. Did the employee know the rules? Had the employee been warned and given a chance to improve? If so, when and under what circumstances?
- b. Did the employee violate a rule willfully?
- c. Is this employee a chronic violator or is this a rare instance?
- d. What extenuating circumstances contributed to the situation? Are all the facts available?
- e. Has the Human Resources Department and/or County Administrator been informed prior to any action?
- f. What is the attitude of the employee? Does the employee recognize that an error has occurred?
- g. What precedents are there in handling similar circumstances?

NOTE: *THE COUNTY, AT ITS SOLE DISCRETION, MAY TAKE DISCIPLINARY ACTIONS UP TO AND INCLUDING DISMISSAL FOR ANY INFRACTION OR IMPROPER CONDUCT WITHOUT REGARD TO PREVIOUS DISCIPLINARY MEASURES.*

D. PROGRESSIVE DISCIPLINE

Progressive discipline, i.e., the use of disciplinary measures less severe than dismissal, is a means to correct negative behavior or inadequate performance. The County encourages a policy of progressive discipline in which termination should be used as a last resort after less severe disciplinary measures fail to improve the employee's performance or correct negative behaviors; however, the use of a policy of progressive discipline is for the benefit of the County, not the employee.

1. TYPES OF PROGRESSIVE DISCIPLINE

a. ORAL WARNINGS:

An oral warning is an effort to correct and improve the employee's actions so that the employee's behavior will be adjusted to meet the needs of the county. This counseling should be given in private and a record of the oral warning may or may not be placed in the employee's personnel file. The Department Head should make a personal note of the oral warning.

b. WRITTEN WARNINGS:

A written warning is more severe than an oral warning because it is made a part of the employee's permanent personnel file. It is the responsibility of the Department Head to decide whether the employee's conduct should be subject to a written warning. If the Department Head decides to issue a written warning, the Department Head should prepare a statement recording the time, place, and



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circumstance of the violation, as well as a history of any prior oral warnings given to the employee. The written warning will be signed by the employee as acknowledgement of receipt. If the employee refuses to sign the written warning, the Department Head will make a notation for the employee's file that the employee has been informed of the warning. The Department Head shall transmit the original to the Human Resources Department and provide a copy to the employee.

c. **SUSPENSION:**

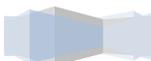
When an employee has failed to correct his behavior in response to one or more oral or written warnings, or when it is the judgment of the Department Head that a more severe penalty is necessary, the Department Head may recommend suspension without pay. Suspension may be appropriate on a first offense, if it is of a serious nature. Suspension with or without pay may also be used as a temporary measure when an investigation is pending to determine all the facts regarding an alleged disciplinary infraction. The Department Head may not suspend the employee without the approval of the Human Resources Department and the County Administrator. The Department Head must prepare a written report of the basis for this suspension.

d. **DISMISSAL:**

The County, at its sole discretion, may dismiss an employee for disciplinary violations. The Department Head may recommend dismissal of employment but may not dismiss the employee without the approval of the Human Resources Department and the County Administrator. The Department Head shall prepare a detailed report addressing the grounds for dismissal.

2. **APPEAL PROCEDURES FOR SUSPENSIONS AND DISMISSALS:**

- a. An employee who believes that the disciplinary action is inappropriate may respond in writing within a three (3) day period to the action (suspension or dismissal) against him or her to the County Administrator or to the Human Resources Department.
- b. The County Administrator or his/her designee will conduct an investigation into the allegations to determine if there are reasonable grounds to believe that the action taken is supported by the facts against the employee. The County Administrator may affirm, revise, or revoke the disciplinary action within seven (7) workdays of the request for review.
- c. If the County Administrator determines that a different action, in addition to or substantially different from those originally taken, should be made, or that the adverse action should be more severe than the action taken, he shall issue a new





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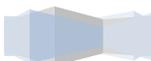
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- disciplinary action against the employee in accordance with these standards of practice.
- d. The employee may request a hearing before the Board of Commissioners by filing a written appeal of the determination of the County Administrator to the Board of Commissioners or any committee appointed by the Board of Commissioners to hear appeals within five (5) working days after the effective date of the County Administrator’s determination and action;
 - e. The employee may have a representative present, may bring others to testify, may submit written documents, and may question individuals testifying against him; and
 - i. A failure to appeal during the five (5) day period will result in a waiver or loss of appeal rights and in the action being effective on the date specified without further notice.
 - ii. The Board of Commissioners or any committee appointed by the Board to hear appeals shall consider all available facts, evidence, and testimony. The Board or committee may affirm, revise, or revoke the disciplinary action. If the action was suspension without pay, the Board may direct that the employee be paid. If the action was dismissal, the Board may reinstate the employee with back pay. The Board shall issue its decision as soon as practical after the hearing, but in no event later than fifteen (15) work days following the hearing.
 - iii. The decision of the Board of Commissioners or committee shall be final.
 - iv. An aggrieved employee who does not follow the employee appeal procedure waives or loses any further appeal rights.

E. DISCIPLINARY OFFENSES

It is virtually impossible to list every disciplinary offense with a recommended penalty. The County has, however, made some distinctions based on the seriousness of an offense. These offenses are listed below as **EXAMPLES ONLY** and are not intended to include or exclude all possible situations.

1. Violation of any of the following rules will be considered adequate justification for dismissal for first offense:
 - a. Possession, misuse or being under the influence of intoxicating beverages, controlled substances, misuse of nonprescription or prescription drugs while on duty, testing positive for drugs during random sampling;
 - b. Theft, misappropriation, conversion, or destruction of the property of any county employee or visitor on County premises.
 - c. Bodily assault upon any employee, or fighting on County property;
 - d. Immoral or indecent conduct on County property;

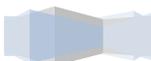




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- e. Conduct or language reflecting discredit on the County or County officials, while on or off duty;
 - f. Unauthorized possession of firearms or any dangerous weapons or explosives on County property;
 - g. Threatening, intimidating, coercing, or interfering with other employees;
 - h. Taking disciplinary action against any employee based on sex, age, creed, national origin, race, religion, disability or for partisan reasons;
 - i. Insubordination to County Administrator, Department Head or immediate supervisor; refusal to perform assignments; or, directing abusive or threatening language at any person;
 - j. Disclosing confidential business information to unauthorized persons;
 - k. Conflict of interest;
 - l. Falsification of employment application, time cards, production reports, or records required by the County or by law; Fraud committed by knowingly accepting pay for work not performed;
 - m. Acts of sabotage, or other interference with County projects;
 - n. Unlawful harassment or discrimination;
 - o. Conviction of a felony or other crime involving moral turpitude;
 - p. Sleeping during working hours;
 - q. Habitual tardiness and/or absenteeism, including absence from work without first notifying and securing permission from the supervisor / Department Head;
 - r. Participating in an unauthorized work stoppage or slowdown, or interfering with service;
 - s. Unsafe operation of equipment or destruction of material or property; Negligence or carelessness resulting in injury to any person; Damage to County or other property or equipment;
 - t. Willful disregard of County policies and procedures; violation of any County Ordinance, official regulation or order; or, failure to obey any proper direction made and given by a superior;
 - u. Incompetence or inefficiency in the performance of the duties of the position.
2. The following factors will be considered in all applications of disciplinary action:
- a. The seriousness of the offense
 - b. The employee's past record and length of service.
 - c. The circumstances surrounding the particular case.





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2.07 – TERMINATIONS

A. PURPOSE

To provide a fair and consistent process for all employees upon separation.

A. STANDARD

It is the policy of the County that all terminations of employment, voluntary and involuntary, through resignation, retirement, dismissal, or other reasons be processed through the appropriate channels in a timely and lawful manner.

B. TYPES OF SEPARATIONS

1. **DISMISSAL** – Involuntary separation, except by expiration of term specified by law or otherwise, suspension, layoff or retirement.
2. **RESIGNATION** – Voluntary separation.
3. **LAYOFF** – Involuntary separation, through no fault of the employee, for reasons of lack of funds; changes in organization; completion of temporary or restricted employment; or, similar reason, and without adverse effect upon an employee's eligibility for further employment.
4. **RETIREMENT** – Voluntary separation from service after age and length of service eligibility requirements have been met.

C. PROCEDURE

1. VOLUNTARY TERMINATION:

When a Department Head is notified by an employee of the intention to terminate employment, the Department Head is responsible for the following:

- a. Contact the Human Resources Department immediately with the termination date and projected hours to appear on the final paycheck; submit a final time sheet to the Human Resources Department.
- b. Interview the employee to determine the reason for termination.
- c. In concert with Human Resources Department, determine if the employee has submitted all expense reports covering County reimbursable activities.
- d. Ensure that employee returns all issued or County-owned property, including but not limited to, documents, disks, uniforms, equipment, etc.
- e. Ensure that employee pays any debts owed to the County, e.g., payroll deductions, credit card charges, etc.

2. INVOLUNTARY DISMISSAL:

The County or the employee may at any time for any lawful reason with or without notice may terminate employment.

3. EXIT INTERVIEW:

A terminating employee shall complete an exit interview prior to his/her last day of work and prior to receiving the final paycheck. The Department Head shall make



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arrangements for the exit interview after receiving the employee’s notice. The original exit interview document shall be given to the Human Resources Department.

6.17 – CONFLICT RESOLUTION/GRIEVANCE PROCESS

A. STANDARD

Differences of opinion are expected in the workplace and can be beneficial when presented in a positive manner. Employees are encouraged to constructively share different views and opinions with co-workers and Department Heads for the purpose of increasing efficiency, productivity, and service delivery. Department Heads and employees will make every effort to resolve problems or conflicts as they arise. Conflicts that cannot be resolved within the organizational framework will be resolved through the following process.

B. PURPOSE

The purpose of this process is to promote a better understanding of policies, practices, and procedures affecting employees and to improve communications and relations between employees and Department Heads. Nothing contained herein should be construed to restrict open discussion between an employee and his/her Department Head regarding matters of employment. Instead, this procedure serves as an extension and formalization of that process as needed for the resolution of conflict.

C. SCOPE

Conflict may be based upon an event or condition that affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. A conflict may involve alleged safety or health hazards, promotion, training opportunities, or complaints of discrimination or unfair treatment. Performance evaluations, absent a claim of discrimination, may not be the subject of conflict resolution; however, an employee may submit a written rebuttal to be placed in the Personnel File if he/she disagrees with the performance evaluation.

D. PROCESS

Employees are encouraged to use and respect the chain of command. Under special circumstances, in which the employee does not feel that he/she can go to the Department Head, the employee may go directly to the County Administrator or the Human Resources Department.

STEP #1 – The employee will first present the question, complaint, or grievance verbally or in writing, to the immediate Department Head within five (5) working days after the action or activity for the complaint occurred or became known to the employee. The employee’s





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immediate Department Head will then respond in writing (a determination) to the employee within three (3) complete working days after the receipt of the grievance. The employee will sign a copy of the determination, to acknowledge receipt and date of the response. While maintaining appropriate confidentiality, the Department Head should, and is encouraged to, consult with any employee or appropriate person deemed necessary to reach a correct, impartial, and equitable determination concerning the grievance. If the employee is presenting a grievance concerning sexual harassment, the employee may present the grievance directly to the County Administrator or the Human Resources Department.

STEP #2 – If the conflict or grievance is not settled with the immediate Department Head in Step 1, the employee may present the grievance to the County Administrator, Liaison Commissioners, or Human Resources Department. The employee may give written notice to the County Administrator or Human Resources Department within five (5) complete working days after receipt of the Department Head’s determination. Within five (5) complete working days, the County Administrator, Liaison Commissioners, or Human Resources Department will advise the employee in writing of their determination. The employee will sign and date a copy of the County Administrator, Liaison Commissioners, or Human Resources Department’s response, to acknowledge receipt thereof. If the employee refuses to sign the written determination, the County Administrator and/or the Human Resources Department will make a notation for the employee’s file that the employee has been informed of the response. The decision of the Liaison Commissioners and the County Administrator is final.

