The purpose of this document is to provide Hart County with specific recommended revisions, updates, and additions to the current Hart County Personnel Policies and Procedures Handbook.

By: Alechia Smith
EXECUTIVE SUMMARY

Employee handbooks are a vital asset the day to day operations of any pubic organization. In a meeting with the Hart County Manager on November 5, 2009, issues were expressed regarding the County’s current employee policies. As a Spring 2010 Archway Partnership Internship/Independent Study at the University of Georgia, the current Hart County Personnel Policies and Procedures Handbook was reviewed for the following reasons:

- To update the Hart County Personnel Policies and Procedures Handbook;
- To Specifically revise the current sick leave policy and adopt necessary amendments to the Family and Medical Leave (FMLA) policy; and
- To make revisions/updates on any current personnel policies as deemed appropriate by the Hart County Manager.

The purpose of this document is to provide Hart County with specific recommended revisions, updates, and additions to the current Hart County Personnel Policies and Procedures Handbook.

Research was conducted, utilizing other county handbooks for comparison and the Nolo guide, Create Your Own Employee Handbook: A Legal and Practical Guide for Employers. Nolo is an organization that provides legal information and solutions to help individuals, businesses and nonprofits solve legal problems. This guide in particular was written by employment law attorneys Lisa Guerin, JD and Amy DelPo, JD, providing best practice information for personnel policy handbooks. As a result, the following Hart County Policies have been revised, updated, or added:

- FMLA
- Disciplinary Actions/Documentation
- Sick Leave
- Civil Leave
• Voting Leave
• Personal Leave
• Part-time and Temporary Employees
• County Vehicles
• Email and Internet

All revisions, updates, or additions that have been made are reflected in red font to show how the recommendations can be incorporated into existing County policy language. Adopting the mentioned recommendations only stand to make the Hart County Personnel Policies and Procedures Handbook more comprehensive and reflective of current personnel industry and county practices. The result is an improved relationship between County management and County employees. It is important to note that before any final personnel policy changes are made, revisions, updates, or additions should be discussed with the County Attorney to account for any recent state or local employment law updates.
FMLA CHANGES

The Hart County FMLA personnel policy was mainly updated to accommodate amendments made effective on January 16, 2009. These amendments include the following:

- New leave requirements for family members of those in the armed forces
- Qualifying exigency leave
- Military caregiver leave (26 week entitlement)
- Clarification of existing regulation and language such as a “serious health condition”

All of these changes were updated in Section 3.2(D). In addition, other updates were made to clarify policy language based on Nolo recommendations. Any underlined phrases provide examples of language that can be used. Also included is the FMLA poster provided by the U.S. Department of Labor reflecting the 2009 amendments.
(d) Family & Medical Leave.

(1) 12-Week Entitlement

A family and/or medical leave of absence is an approved absence available to eligible employees for up to 12 weeks of unpaid leave during each calendar year under particular circumstances that are critical to the family's life. Leave may be taken for the following purposes:

a. Upon the birth of the employee's child.

b. Upon the placement of a child with the employee for adoption or foster care.

c. When the employee is needed to care or provide psychological support for a child, spouse, or parent who has a serious health condition.

d. When the employee is unable to perform the functions of his or her position because of a serious health condition.

e. Upon a qualifying exigency relating to a spouse's, child's, or parent's active duty or call to active duty in the National Guard or Reserves in support of a contingency operation.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care practitioner for a condition that prevents the employee or family member from performing the functions of the job or performing other daily activities. Incapacity relating to pregnancy, prenatal care, or child birth is a serious health condition.

Qualifying exigencies include issues arising out of a family member's short notice deployment; attending military events and activities; arranging for alternative childcare; making financial and legal arrangements; attending counseling sessions; attending post-deployment activities; visiting the family member while on short-term, temporary rest leave; and any other event that the employee and employer agree is a qualifying exigency.

(2) 26-Week Entitlement

Employees may be eligible for additional leave for the following purposes:

If their child, parent, spouse, or immediate family member

1. Is a current member of the Armed Forces, including the National Guard or Reserves who

2. Suffers from a serious illness or injury incurred in the line of duty while on active duty that may render the service member medically unfit to perform his or her normal duties, and

3. Is undergoing medical treatment, recuperation or therapy; is in outpatient status; or is on the temporary disability retired list. Employees in this situation may take up to 26 weeks of leave in a single 12-month period to care for the family member.
This leave is not in addition to the 12 weeks of leave available for reasons addressed above. Employees eligible for this type of leave are entitled to 26 total weeks of leave in a 12-month period, for all reasons.

(3) Scope.

This policy shall apply to all family and medical leaves of absence except to the extent that this type of leave is covered under other paid county employment benefit plans or policies for any part of the 12 weeks of leave to which the employee may be entitled under this policy. If an employee is entitled to paid leave under another county benefit plan or policy, the employee must take that paid leave first. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

(4) Eligibility.

An employee must have been employed with the county for at least 12 months and must have worked at least 1,250 hours within the 12-month period preceding the commencement of the leave to be considered eligible to take family and medical leave.

(5) Reinstatement.

When returning from leave, employees have the right to return to a former position or an equivalent position, except for the following reason:

a. If the employee on leave is a salaried employee and is a key employee, among the highest paid 10 percent of county employees within 75 miles, and if keeping the job open for the employee would result in substantial economic injury to the county, reinstatement to the employee on leave to an equivalent position with equivalent employment benefits as well as other terms and conditions of employment can be denied.

In this situation the employee may be given an opportunity to return to other work, if available. The employee will be notified by the county soon after leave is requested informing of key employee classification.

(4) Leave Available.

Eligible employees may take up to 12 weeks of unpaid leave in a 12-month period for any of the purposes listed under "12-Week Entitlement," above. This 12-month period begins on the first day of the approved leave. A parent who takes leave to care for a newborn, newly adopted child, or recently placed foster child must complete this leave within a year after the birth, adoption, or placement.

Eligible employees may take up to 26 weeks of unpaid leave to care for a family member who suffers a serious injury or illness in the line of duty on active duty, as described under "26-Week Entitlement," above. This 12-month period begins on the first day of the approved leave.
(5) Basic Regulations and Conditions of Leave.

a. The county will require medical certification to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse, parent, or immediate family member, suffering from injury or illness in the line of duty on active duty. For the employee's own medical leave, the certification must include a statement that the employee is unable to perform the functions of his or her position. For leave to care for a seriously ill child, spouse, parent, or immediate family member, suffering from injury or illness in the line of duty on active duty, the certification must include an estimate of the amount of time the employee will be needed to provide care. In its discretion, the county may require a second medical opinion and periodic recertifications at its own expense. If the first and second opinions differ, the county, at its own expense, may require the binding opinion of a third health care provider, approved jointly by the county and the employee. The county may ask the employee to provide other types of documentation, such as a copy of active duty orders or proof of a family relationship to the person the employee will care for.

b. If medically necessary for a serious health condition of the employee or his or her spouse, child, parent, or immediate family member, suffering from injury or illness in the line of duty on active duty, leave may be taken on an intermittent— that is, a few hours or days at a time— or reduced leave schedule. If leave is requested on this basis, however, the county may require the employee to transfer temporarily to an alternative position that better accommodates recurring periods of absence or a part-time schedule, provided that the position has equivalent pay and benefits.

c. Spouses who are both employed by the county are entitled to a total of 12 weeks of leave instead of 12 weeks each for the birth or adoption of a child or for the care of a sick parent.

d. The county requires the employee to use accrued paid leave first while taking family and medical leave to receive pay for all or a portion of leave, as long as the reason for leave is covered by the applicable type of time off. To utilize paid leave, normal notification requirements for paid leave must be followed. If not, the employee is still entitled to take unpaid family and medical leave.

(6) Notification and Reporting Requirements.

When the need for leave if foreseeable, including the birth or adoption of a child, or planned medical treatment, the employee must provide reasonable prior notice, 30 days, and make efforts to schedule leave so as not to disrupt county operations. In cases of illness, the employee will be required to report periodically on his or her leave status and intention to return to work. The county may also ask the employee to provide a fitness for duty report from a doctor before returning to work after taking leave for their own serious health condition.

(7) Status of Employee Benefits During Leave of Absence.

a. During any family and medical leave, the employee’s coverage under any county group health plan will be maintained on the same condition as coverage would have been provided if the employee had been continuously employed during the entire leave period.

b. In the event that an employee elects not to return to work upon completion of an approved unpaid leave of absence, the county may recover from the employee the cost of any payments made to
maintain the employee’s benefit coverage unless the failure to return to work was for reasons beyond the employee’s control. Benefit entitlements based upon length of service will be calculated as of the last paid work day prior to the start of the unpaid leave of absence.

c. An employee who fails to return to work upon completion of an approved unpaid leave of absence is entitled to COBRA insurance coverage, which would begin on the day he/she failed to return to work or the day he/she announces they will not return.

d. An employee who declined to maintain health insurance coverage during their leave is still eligible for COBRA coverage. Failure to reimburse the county for payments made to maintain the employee's benefit coverage will not bar the employee's eligibility for COBRA coverage.

e. Any employee who is granted an approved leave of absence will still be eligible for any attendance or safety bonuses.

f. Any employee who receives an on the job injury eligible for worker’s compensation benefits may also be granted an approved leave of absence under this section.

(8) Notice Requirements.

a. A Request for Family and Medical Leave of Absence Form should be originated in duplicate by the employee. This form should be completed in detail, signed by the employee, submitted to the Department Head for proper approval, and forwarded to the County Administrator. The form should be submitted 30 calendar days in advance of the leave’s effective date. Failing to do so may delay leave approval.

b. All requests for family and medical leaves of absence due to illness will include a Certification of Health Care Provider containing sufficient medical certification attached to a completed Request for Family and Medical Leave of Absence Form.

c. Upon notice by an employee that his/her absence is due to a reason covered by the Family and Medical Leave Act, the county will notify the employee within two (2) days that such an absence will be designated as family and medical leave. Employees must provide enough information to determine whether the leave qualifies as family and medical leave. If leave has already been taken for the same reason, employees must refer either to the reason or to the need for family and medical leave when notice is given to the county.
Basic Leave Entitlement
FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee’s child after birth, or placement for adoption or foster care;
- To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee’s job.

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

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

Benefits and Protections
During FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

Eligibility Requirements
Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition
A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave
An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave
Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer’s normal paid leave policies.

Employee Responsibilities
Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer’s normal call-in procedures.

Employer Responsibilities
Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees’ rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee’s leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers
FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement
An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

For additional information:
WWW.WAGEHOUR.DOL.GOV
DISCIPLINARY CHANGES/DOCUMENTATION

Nolo recommends the use of a progressive disciplinary policy in which the goal of the discipline is to be communicative rather than punitive. It is recommended to include an order to the steps of discipline so employees know exactly what to expect as consequences for their infractions. In conducting research on other county disciplinary policies, using the following order seems to be the best practice: verbal warning, written warning, final written warning, suspension, and finally dismissal. In addition to this, a few additional disciplinary infractions have been added to provide a more comprehensive list.

Providing documentation of disciplinary actions is extremely important to any organization. It benefits employees in that it ensures equity of discipline and it protects employers from the threat of discriminatory discipline practices. The Hart County Manager expressed concerns regarding documentation of disciplinary practices. The proposed disciplinary action form (attached) would be a way to provide a paper trail of employee infractions and provide justification if needed for dismissal.

Research was conducted on disciplinary/documentation practices. Wake County, NC provided an example of a comprehensive disciplinary documentation process. This example provided the template for other proposed changes to the Hart County disciplinary action policy.
8.2 General Policy

Any employee conduct that violates county rules or any rules outlined in this Personnel Policies and Procedures Manual that interferes with or adversely affects county business is sufficient grounds for disciplinary action.

Responsible employees recognize the importance of courteous, respectful, decent, and professional behavior in creating a good workplace environment. When appropriate, the county will impose discipline on a progressive basis in the following order: through verbal and written reprimands, suspension and termination. Hart County reserves the right to alter the order described or to skip disciplinary steps. Copies of all reprimands will be made part of an employee's personal record.

(a) Written Warnings (Reprimand)

A written warning is a formal disciplinary action given to the employee by his supervisor in a private conference and describes the way in which the employee’s performance or conduct has failed to meet expectations. The supervisor will:

- Advise the employee that this is a written warning and a step in the disciplinary process;
- Specify the cause for disciplinary action, making note of any other recent job performance or personal conduct warnings;
- Advise the employee of specific actions he/she must take within a designated time frame to remedy performance deficiencies; and, inform the employee that the consequences for failing to make the necessary improvement within the specified time frame will lead to further disciplinary action, up to and including dismissal.
- Advise employees of grievance rights, as appropriate.

(b) Disciplinary Suspension

A disciplinary suspension is the temporary removal of an employee from duty for disciplinary reasons and is always without pay.

NOTE: According to FLSA requirements, an exempt status employee may not be suspended without pay, except for safety reasons, for less than one full workday (employees on fluctuating work week may only be suspended without pay for their entire work period).

Prior to placing an employee on disciplinary suspension, the following steps must be taken:

- The supervisor or department head must conduct a pre-suspension conference with the employee advise the employee of the reasons for disciplinary suspension and to consider the reasons for disciplinary suspension and to consider any new information the employee may present. The employee must be given advance notice of the date and time as well as the reasons for the pre-suspension conference.
- In the conference, the supervisor will inform the employee of his recommendation for the disciplinary suspension and the reasons supporting that recommendation. The employee
will then have the opportunity to respond and to add any additional information in his/her favor. No attorney shall represent either side at the conference.

- If the decision is to suspend the employee, management will give the employee written notice of the specific reasons for the disciplinary suspension, the effective dates of the suspension, and a statement of the employee’s appeal rights.

(c) Dismissal

Dismissal is the removal of an employee from duty, thereby ending his/her employment with the County. This is the most severe disciplinary action which may be imposed by management and requires approval by the department head or his/her designee. Prior to deciding to dismiss a regular employee, the following steps must be taken:

- The supervisor must attempt to hold a pre-dismissal conference with a regular employee. The employee will be given as much advance notice as is practical of the date and time for the pre-dismissal conference as well as the reasons for the proposed dismissal. The purpose of this conference is to receive and consider any new information the employee may present. If an employee fails to or refuses to attend the pre-dismissal conference, the employee may be dismissed.
- The pre-dismissal conference will be conducted by the supervisor. If the person conducting the conference chooses, security may be present. No attorney shall represent either side at the conference.
- In the conference, the supervisor will inform the employee of his/her recommendation for dismissal and summarize the reasons supporting his/her recommendation. The employee will then have the opportunity to respond to the facts presented and to add any additional information in his/her favor.
- After the conference, management will review and consider any new information presented in the conference and will make a decision regarding the recommended dismissal.
- If the decision is to dismiss the employee, the supervisor will give the employee written notice of the dismissal and the reasons for the dismissal, the effective date of the dismissal, and the employee’s appeal rights.

8.3 Causes for Disciplinary Action

As an at-will employer, Hart County is not required to give causes of disciplinary action, nor are they required to only dismiss “for cause.” However, the following is a list of possible causes for disciplinary action. This list is not exhaustive, and an employee may be disciplined for any combination of these reasons, or for reasons not listed below.

(1) Negligence or inefficiency in performing work duties;
(2) Unfitness to perform assigned duties;
(3) Insubordination;
(4) Misconduct;

(5) Conduct reflecting discredit on the county or the employee’s department;

(6) Failure to report for work without justifiable cause;

(7) Chronic tardiness or absenteeism;

(8) Violation or refusal to comply with federal, state or local laws, including traffic laws and ordinances;

(9) Theft, destruction, damage, or other unauthorized use of county property;

(10) Abuse of alcohol or drugs, including using, possessing, or distributing alcohol or drugs at work;

(11) Discourtesy to the public;

(12) Falsification of records, including an employee’s employment application;

(13) Conduct which jeopardizes harmony among co-workers or the maintenance of discipline by a supervisor;

(14) Conduct which jeopardizes a close working relationship where personnel loyalty and confidence is required;

(15) Solicitation, acceptance or agreement to receive any gift, gratuity, or favor, which induces the reasonable belief that it will influence your performance or failure to perform any official action;

(16) Improper use of official position for personal profit or advantage;

(17) Release of false or misleading information concerning the county, or unauthorized release of county records or files;

(18) Discrimination and harassment;

(19) Physically or verbally assaulting (including fighting or arguing) coworkers, supervisors, managers, or any other Hart County employee.

(20) Violation of any provision of this Policy and Procedures Manual.
Example of Wake County, NC Disciplinary Policy

Written Warning (Reprimand)

A written warning is a formal disciplinary action given to the employee by his supervisor in a private conference and describes the way in which the employee’s performance or conduct has failed to meet expectations. The supervisor will:

- Advise the employee that this is a written warning and a step in the disciplinary process;
- Specify the unsatisfactory performance or personal conduct, making note of any other recent job performance or personal conduct warnings;
- Advise the employee of specific actions he must take within a designated time frame to remedy performance deficiencies; and, inform the employee that the consequences for failing to make the necessary improvement within the specified time frame will lead to further disciplinary action, up to and including dismissal. Absent a specified time frame, 60 days is presumed to be the period of time allowed for completing required performance improvements or demonstrating compliance with a corrective action plan. Immediate corrective action is required for grossly inefficient job performance or unacceptable personal conduct.
- Advise employees of grievance rights, as appropriate.

A copy of each written warning will be given to the employee and a copy will be made part of the employee’s personnel record. The written warning itself should include a statement that this is a written warning, the specific job performance problem or personal conduct that needs to be corrected by a certain time; any action plan that has been developed to assist the employee in accomplishing the required corrective action; and the consequences for not making necessary improvements in accordance with the written reprimand.

Disciplinary Suspension

A disciplinary suspension is the temporary removal of an employee from duty for disciplinary reasons and is always without pay.

NOTE: According to FLSA requirements, an exempt status employee may not be suspended without pay, except for safety reasons, for less than one full workday (employees on fluctuating work week may only be suspended without pay for their entire work period).

Prior to placing an employee on disciplinary suspension, the following steps must be taken:

- The supervisor or department head must conduct a pre-suspension conference with the employee advise the employee of the reasons for disciplinary suspension and to consider the reasons for disciplinary suspension and to consider any new information the employee may present. The employee must be given advance notice of the date and time as well as the reasons for the pre-suspension conference.
- In the conference, the supervisor will inform the employee of his recommendation for the disciplinary suspension and the reasons supporting that recommendation. The employee will then have the opportunity to respond and to add any additional information in his favor. No attorney shall represent either side at the conference.
• If the decision is to suspend the employee, management will give the employee written notice of the specific reasons for the disciplinary suspension, the effective dates of the suspension, and a statement of the employee's appeal rights. A copy of the written notice will be made part of the employee's personnel record.

After the conference, management will review and consider any new information presented in the conference and will make a decision regarding the recommended disciplinary suspension.

Dismissal

Dismissal is the removal of an employee from duty, thereby ending his employment with the County. This is the most severe disciplinary action which may be imposed by management and requires approval by the department head or his designee. Prior to deciding to dismiss a regular employee, the following steps must be taken:

• The supervisor must attempt to hold a pre-dismissal conference with a regular employee. The employee will be given as much advance notice as is practical of the date and time for the pre-dismissal conference as well as the reasons for the proposed dismissal. The purpose of this conference is to receive and consider any new information the employee may present. If an employee fails to or refuses to attend the pre-dismissal conference, the employee may be dismissed.
• The pre-dismissal conference will be conducted by the supervisor. If the person conducting the conference chooses, security may be present. No attorney shall represent either side at the conference.
• In the conference, the supervisor will inform the employee of his recommendation for dismissal and summarize the reasons supporting his recommendation. The employee will then have the opportunity to respond to the facts presented and to add any additional information in his favor.
• After the conference, management will review and consider any new information presented in the conference and will make a decision regarding the recommended dismissal.
• If the decision is to dismiss the employee, the supervisor will give the employee written notice of the dismissal and the reasons for the dismissal, the effective date of the dismissal, and the employee's appeal rights. A copy of this written notice will be made part of the employee's personnel record.

In the supervisor’s discretion, the effective date for the dismissal of a regular employee for unsatisfactory job performance may be up to two (2) weeks from the date of notice of dismissal, or the employee may receive up to 80 hours pay in lieu of working notice. The effective date of the dismissal may not be earlier than the date of the letter of dismissal no later than fourteen (14) calendar days after the date of the letter of dismissal.
## Employee Disciplinary Action Notice

### Employee Information

<table>
<thead>
<tr>
<th>Employee Name:</th>
<th>Date:</th>
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<tr>
<td>Employee ID:</td>
<td>Job Title:</td>
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<tr>
<td>Manager:</td>
<td>Department:</td>
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### Type of Action

- [ ] First Warning (Verbal)
- [ ] Second Warning (Written)
- [ ] Final Warning (Written)
- [ ] Suspension
- [ ] Dismissal

### Type of Offense

- [ ] Tardiness/Leaving Early
- [ ] Absenteeism
- [ ] Violation of County Policies
- [ ] Substandard Work
- [ ] Violation of Safety Rules
- [ ] Rudeness to Customers/Coworkers
- [ ] Other: ____________

### Details

**Description of Infraction/County Policy Violated:**

**Employee Statement:**

**Plan for Improvement:**

**Consequences of Further Infractions:**

### Acknowledgement of Receipt of Warning

*By signing this form, you confirm that you understand the information in this warning. You also confirm that you and your manager have discussed the warning and a plan for improvement. Signing this form does not necessarily indicate that you agree with this warning.*

<table>
<thead>
<tr>
<th>Employee Signature</th>
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<th>Manager Signature</th>
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<tr>
<th>Witness Signature (if employee understands warning but refuses to sign)</th>
<th>Date</th>
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SICK LEAVE CHANGES AND RECOMMENDATIONS

According to Nolo, sick leave policies, in general, should explain which employees are eligible for leave, how much leave can be taken, and any other requirements deemed necessary by the employer (2009, p. 143). The Hart County Manager has raised specific issues regarding the current sick leave personnel policy which will be addressed. Under the current policy, employees are able to accrue a total of five (5) days of sick leave per year regardless of length of service; unused sick leave at the end of the year may be carried forward indefinitely, meaning no cap exists on how much sick leave an employee can accrue. Also, upon termination of County employment, each employee will be compensated for leave at the final rate of pay. As of 2009 year-end, Hart County sick leave liability was $296,535.49 (General Fund) $23,189.31 (Special Revenue Fund). Hence, the need for a revision to the current sick leave policy exists. Other county government sick leave policies were examined in effort to recommend alternatives.

Research on county government sick leave policies reveals that in general, the following options may occur:

- Sick leave accrues indefinitely (or is not capped) and sick leave compensation is paid out at the end of employment; this is the current Hart County policy
- Sick leave accrues indefinitely (or is not capped) and no sick leave compensation is paid out at the end of employment
- Sick leave does not accrue indefinitely (or is capped) and sick leave compensation is paid out at the end of employment
- Sick leave does not accrue indefinitely (or is capped) and no sick leave compensation is paid out at the end of employment
The two options that seem to occur most often are (1) if sick leave compensation is paid out, a cap exists and (2) if sick leave compensation is not paid out, no cap exists and employees can accrue leave indefinitely. If counties are paying out for unused leave, they only compensate employees up to a capped amount of accrued sick leave.

In conducting research on sick leave policies of other county governments, the following counties were chosen:

- Dekalb County, IL
- Wake County, NC
- Forsyth County, NC
- Hall County, GA
- Paulding County, GA

No two sick leave policies are the same, however, all have unique characteristics which can be utilized to create a more effective sick leave policy for Hart County. The mentioned county governments were chosen to illustrate the variety of sick leave policy options that exist among localities. These counties all differ from Hart County in terms of population size and demographics and have been used here for the sole purpose of providing examples of differing sick leave policy alternatives.

The differences of each are assessed to provide comparison on whether to cap accrued sick leave and/or to pay out accrued sick leave upon the end of employment.
Dekalb County, IL: What’s Different?

<table>
<thead>
<tr>
<th>Is accrued sick leave capped?</th>
<th>Is accrued sick leave paid out upon the end of employment?</th>
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<tbody>
<tr>
<td>NO</td>
<td>YES</td>
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</table>

- Dekalb County uses a Paid Hours Off (PHO) system, in which vacation, sick, and holiday leave are accrued based on years of service. Rates of accrual are clearly defined in hours per week. There is no cap on how much sick leave can be accrued.

- Upon the end of employment, Dekalb County pays out for any employee who was hired on or before February 29, 1988, up to a maximum of 60 days at the regular rate of pay. Employees hired on or after March 1, 1988, will accumulate PHO’s at the same rate as other employees but will be eligible to be paid for said PHO’s on a basis of one hour of pay for each two PHO’s.

Although employees accrue sick leave indefinitely, upon the end of employment they can only be paid out up to 60 days of leave or paid for half the amount of hours accrued depending upon start date.

Wake County, NC: What’s Different?

<table>
<thead>
<tr>
<th>Is accrued sick leave capped?</th>
<th>Is accrued sick leave paid out upon the end of employment?</th>
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<tbody>
<tr>
<td>NO</td>
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- Wake County full-time employees accrue 12 days of sick leave per year. There is no cap on how much sick leave can be accrued.

- Upon the end of employment, Wake County does not make any payments to employees for unused sick leave. However, unused sick leave is counted in computing creditable service in accordance with the North Carolina Local Government Employees’ Retirement System regulations with regard to sick leave credit.

Here, unused sick leave can be carried over indefinitely, however, employees are not compensated for unused leave. Instead, unused leave time is counted toward total service time.
Forsyth County, NC: What’s Different?

<table>
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<tr>
<th>Is accrued sick leave capped?</th>
<th>Is accrued sick leave paid out upon the end of employment?</th>
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<tbody>
<tr>
<td>NO</td>
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- Forsyth County full-time employees also accrue 12 days of sick leave per year. There is no cap on how much sick leave can be accrued.
- Upon the end of employment, Forsyth County does not make any payments to employees for unused sick leave. They also allow unused sick leave to be counted in computing creditable service in accordance with the North Carolina Local Government Employees’ Retirement System regulations with regard to sick leave credit.

The Forsyth County, NC policy is identical to the Wake County, NC policy.

Hall County, GA: What’s Different?

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<th>Is accrued sick leave capped?</th>
<th>Is accrued sick leave paid out upon the end of employment?</th>
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<tbody>
<tr>
<td>YES</td>
<td>NO</td>
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- Hall County full-time employees accrue 10 days of sick leave per year. Employees may accrue leave time until a maximum of 720 hours, or 90 eight hour days, is reached.
- After the maximum is reached, accrued sick leave above 720 hours is moved into a reserve bank that may be released for an employee's use with approval by the County Administrator.
- Upon the end of employment, Hall County does not make any payments to employees for unused sick leave.

Hall County sets a cap on how much leave employees can accrue (90 eight hour days). Employees are not compensated for unused leave.
Paulding County, GA: What’s Different?

<table>
<thead>
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<th>Is accrued sick leave capped?</th>
<th>Is accrued sick leave paid out upon the end of employment?</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
<td>YES</td>
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</table>

- Paulding County full-time employees accrue 128 hours of sick leave per year (10.66 hours following every full month of service)
- A maximum of 60 days/480 hours may be carried forward from one calendar year to another. Employees scheduled for 24 hour shift work/ 106 per pay period (i.e., firefighters) may carry forward 638 hours from one calendar year to another.
- Upon the end of employment, Paulding County does pay employees for accrued unused sick leave.

Although Paulding County does pay for unused sick leave, a cap is placed on the amount (60 days) which can be received.

In light of the IL, GA and NC county sick leave policies, the following four sick leave policy options can be considered as alternatives to the current Hart County policy:

- **OPTION 1**: Hart County should consider placing a cap on the maximum amount of sick leave that can be accrued if leave is to remain compensable.
  - In the examples above, best practices appear to place a cap on the amount of sick leave that can be accrued, and therefore paid out (i.e. Dekalb County, Paulding County)

- **OPTION 2**: Hart County should consider continuing to allow employees to accrue sick leave indefinitely without paying out for the unused time upon the end of employment. (i.e. Wake County, Forsyth County)

- **OPTION 3**: Hart County should consider grandfathering current employees under the old policy while setting a cap on compensation amount, while newly hired employees fall under Option 1 or 2.

- **OPTION 4**: Hart County can continue with the status quo, the current sick leave policy.
Sample of revised sick leave policy language:

Sick Leave

a. All County employees shall accrue a total of five (5) days of sick leave per year regardless of length of service to be granted at a prorated rate per month. Sick leave must be taken in one hour increments. (revised May 11, 2004)

The Board of Commissioners, at its discretion, may grant additional sick leave time in cases of extenuating circumstances.

OPTION 1

b. Employees may carry forward unused sick leave until a maximum of _____ days has been reached. Once an employee has reached this limit, no more sick leave will accrue until the employee uses sick leave to reduce the accrued total below the maximum.

c. Each employee will be compensated for the max of _____ days at the final rate of pay upon leaving county employment.

OR

OPTION 2

b. Employees may carry forward unused sick leave indefinitely.

c. Employees will not be compensated for sick leave days that have accrued but have not been used when employment ends.

OR

OPTION 3

b. Employees may carry forward unused sick leave indefinitely.

c. Upon the end of employment, Hart County pays out for any employee who was hired on or before ___(date)___, up to a maximum of _____ days at the regular rate of pay. Employees hired on or after ___(date)___, will not be compensated for sick leave days that have accrued but have not been used when employment ends.

OR

OPTION 4

b. Employees may carry forward unused sick leave indefinitely.

c. Each employee will be compensated at the final rate of pay upon leaving county employment.

(1) Illness or Injury.

County employees may use sick leave when they are unable to work due to personal illness or injury, or, illness or injury of a member of an employee’s immediate family which necessitates the employee’s absence from work. Sick leave may also be used for an employee’s medical appointments or the medical
appointments of an immediate family member. Illness or injury encompass any sickness, illness or injury that
unduly restricts or renders the employee incapable of performing her/his normal duties. Sick leave is not to be
used as extra vacation time, personal days, or “mental health” days.

(2) Immediate Family Member.
An immediate family member includes the employee’s mother, father, spouse, sibling (including blood, step or
half), child (including blood, step or adopted), father-in-law, mother-in-law, daughter-in-law, son-in-law,
grandparents or grandchildren; or domestic partner or the domestic partner’s mother, father, or child
(including blood, half, step or adopted).

(3) Notification.
Employees must report the intent to use accrued sick leave to supervisors. Employees must notify supervisors as
soon as the need for sick leave is evident either before the normal start of their work day. Notification is
required for each day the employee is out on leave.

Recommendation for Hart County:

Option 3 is the most favorable option. This would allow for current employees to be compensated for
a portion of accrued leave while enabling a change to be made for new employees going forward.

Employees would still be allowed to carry over unused sick leave indefinitely although the addition of the
compensation cap would dramatically reduce the amount out of sick leave liability Hart County is responsible
for. Some counties have set the cap to a number of days to be compensated for while others have set a
percentage of total days accrued until a max is reached. For example, Hart County may choose to
compensate for up to 50 days at the regular rate of pay per employee, which would equal 10 years of
accumulated leave, or compensate for only 25 percent of unused leave up to a certain number of days. In this
sense, adding a cap does not remove any previous establishment of compensation. Option 1 and option 2
alone without a grandfather clause would either place a cap on sick leave that can be accrued, leaving
employees who have accrued more than the capped amount disadvantaged, or not compensating for the
benefit at all; both scenarios may be unfavorably viewed by County employees. In choosing option 4, or
continuing with the status quo, Hart County assumes the responsibility of compensating an indefinite amount of leave liability, only to increase every year.

Other proposed changes to the sick leave policy include providing more detailed language of what sick leave can be used for, who it applies to, and employer notification procedures, all to minimize abuse.

Hart County is an at-will employer, allowing for changes of employment or benefits at any time, with or without notice. There are no federal laws preventing the change of sick leave policies. There are also no Georgia state laws specifically controlling final paychecks upon the end of employment and the compensation that must be included within final pay. As changes to benefits are made, Nolo recommends communicating revisions to management and employees in detail through a memorandum with the new policy attachment, which Hart County did when updating the sick leave policy in 2003, or advising employees of the changes at meetings as best practices of informing employees. Before any final changes are made, revisions should be discussed with the County Attorney to account for any recent state or local employment law updates.
CIVIC LEAVE/JURY DUTY CHANGES

Nolo recommends that civic leave policies should let employees know whether jury service will be paid or unpaid, explain any notice requirements for employees called to jury duty, and clearly state that employees will not face discipline or retaliation for serving on a jury (p. 167). Georgia state law (Ga. Code Ann. § 34-1-3) states that an “employee may not be discharged, penalized, or threatened with discharge or penalty for responding to a subpoena or making a required court appearance.” These recommended changes to the existing Hart County Policy are reflected.
(f) Civil Leave/Jury Duty

All county employees are entitled to civil leave without loss of pay or time when the employee is subpoenaed by any court to serve as a juror or witness. If called for jury duty, county employees are entitled to take time off, as necessary, to fulfill jury obligations. No employee will face discipline or retaliation for jury service.

Employees must immediately inform their supervisors when a jury duty summons is received. If chosen to sit on a jury, employees must inform their supervisors of how long the trial is expected to last. Employees must also check in with their supervisors periodically during jury service, so supervisors know when to expect a return to work.

The employee should report to work when not actually required to be present in court.
VOTING LEAVE CHANGES

Nolo recommends that an employee policy on voting leave should state whether or not leave will be paid, how much time employees are allotted to take off from work under state law, and describe any notice or other requirements employees must meet to qualify (p. 165). Georgia state law (Ga. Code Ann. § 21-2-404) sets the following provisions for voting leave:

- Time off work for voting: Up to 2 hours. Employers may decide when hours are taken.
- Time off no required by law if: Employee has 2 non-work hours at the beginning or end of shift when polls are open.
- Time off is paid: No
- Employee must request leave in advance: Must give “Reasonable notice” (Nolo, 2009, p. 182)

Also, policy language has been updated to reflect that of Nolo recommendations. These recommended changes to the existing Hart County Policy are reflected.
2.14 Voting Rights

Hart County encourages employees to exercise their right to vote. If an employee’s work schedule and location of polling place will make it difficult to get to the polls before they close, employees are entitled to take up to 2 hours off work under Georgia state law, at the beginning or end of a shift, to cast a ballot. This time will be unpaid.

Employees who will need to take time off work to vote must provide supervisors with a reasonable amount of notice. Employees are expected to work with their supervisors to ensure that their absence does not negatively impact Company operations.

No employee shall be given or refused employment, suspended or discharged because of his or her vote or failure to vote in any primary or election.
PERSONAL LEAVE CHANGES

The only recommended change to this policy includes adding more explicit language as to what personal leave can and cannot be used for to mitigate any employee uncertainty.
(c) **Personal Leave**

(1) All county employees shall accrue three (3) days of personal leave regardless of the length of service. A minimum of one day of leave must be taken.

Personal Leave must be taken by the end of the fiscal year (September 30). It does not carry forward to the next fiscal year or accrue as “banked” time. (Effective October 1, 2003). A minimum of one half day of leave must be taken. (Amended March 23, 2005).

Personal leave may be used for the following reasons: sick time or family and medical leave, to observe a religious holiday, birthday, or as a day/time off for a personal reason.

Public Safety employees will be compensated for any unused personal leave at fiscal year end (September 30). (As amended October 11, 2005).
PART-TIME AND TEMPORARY EMPLOYEE CHANGES

At the request of the Hart County Manager, part-time and temporary employee changes were made to include the following:

- Temporary employees can not earn more than $3,300 in a calendar year;
- Section 9-2(c) of the personnel policies is changed to allow part time employees to get step raises rewarding them for years of service with the County similar to full time employees.

Also, policy language has been updated to reflect that of Nolo recommendations. Hart County should consider including specific language on what constitutes part-time employment. In conducting research on other county classification policies, definitions of part-time and full-time employment are clearly denoted.
(c) Part Time Employees

Employees who are regularly scheduled to work fewer than ___ hours per week are part-time employees.

If an employee is changed from part time to full time status, the employee will be given credit for half the time served in part time employment. Part time employees will be eligible to receive step raises rewarding them for years of service with the county, similar to full time employees. (Revised September 27, 2005)

(n) Temporary Employees

The County Administrator is authorized to appoint a person as a temporary employee(s) to fill a temporary position. A temporary position is one that was created to remain in effect until the temporary need for which it was created has been met.

All temporary employees will earn entry-level pay for that position unless a higher pay is required to secure a person to meet the particular situation. Typically, a temporary position would not extend past three (3) months. Temporary employees can not earn more than $3,300 in a calendar year. There is no probationary period and the appointee does not acquire permanent status.

Like all employees who work for Hart County, temporary employees work on an at-will basis. This means that both they and Hart County are free to terminate their employment at any time for any reason that is not illegal—even if they have not completed the temporary project for which they have been hired.
COUNTY VEHICLE POLICY CHANGES

At the request of the Hart County Manager, the County vehicle use policy has been updated to include explicit language regarding authorized and unauthorized use of County vehicles. In efforts introduce this change, research was conducted on other county vehicle use employee policies to ensure best practice alignment. Also, more explicit language has been included to cover the use of all motorized Hart County Vehicles. These additions will further ensure County vehicles are used as intended to conduct County business.
2.20 County Vehicles

The term "vehicle," as used in these guidelines, includes, but is not limited to cars and trucks. It applies to any motorized county vehicle.

(a) Obedience of Traffic Regulations. Drivers of county vehicles must use caution and obey all federal, state and local traffic regulations.

(b) Seat Belt Policy. This county recognizes that safety belts are an important and effective item of protective equipment, and many people needlessly die and are injured due to their failure to use available seat belts. Therefore, when a county employee drives or rides in a motor vehicle while on the job, he/she MUST use seat belts.

(c) Reporting Violations and Accidents. A county employee whose job entails driving a county vehicle must report immediately any traffic violation with which he or she is charged or accident in which he or she is involved to his or her department head; any such employee shall also sign an authorization allowing periodic license checks during his/her employment with the county.

(d) Commercial Drivers License. If a county employee’s position requires a commercial driver’s license, he or she will be subject to drug testing as required by federal law, and shall be immediately terminated upon suspension or revocation of the commercial drivers license.

(e) Authorized Use of County Vehicles. Employees shall use County vehicles for official, expressed County business only. Only an authorized county employee with a valid driver’s license is permitted to drive county vehicles. Authorized employees are held responsible for securing vehicles and county property in county vehicles (tools, equipment, materials, etc.) while in use.

(f) Unauthorized Use of County Vehicles. Use of the County’s vehicle without proper authorization, or use by or transporting unauthorized personnel (including family members or other private citizens not on official county business) or materials, unauthorized possession of vehicle beyond the established time frame, DMV violations, off-paved road use, towing vehicles or trailers, smoking within the vehicle (except when the employee is alone in said vehicle), while in violation of the Drug and Alcohol Testing Policy, use of vehicle for personal business, are all considered unauthorized or vehicle misuse. Vehicles shall not be driven by family members or other unauthorized persons. Employees may not talk or text on a cell phone while driving a county vehicle.

Employees are not permitted, under any circumstances, to operate a county vehicle when any physical or mental impairment causes the employee to be unable to drive safely. Additionally, employees shall not operate any county vehicle at any time while on official county business while using or consuming alcohol, illegal drugs or prescription medications that may affect their ability to drive. These prohibitions include circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of impairment, illness, medication or intoxication.

Violating any of the mentioned terms of county vehicle use in any way may result in disciplinary action, up to and including dismissal.

(g) Serious Offenses
(1) Driving under the Influence. Any county employee charged with Driving Under the influence (DUI) while operating a county vehicle shall be immediately suspended without pay pending disposition of the charge; upon conviction, the employee will be dismissed. In the event that an employee whose job entails driving a county vehicle is charged with DUI during off-duty hours in a private vehicle, he/she shall, at a minimum, be suspended for a period of one week without pay. Any second offense shall result in immediate dismissal.

(2) Other Offenses. Any employee whose job entails driving a county vehicle shall be immediately suspended without pay upon being charged with any offense which results in a mandatory suspension of his/her license, including but not limited to those offenses listed at O.C.G.A. §40-5-54, to wit: (1) homicide by vehicle; (2) manslaughter resulting from the operation of a vehicle; (3) any felony in the commission of which a motor vehicle is used; (4) hit and run; (5) racing; (6) using a motor vehicle in fleeing or attempting to elude an officer; or (7) fraudulent or fictitious use of a license. Upon conviction, the employee will be dismissed.
EMAIL/INTERNET POLICY ADDITIONS

In efforts to provide Hart County with a comprehensive Policies and Procedures Manual, both an email and Internet policy are recommended so as to diminish employee abuse. From the research, many other counties have adopted such policies to their employee handbooks. Nolo furthers that without such a policy, an employer runs the practical risk that employees will spend work time surfing the Web, shopping/selling online, and exchanging instant message with friends… (p.271). Without this type of policy, an employer also assumes the legal risk of employees using Internet access to engage in illegal behavior (p.271). This would be a considerable liability for the County. In this sense, the following email and Internet policies should be included to explicitly state authorized and unauthorized use. These policies should be included in Section 2 under Standard of Conduct.
**Email**

Hart County provides employees with computer equipment, including an Internet connection and access to an electronic communications system, to enable them to perform their jobs successfully. This policy governs employee use of the County’s email system.

**Use of email**

The email system is solely intended for official County business, although if personal messages are sent through the County’s email system, employees must exercise discretion as to the number and type of messages sent, so as not to interfere with employee performance of public duties. Any employee who abuses this privilege may be subject to discipline.

**Email Rules**

Employees may not use the email system to send harassing or discriminatory messages, including messages with explicit sexual content or pornographic images or to send threatening messages.

Hart County expects employees to exercise discretion in using electronic communications equipment. When sending email using the communications equipment, employees are representing Hart County. Make sure that messages are professional and appropriate, in tone and content. Remember, although email may seem like a private conversation, email can be printed, saved, and forwarded to unintended recipients. Employees should not send any email that they wouldn’t want their supervisor or manager, or County official to read.

**No Solicitation By Email**

Employees may not use the email system to solicit others to patronize an outside business or to support an outside organization, a political candidate or cause, or a religious cause, with the exception of such charitable organizations as are approved by the Board of Commissioners in advance.
Internet

Hart County provides employees with computer equipment and capabilities, including Internet access, to help perform job duties. This policy governs employee use of that equipment to access the Internet.

Use of the Internet

Network and Internet access are for official County business only, although employees may utilize limited personal use of the Internet so as not to interfere with employee performance of public duties. An employee who engages in excessive Internet use or who violates any other provision of this policy, may be subject to discipline.

Prohibited Uses of the Internet

Employees may not, at any time, access the Internet using County equipment or links for any of the following purposes:

- To visit websites that feature pornography, gambling, or violent images, or are otherwise inappropriate in the workplace.
- To operate an outside business, solicit money for personal purposes, or to otherwise act for personal financial gain—this includes running online auctions.
- To download or copy software, games, text, photos, or any other works in violation of copyright, trademark, or other laws.

The County reserves the right to monitor email, the Internet, voice mail, or any other County-provided equipment systems at any time and without notice to ensure that they are being used for official business purposes and that this policy is being uniformly respected.

Employees do not have a personal privacy right in any matter created, received, stored in or sent to or from the County’s equipment. In addition, as a public employer, Internet usage, phone numbers, voice mail transmissions, email addresses and email correspondence may be a matter of public record.
REFERENCES
