



Pierce County **PERSONNEL POLICY MANUAL**



Personnel Policy Manual

Nothing in this manual is to be construed to create a contract between the County and its employees, nor is any provision of the manual intended to imply a right to continuous employment with the County. Any benefit, rule, or provision provided in this manual may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Effective April 7, 2021

A Note from the County Manager

Dear Employee:

Welcome to Pierce County!

We are excited to have you as a part of our talented and diverse team of employees. Pierce County's organizational success is driven by input and contribution from every team member. This policy manual contains key policies and expectations that apply to Pierce County employees. You will find the information both necessary and informative and are encouraged to use the manual as the vital resource it is intended to be.

Pierce County is committed to excellent service to our citizens and visitors. Providing an outstanding quality of life to our community is a top priority. As a part of our team, you will discover that your involvement will not only benefit the County, but will also be a rewarding experience for you, both professionally and personally. We expect you to own the results of your innovation and productivity and be an active participant in the growth and development of your career and of Pierce County's future.

You will find Appendix A is the County's Organizational Chart to help you understand the chain of command. All employee resources are also available on the employee portal that can be accessed through visiting www.piercecountyga.gov. The Human Resources office can be reached by email at humanresources@piercecountyga.gov, by phone at 912.449.2022 or at the physical location at the Courthouse Annex at 312 Nichols Street, Blackshear, GA 31516.

Again, welcome aboard. We look forward to your contribution!

Sincerely,

*Jason Rubenbauer
County Manager*

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Section 1 – Personnel Administration

1.1 Authority

1.1.1 General

With the exception of matters reserved by state law or as otherwise reserved by the Board of Commissioners, the general and final authority for personnel administration rests with the County Manager. This Personnel Policy Manual provides statements of policy and establishes personnel administration procedures that are necessary to effectively and efficiently manage County operations and applies to all employees that are under the operational jurisdiction of the Board of Commissioners. It is issued by the County Manager under the authority and with the approval of the Board of Commissioners. This Personnel Policy Manual also applies to employees of County elected officials other than the Board of Commissioners, including constitutional officers, unless (i) an elected official has provided written notice to the County Manager that his or her employees are not covered by this Personnel Policy Manual, or (ii) an elected official has implemented policies or procedures for his or her employees that conflict with particular provisions in this Personnel Policy Manual, in which case only the conflicting provisions of this Personnel Policy Manual shall be inapplicable to the elected official's employees. Any policy implemented by an Elected Official or Constitutional Officer must be submitted to the Human Resources Department for record keeping purposes.

1.1.2 Scope of Authority

The County Manager possesses the authority to administer County operations that are under the operational jurisdiction of the Board of Commissioners. The County Manager's authority includes, but is not limited to, the ability to:

- Discipline, discharge, or release employees pursuant to procedures described in this manual;
- Direct the work force;
- Hire, assign, or transfer employees;
- Determine the mission of County departments;
- Determine the methods, means, and allocation/assignment of personnel needed to carry out the County's mission;
- Introduce new or improved methods or facilities or change such methods or facilities;
- Determine reasonable work schedules and establish the methods and processes by which such work is performed;
- Require the performance of duties stated and intended in job descriptions, with the understanding that every duty is not always described;
- Determine position availability by: authorizing lateral assignments; freezing, hiring, and promoting; authorizing delay in position uses due to budget, facilities, or other business necessity; or authorizing temporary assignment into a vacancy; and
- Recommend to the Board of Commissioners the addition/deletion of positions, reclassification of positions, and/or reassignment of employees to different positions with different classifications and pay as required by business necessity.

1.1.3 Delegated Authority

The County Manager may delegate authority to Division/Department Heads in the following areas:

- Discipline, discharge, or release employees pursuant to the procedures described in this manual;
- Direct the work force;
- Hire, assign, or transfer employees;
- Recommend the mission of specific departments;
- Determine the methods, means, and allocation/assignment of personnel needed to carry out the department's mission;
- Introduce new or improved methods or facilities or change such methods or facilities;
- Recommend work schedules and establish the methods and processes by which such work is performed;
- Require the performance of duties stated and intended in job descriptions, with the understanding that every duty is not always described;
- Recommend positions, reclassification of positions, and/or the reassignment of employees to different positions with different classifications and/or pay; and;
- Assume fiscal responsibility of the department.

1.1.4 Administration of Policy

Proper policy administration includes selecting goals and encouraging the discharge of duties above the minimum standards. The provisions of this manual create high standards of conduct so that training and performance can be aimed at the highest levels and may, in appropriate cases, be the basis for internal discipline. This manual provides general information about County policies, procedures, expectations, and benefits. The information in this manual, however, cannot anticipate every situation or answer every question regarding your employment. Therefore, the policies set forth in this manual may not cover all situations. The County Manager shall make interpretive decisions for those situations that are not specifically covered by this manual. The intent of this Personnel Policy Manual is compliance with all applicable Federal and State laws. In the event of a change in law or a conflict in Federal or State law with the contents of this manual, the Federal and/or State law shall supersede the policies contained within this manual.

1.2 "At Will" Employment

All employment relationships are at the will of the Pierce County government and the employee. Employees may resign or quit at any time for any or no reason, with or without cause or notice. Similarly, the County may discharge an employee at any time for any reason, with or without cause or notice. This manual is not intended to and does not create an employment contract between the County and its employees, nor is this manual intended to imply any right to continuous employment with the County. Your employment is for no specified period of time, and this manual does not limit your right or the County's right to terminate your employment at any time for any reason or no reason.

1.3 Departmental Operating Rules

Departmental Operating Rules and Regulations (sometimes referred to as “Standard Operating Procedures” or “SOPs”) may be established and used by Department Heads as applicable. Such Departmental Operating Rules and Regulations shall be limited in scope to the conduct or performance of employees in carrying out their jobs and shall not address subjects such as, but not necessarily limited to, compensation, paid or unpaid leave, or employee benefits. All such Departmental Operating Rules and Regulations and subsequent amendments thereto adopted pursuant to this Section shall be submitted to the County Manager, with a copy to the Human Resources Director for maintenance in the Human Resources office. If the County Manager determines that any Departmental Operating Rules and Regulations exceed the scope allowed in this Section, the County Manager will so advise the Department Head, and the Department Head shall revise the Departmental Operating Rules and Regulations to bring them into compliance. In the event that a conflict arises between an employee’s conduct or performance required by Departmental Operating Rules and Regulations and the conduct or performance required by this Policy Manual, then the rule or regulation requiring the higher standard of conduct or performance shall control. This paragraph applies to departments under the operational jurisdiction of the Board of Commissioners and does not affect the creation, administration, or enforcement of any Departmental Operating Rules and Regulations established by any other elected officials.

1.4 Revisions to Manual

This manual may be amended in whole or in part from time to time at the sole discretion of the County in order to maintain legal compliance, operational effectiveness, and desired workplace conditions. Only the Board of Commissioners has the authority to amend this manual. Amendments will be available to all employees upon adoption.

1.5 Personnel Records

1.5.1 Establishment and Retention

Master personnel files on all employees are established and maintained by the Human Resources Department. These files shall be located at the Nichols Street Annex under the supervision of the Human Resources Director and shall contain personnel records and actions taken. Files for terminated employees shall be retained as required under all applicable record retention laws. The practice of maintaining copies of these files or portions thereof within the departments is strongly discouraged. If departmental records must be maintained, these records must be kept in a secure location so as to ensure the confidentiality of protected information. The Human Resources Director shall determine the time limit that personnel records shall be kept on file and shall make the final disposition in accordance with State or Federal laws.

1.5.2 Inspection of Records

An employee has the right to review and request copies of his/her personnel file. These requests will be facilitated by the Human Resources Director. In

addition, all personnel records/files of employees covered under these policies shall be subject to inspection and protection in accordance with State Open Records laws.

1.5.3 Changes to Records

It is the responsibility of the employee to notify the County of any personal data changes, such as name, address, phone number, emergency contact information, change in beneficiaries, etc. Name changes will require legal documents as back-up (e.g. marriage certificate, divorce decree, etc.) Changes can be emailed to Human Resources at humanresources@piercecountyga.gov, additional documentation may be required.

1.5.4 Verification of Employment

All requests from persons inside or outside Pierce County for information concerning an applicant, employee, or previous employee must be referred to the Human Resources Department. Only Human Resources representatives are authorized to release such information. Only information on employment dates and position held is released, except as required by law or as authorized by the employee's signed request. However, employees should have no expectation of privacy beyond those specifically exempted by Georgia's Open Records Act.

1.6 Personnel Policy Manual

Scope: The provisions of this manual apply to all employees under the operational jurisdiction of the Pierce County Board of Commissioners, Georgia, both on and off duty, unless otherwise indicated, or limited by law.

Not a Contract: This manual does not constitute a contract of employment or benefits. Nothing in this manual should be construed as a guarantee of continued benefits from, or employment by, Pierce County. All employees are subject to discharge with or without cause. Benefits provided are subject to change or revocation with or without notice. Certain benefits may be summarized in this manual; however, these benefits are governed by the plan documents related to the benefits, and if there is a conflict between a statement in this manual and a plan document, the provisions in the plan document will take precedence.

State and Federal Laws: Where this manual contains summaries of various state and federal laws, the manual is not intended to explain every detail of those laws but merely to inform the employee that certain laws exist in regard to certain subjects. Consequently, there may be exceptions to what is stated, and nothing contained in this manual is intended to expand or limit the rights or obligations of the County or the employee under those laws. **Changes:** The Board of Commissioners may elect to modify, revoke, amend, suspend, interpret, terminate, or change any or all of the provisions of this manual without any prior notice to employees.

Titles/Headings: The use of titles or headings in this manual shall not govern, limit, modify, or affect the scope of meaning or intent of any provision.

Validity/Severability: Any provision of this manual found to be illegal, incorrect, or inapplicable shall not affect the validity of the remaining contents.

Distribution: Every County employee will have access to a copy of this manual and copies of amendments and revisions as they are adopted.

Official Copy: An official copy of the Pierce County, Georgia, Personnel Policy Manual containing the latest revisions is maintained by the Human Resources Department.

1.7 Definitions

The following words and phrases shall have the following meanings. All other words not defined herein shall have the common and ordinary dictionary meanings, unless a different meaning is required by the context.

Corrective Action: Corrective action includes any actions taken for the purpose of counseling, guiding, correcting and/or disciplining employees, up to and including termination of employment. Corrective action may alternatively be referred to as “disciplinary action.”

County: Unless otherwise defined, “County” refers to Pierce County, Georgia and/or the Pierce County Board of Commissioners.

Days: Unless otherwise provided, “days” refers to business days, rather than calendar days or shift days.

Demotion: Demotion is defined as the change of an employee from a position in one grade to a position in another grade at a lower level.

Department Head: The highest administrative employee of a department, whether indicated as Director, Chief, or other job title or rank. Departments are subdivisions of a division.

Division Head: The highest administrative employee of a division. Divisions are made up of multiple departments.

Employee

- **Full-time Employee:** Any employee filling an approved, budgeted position with a regularly scheduled work week of thirty (30) or more hours per week. Most full-time employees are regularly scheduled for at least forty (40) hours per week; however, the regular work schedule of individual employees may vary based on job descriptions and department needs.
- **Part-time Employee:** Any employee with either (a) a regularly scheduled work week of less than thirty (30) hours per week or (b) an irregular, intermittent, or unpredictable schedule of less than an average of thirty (30) hours per week. **See also Section 14.8.**
- **Probationary Employee:** Those newly hired employees who are in their “original probation period” and those employees who have changed positions and are in the “position probation period.”

Exempt Employee: An employee assigned to a position that is designated and qualifies as exempt under the federal Fair Labor Standards Act (FLSA). Exempt employees are compensated on an annual salary basis and do not receive overtime pay or compensatory time off for hours worked in excess of forty (40) during the defined work week.

Non-Exempt Employee: An employee assigned to a position that is not qualified as exempt under the federal Fair Labor Standards Act (FLSA). Non-exempt employees are compensated on an hourly basis and are entitled to receive overtime pay or, with express permission, compensatory time off for hours worked in excess of forty (40) during the defined work week. (Alternate work periods may apply. **See**

Section 2.2.5.)

On-the-Job Injury: An on-the-job injury is an injury arising out of employment and sustained in the course of employment.

Overtime Rate: The overtime rate of pay for a non-exempt employee is one and one-half (1½) times the regular rate of pay for that employee.

Promotion: A promotion is defined as the change of an employee from a position in one grade to a position in another grade of a higher level.

Reassignment: Reassignment is defined as the movement of an employee not otherwise covered by demotion, promotion, or reclassification. The terms reassignment and transfer may be used interchangeably.

Reclassification: A reclassification is defined as a position whose classification is altered due to job duties and responsibilities. Reclassifications can be to a higher, lower, or equivalent pay grade.

Supervisor: The term supervisor shall apply to any employee formally assigned to supervisory responsibilities for personnel and operations of a work unit within a larger department of County government. Department Heads, Division Heads and the County Manager should be understood to be supervisors of individuals who report directly to and are evaluated by them.

Unauthorized Absence: Failing to report for duty or failure to remain at work as scheduled without proper notification, authorization, or excuse.

Work Week: For purposes of calculating overtime pay under the FLSA, the work week is established as starting at 7:00 a.m. on Saturday and ending at 6:59 a.m. on the following Saturday.

Section 2 – Attendance and Work Hours

2.1 Policy Statement

In order to maintain a high level of responsiveness to citizens, it is important that employees follow established work hours, avoid tardiness and unauthorized absences, and follow reporting requirements.

2.2 General Provisions

2.2.1 General Business Hours

Administrative offices of the County will be open from 8 a.m. to 5 p.m. Monday through Friday during a regular work week. Unless otherwise approved by the County Manager, normal business hours are from 8 a.m. to 5 p.m.

2.2.2 Hours Worked

The scheduled hours for employees will vary according to position, department, service needs, and work flow. Employees will be notified of their scheduled hours. Any changes in employee schedules, as deemed necessary by supervisors, based on service needs or work flow, will be communicated to employees as far in advance as possible. Any change in work schedule requested by an employee is subject to approval by the employee's supervisor or department head and may be denied.

2.2.3 Time Rounding

To prevent small fluctuations in timekeeping, to help ensure employee pay is consistent from pay period to pay period, and to record time in quarter-hour increments, employee start and end times will be rounded to the nearest quarter-hour. For example, an employee who clocks in at 8:07 will be paid beginning at 8:00, while an employee who clocks in at 8:08 will be paid beginning at 8:15. This rounding is intended to have a neutral impact over time; however, employees who frequently clock in late or leave early may be subject to corrective action.

2.2.4 Overtime Work

Supervisors may schedule overtime for non-exempt employees as deemed necessary. Employees must work overtime if requested by a supervisor. Non-exempt employees may not work overtime, or any other work outside their scheduled hours, without the prior approval of their supervisor or department head. All overtime approved by a Supervisor shall be approved in advance by the County Manager or Elected Official to whom the Supervisor directly reports to.

2.2.5 Overtime Pay

Overtime wages for non-exempt employees will be paid for any hours worked in excess of forty (40) hours in a work week as required by the Fair Labor Standards Act. Employees must actually work more than forty (40) hours in the applicable work week before receiving overtime pay. (For example, an employee who is paid for 48 hours in a work week would not be entitled to overtime pay if 8 hours of the paid time was for paid annual or sick leave or holiday pay.)

Employees working in more than one position with different pay rates will be paid overtime based on a regular rate calculated as the weighted average hourly rate earned during the work week. Annual, sick, holiday, or other types of leave will not

count as hours worked for calculating overtime pay.

2.3 Attendance Requirements

Maintaining good attendance is a condition of employment and an essential job function of every employee. An employee will refrain from unauthorized absences or tardiness; abusing sick leave; absences or tardiness that causes significant disruption of service; and excessive amount of time off the job, regardless of reason.

2.3.1 Excessive Absences

Specific attendance requirements may be established by supervisors as needed to ensure operational effectiveness. However, as a general rule, three occurrences of absence in a three-month period are considered excessive and may be grounds for corrective action. *See also Sections 17.7.4 and 13.5.3(6)*. This is not intended to prohibit or to penalize an employee for the use of leave granted under the Family and Medical Leave Act (FMLA), or other legally required leave. *See also Section 13.9.*

2.3.2 Unauthorized Absences

An employee absent from the job without proper authorization for any period of time may be subject to corrective action, up to and including termination of employment. An employee absent from the job without proper authorization for three consecutive workdays may be considered to have resigned his/her position without notice, unless exigent circumstances are demonstrated upon review on a case-by-case basis. *See also Section 7.2.3.*

2.4 Time Increments

Hourly computations for the purpose of compensation and the use of annual, sick, holiday, or other types of leave will be computed in quarter hour increments for non-exempt employees.

Section 3 – Employee Status Changes

3.1 Policy Statement

Employees may undergo any number of changes in status and/or compensation. The purpose of this policy is to identify and describe the more common of these changes.

3.2 General Provisions

3.2.1 Requirement

All new hires, promotions, demotions, reassignments, or transfers are contingent on position availability, the employee meeting the minimum qualifications, and the availability of funds and are at the discretion of the County Manager and Board of Commissioners.

3.2.2 Status Change

Status changes described in this manual may affect compensation, based on position classification and availability of funds. A Personnel Action Form must be completed to document all status changes.

3.3 Probation Period

3.3.1 Policy Statement

It is the purpose of the probationary period to serve as a working test period during which both employee and employer can evaluate the job and performance and decide whether to continue the employment relationship. Probationary employees and supervisors should utilize the time to examine all aspects of the job and related performance.

3.3.2 Original Probation Period

Newly hired employees are subject to a three (3) month probationary period in the position to which they are hired (the “Original Probation Period”). New hires who fail to complete the probationary period at an acceptable level shall be terminated from employment.

3.3.3 Position Probation Period

Employees who are promoted, demoted, or transferred to a different position are subject to a three (3) month probationary period in the new position (the “Position Probation Period”). If the employee fails to successfully complete a “position probation period” following promotion, he/she may be terminated or, at the County’s option, he/she may (i) be reinstated in his/her former position at his/her former rate of pay if the position is vacant, or (ii) assigned to any vacant position for which he/she is qualified at a rate of pay within the salary range of the vacant position. If no vacant position for which he/she is qualified is available, the employee will be terminated. If the employee fails to successfully complete a “position probation period” following demotion or transfer, he/she may be terminated or, at the County’s option, he/she may be assigned to any vacant position for which he/she is qualified at a rate of pay within the salary range of the

vacant position. If no vacant position for which he/she is qualified is available, the employee will be terminated.

3.3.4 Extension of Probation

At the discretion of the supervisor, and with notice to Human Resources, the probationary period may be extended one time for an additional three (3) month period. If the probationary period is to be extended, the employee will be notified in writing.

3.3.5 Probation Period Restrictions

Employees in a probationary status are not eligible for reassignment, promotion, or voluntary transfer unless specifically approved by the County Manager. Employees in their "Original Probation Period" may not use annual leave, except under unusual circumstances as determined by the supervisor or department head.

3.3.6 "At Will" Status

The successful conclusion of a probationary period does not eliminate or alter the "at will" status of the employee. No property interest or appeal rights are granted at the end of the probationary period.

3.4 Promotions and Demotions

3.4.1 Eligibility for Promotion

Employees may be eligible to promote to higher classified positions based on qualifying skills and demonstrated performance.

3.4.2 Reasons for Demotion

Employees may be demoted as the result of failure to meet minimum performance standards established for their position, corrective action, job elimination, or reasonable accommodation. A recommendation for demotion must be in writing and must contain the reasons why it is necessary to recommend demotion rather than alternative personnel actions. Only Division/Department Heads, in consultation with the Human Resources Director, may authorize a demotion. The Division/Department Head shall notify the employee in writing.

3.5 Reassignment

3.5.1 Management Reassignment

An employee may be reassigned to a position in the same rank or classification with different duties and responsibilities at the discretion of the department head.

3.5.2 Temporary Reassignment to Modified/Light Duty

Any employee may be, but is not required to be, temporarily reassigned to modified, lighter, or safer duties for a reasonable time period when the employee is unable to perform his/her current duties based on a medical certification by a physician, or when continued performance of current duties may aggravate a present medical condition/problem as diagnosed by a physician. Determining what is a "reasonable time period" depends on factors such as, but not limited to, the employee's anticipated progress based on reports from health care professionals, any disruptions in the County's operations due to the employee's light duty assignment, and the County's continuing need for or ability to provide the light duty assignment.

The County may require an employee to be examined by an appropriate health professional of the County's choice and at the County's expense if the employee provides insufficient information from his/her treating physician (or other health care professional) to substantiate that he/she is unable to perform current duties. Every reasonable effort will be made to reassign the employee to other duties within the same department. During the reassignment period, the employee will be required by the Human Resources Department to provide periodic reports regarding the employee's ability to perform duties.

If a reassigned employee is unable to resume, with or without reasonable accommodations, his/her original duties within a reasonable time period, the Human Resources Department may, with approval of the County Manager, assign the employee to a vacant position in another classification for which the employee is qualified and able to perform the essential functions of the position (with or without reasonable accommodations), and at a salary comparable to that of other employees in the same classification. If no vacancy exists in another classification for which the employee is qualified (with or without reasonable accommodations), the employee may be terminated from employment unless additional leave for a specified period is considered a reasonable accommodation to enable the employee to return to his/her original duties and perform the essential functions of his/her original job. Indefinite leave is not considered to be a reasonable accommodation.

3.5.3 Temporary Reassignment to Higher Classification

An employee may be temporarily assigned to an acting status in a higher position having different duties and responsibilities when:

1. An existing position is vacant or the incumbent is or is expected to be absent from work for at least thirty (30) days;
2. Operational effectiveness precludes dispersing the duties of the position among other equally classified employees;
3. The employee meets the minimum qualifications of and is capable of performing the assigned duties of the higher-level position; and
4. The County Manager approves the temporary acting status prior to the reassignment.

3.5.4 Employee-Sought Reassignment

Employees may voluntarily seek transfers to equally or lower classified available positions for which they are qualified. Such transfers may not be granted if the County Manager determines that it is not in the best interest of County operations.

3.6 Reclassification of a Position

3.6.1 General Overview

Reclassification of a position may occur at the request of a department head and upon approval of the County Manager when the job duties actually performed, and/or the minimum qualifications of the position have significantly changed since the job description was written. Reclassification may result in a position being placed in a higher, lower, or equivalent classification. Employees whose positions are reclassified will not be subject to a "position probation period".

3.6.2 Approval

All requests for reclassifications should be submitted to the Human Resources Director for review and analysis. Any recommendation to reclassify a position must be approved by the County Manager.

Section 4 – Nepotism and Non-Fraternization

4.1 Nepotism

4.1.1 Policy Statement

It is the County's policy that relatives (which, for the purposes of this policy, include spouse, child, parent, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, stepparent, stepchild, stepsister, stepbrother, or any individual living in the employee's household) will not be employed in regular full-time or part-time positions where:

1. One relative would have the authority to supervise, appoint, remove, discipline, or evaluate the performance of the other;
2. Other circumstances exist which would place the relatives in an actual or reasonably foreseeable conflict between the County's interest and their own.

4.1.2 Options to Maintain Policy Compliance

To address new or newly-discovered relationships that conflict with Section 4.1.1 above, the County will consider the following options:

1. Voluntary movement of either or both employees based on availability of positions in other departments and qualifying skills of the employee(s).
2. Involuntary reassignment of the more senior employee to an available position of equivalent status/grade based on qualifying skills of the employee.
3. Resignation or dismissal from County service.

4.2 Applicability to Relatives of Specific Individuals

4.2.1 Relatives of Members of the Board of Commissioners

Relatives of members of the Board of Commissioners are ineligible for full-time employment by any County department; provided, however, that a relative who is already employed by the County at the time of the election shall be eligible to remain so employed. Assuming other policies and guidelines relating to conflicts of interest are met, relatives of the Board of Commissioners shall be eligible for employment in any County department as part-time employees.

4.2.2 Relatives of the County Manager

Relatives of the County Manager are ineligible for employment in any capacity in any County department.

4.3 Non-Fraternization

4.3.1 Policy Statement

Romantic or sexual relationships between a supervisor and a subordinate employee can cause real or perceived conflicts of interest. In order to prevent these conflicts, the County prohibits such relationships between a supervisor and an employee in a reporting relationship. This policy applies regardless of whether or not both parties freely consent to such relationships. Should a supervisor desire to date or become involved with a subordinate employee, the supervisor should first resign from his/her position with the County. For the purposes of this Section, "reporting

relationship” refers to an individual’s immediate supervisor, the supervisor’s supervisor, or any other supervisor employee further up in the employee’s chain of command.

Romantic or sexual relationships between coworkers who are not in a reporting relationship can also result in real or perceived conflicts of interest. While these relationships are not prohibited by this policy, any resulting behavior that is disruptive, offensive, or inappropriate is prohibited and is grounds for corrective action.

Section 5 – Hiring and Selection

5.1 Policy Statement

Pierce County is committed to employ, in its best judgment, the most highly qualified candidates for approved positions in compliance with all applicable employment laws. It is the policy of the County to provide equal employment opportunity to all applicants and employees. Authorization from the Human Resources Department is required to initiate any action for an open position including any recruitment efforts or advertising.

5.2 Equal Employment Opportunity (EEO)

The County provides equal opportunity to all employees and applicants without regard to race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, genetic information, or status as covered veterans in accordance with applicable Federal, State, and local laws. This policy applies to all terms and conditions of employment including, but not limited to, recruitment, placement, promotion, corrective action, termination, reduction in force, transfers, leaves of absence, compensation, working conditions, training, and benefits.

5.3 Americans with Disabilities Act (ADA)

The Americans with Disabilities Act (ADA) prohibits unlawful discrimination based on disability in the areas of employment, public services, and public accommodations. The ADA requires employers to reasonably accommodate qualified individuals with disabilities. The County will not unlawfully discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. The County will provide reasonable accommodations to both employees and members of the public, if so requested.

5.4 Selection Criteria

Selection for employment with the County is based on job-related qualifications and is contingent on satisfactory results of such exams or tests as are either required by law or administered due to job-related duties.

5.5 Minimum Age

Eighteen (18) is the minimum age of employment for the County with the exception of selected part-time positions where:

- Persons are at least age 15; and
- The positions are non-hazardous and employment of minors is permitted by law.

5.6 Work Authorization

All employees must provide proof, as required by INS Form I-9, of eligibility for employment within the United States, and must maintain work authorization eligibility as a condition of continued employment.

5.7 Application Process

5.7.1 Acceptance of Applications

As a general policy, applications/resumes will only be accepted for positions that are vacant (or in the process of being vacated) and that are posted as open positions.

5.7.2 Recruitment Requests

Upon a vacancy, the supervisor should notify the Human Resources Director. A recruitment announcement/advertisement will be posted listing the position, the minimum qualifications, and the closing deadline for application submission. This announcement will be posted for a minimum of ten (10) business days. Unless otherwise specified, all postings will be open to both internal and external candidates.

Internal-Only postings: With the approval of the Human Resources Director, the Department Head may choose to consider only internal candidates for an existing vacancy. Internal-only postings will be approved when (1) there are a sufficient number of internal candidates from which to select and (2) the vacancy represents a typical career progression for individuals in the candidate pool. In this situation, the Department Head will notify all eligible candidates of the vacancy, giving them a minimum of 48 hours to submit an application for the position.

Waiver of posting process: Should a position become vacant within 90 days of having been filled, the position will not require re-advertising if there are additional qualified candidates to consider from the previous posting.

5.7.3 Forms and Submission

All candidates for a position must complete the employment application process. Resumes and letters of interest will be accepted in addition to, but may not be substituted for, the standard application process. Additional information outside the initial employment application may be required for some positions.

5.7.4 Examinations

As determined by the supervisor and the Human Resources Director, the selection process may include, but not necessarily be limited to, one or more of the following: oral interviews, evaluation of experience and training, written / computerized / performance skills test, physical ability skills test, driver history, criminal history, psychological testing, drug test, and reference and background checks. Any written or oral test, performance skills test, or other selection procedures must be valid as to its ability to test for job performance. Any such selection procedure that has an adverse disparate impact on persons subject to Title VII of the Civil Rights Act of 1964, as amended, or any other Federal equal employment law must be validated in accordance with the guidelines of the Equal Employment Opportunity Commission. Candidates for those positions designated as physically demanding and/or safety-sensitive may be required to undergo post-offer physical examinations at the County's expense prior to employment.

5.7.5 Falsified or Omitted Material

Omission or falsification of any material fact on an application or resume or any other official agency documentation disqualifies an applicant for consideration of employment, transfer or promotion. Corrective action, up to and including

termination, may be taken against a current employee for an omission or falsification, regardless of when the omission or falsification is discovered.

5.8 Selection

5.8.1 Job-Related Criteria

Selection for employment with the County is based on job-related criteria that may include, but is not limited to:

1. Possession of the necessary knowledge, skills, abilities, training, education, licenses, certifications, and experience required for the position.
2. Satisfactory results on performance tests and/or physical or psychological examinations, or drug and alcohol tests.
3. Satisfactory results on criminal history, driving record, and employment and education reference checks. (Criminal history evaluation will be based on an individualized assessment that includes the nature and gravity of the offense, the time that has passed since the offense and/or completion of the sentence, and the nature of the job sought.)

5.8.2 Position Control

It is the responsibility of the Human Resources Department to monitor all vacancies in order to track authorized positions and the status thereof. No full-time position will be advertised or filled without an authorized vacancy.

5.9 Re-Employment

5.9.1 Re-Employment Eligibility

To be considered for re-employment, a former employee must have demonstrated acceptable prior service with the County and must meet the current minimum qualifications for the position for which he/she is applying. Re-hired employees are subject to the conditions of employment and benefits of a newly hired employee. Re-hired employees are subject to any waiting periods and eligibility requirements in the County's various benefits and retirement plans.

5.9.2 Re-Employment Agreements Prohibited

An employee planning to retire or terminate employment cannot, prior to the retirement or separation of employment, discuss re-employment with anyone at the County in order to facilitate a distribution from the retirement plan that would not otherwise be available. Any re-employment with the County after receiving pension payments must be caused by exigent circumstances that were not anticipated at the time of separation.

5.10 Emergency Employment

The County Manager may approve emergency employment without advertising the vacancy when the position must be filled immediately.

5.11 Contract Employment

5.11.1 General Overview

Personnel from temporary employment agencies may be utilized from time to time by the County to facilitate business needs. The temporary agency is responsible for

hiring, training, assigning, disciplining, and terminating its contract personnel, as well as for payroll/benefits. For performance purposes, contract personnel utilized by the County will be supervised by the Division Head or designee.

5.11.2 Requests for Employment Agency Personnel

Requests for employment agency personnel must be placed through the Human Resources Department and are subject to availability of funds. Temporary assignment must be approved by the Human Resources Director and County Manager prior to the engagement of the contract service.

5.12 Outside Employment

5.12.1 General Overview

The County recognizes that employees may seek additional employment during their off hours to earn additional income or develop new skills and experience. Despite any other outside employment, the Pierce County job is the primary employment responsibility for any full-time employee. Working extended hours while at a secondary job may adversely affect the health, safety, endurance, and productivity of employees. The County does not consider outside employment to be an excuse for poor job performance, tardiness, absenteeism, or refusal to work overtime or travel when required by the County. Outside employment also presents the opportunity for conflicts of interest.

5.12.2 Outside Employment

Outside employment is subject to approval by the supervisor or designee. A County employee may not engage in any business, trade, occupation, or profession that:

1. Brings the County into disrepute;
2. Reflects discredit upon the employee as an employee of the County;
3. Interferes with the performance of the employee's County duties;
4. Presents a conflict of interest;
5. Results in misuse of County property or funds;
6. Results in use of the County position for unethical and/or illegal personal gain;
7. Violates department policy or procedure; or
8. Decreases the health, safety or endurance of employees or adversely affects their productivity.

Permission granted is subject to revocation in the event of a subsequent conflict with this policy.

5.12.3 Dual County Employment

Employees may not work in more than one assignment for Pierce County without the review and consent of the Human Resources Department and the Department Head for the primary position. Final approval from the County Manager is required.

5.12.4 Prohibitions

1. If an employee is on leave for personal medical reasons (sick leave, Workers' Compensation, FMLA, etc.), he/she is not able to engage in outside employment without the specific approval of the County Manager.
2. No employees shall engage in outside employment while on duty with the County.

Section 6 – Performance Management and Evaluation

6.1 Policy Statement

The job performance of all employees will be reviewed periodically to determine if the performance of the employee meets expectations. A periodic formal performance evaluation is intended to ensure that all employees:

1. Are aware of what duties and responsibilities are expected;
2. Understand the level of performance expected;
3. Receive timely feedback about their performance;
4. Have opportunities for education, training, and development;
5. Are evaluated in a fair and consistent manner; and
6. Have the opportunity to discuss performance goals.

6.2 General Provisions

6.2.1 Timing

It is intended that the performance of employees will be formally reviewed and documented at least annually for all full-time employees on the schedule prescribed by the Human Resources Department. However, the failure to conduct one or more formal annual reviews of an employee's performance will not give the employee any right to demand a formal review, nor will it excuse in any way the employee's poor performance.

6.2.2 Performance Discussion

Informal reviews by the supervisor throughout the year are encouraged. The purpose is to foster communication, assure common understanding of purpose and expectations, and assist in detecting problems as they develop.

6.3 Evaluation Process

6.3.1 The Evaluator

1. No employee should have any doubt as to whom he/she is accountable for his/her work performance at any given time. If the employee has worked in a different position/department or for a different supervisor during the formal evaluation year, the evaluator should consult with the previous supervisor(s) to gain input/information for the evaluation. All aspects of an employee's work performance for the entire year should be included in the formal evaluation.
2. Division Heads reporting directly to the County Manager will be evaluated by the County Manager.
3. The Chairman, County Commission members, Department/Division Heads and Elected Officials & Constitutional Officers will collectively evaluate the County Manager.

6.3.2 Performance Evaluation Tool

1. The supervisor will document the employee's evaluation using the designated Performance Evaluation tool.
2. All performance evaluation forms and any related documentation shall be maintained by the Human Resources Department.

6.3.3 Evaluation Discussion

1. If possible, the supervisor should give advance notice to the employee prior to his/her performance evaluation discussion. The evaluation discussion should take place in a quiet, uninterrupted environment. Together the supervisor and employee will discuss the employee's performance during the review period and will plan for the next review period. The contents of the review should:
 - Identify the principal duties of the job and measured results of those duties during the review period;
 - Review the expectations of the level of performance and the measured results of meeting those expectations during the review period;
 - Identify and address areas of employee developmental needs;
 - Develop an action plan for training to improve skills or to learn new skills;
 - Set goals and objectives for the upcoming year; and
 - Offer advice on career advancement, specialization, and training.
2. The evaluation discussion with the employee may result in agreed-upon plans (i.e. training needs, goals, etc.) that should be recorded on the performance evaluation.
3. The employee should be given the opportunity to make oral or written comments on his/her performance evaluation.
4. The employee should have access to a copy of his/her performance evaluation.

Section 7 – Separation of Employment

7.1 Policy Statement

Employees leave the County workforce, voluntarily or involuntarily, for a variety of reasons. Regardless of the circumstances, the end of employment shall be conducted in a discreet, respectful, and efficient manner. Procedures may exist affecting the employee's final pay and corrective action appeals. Employees should make themselves aware of these procedures.

7.2 Employment Separation

7.2.1 Resignation

Any non-exempt employee who wishes to resign or retire is requested to submit a written notice of resignation to his/her supervisor at least two (2) weeks prior to the effective date of the resignation. Exempt employees are requested to give at least four (4) weeks written notice. The resignation notice should indicate the reason for resigning and the last working day or shift with the County.

Leave Time During Notice Period: Employees will not be allowed to use annual leave during the notice period unless it was scheduled and approved prior to giving notice.

Annual Leave Payment / Annual Leave Offset: Employees who voluntarily resign from the County will be paid the balance of their unused annual leave, accrued through the last day worked. However, employees who choose not to provide written notice or who provide less than the expected notice period will receive a reduction in their annual leave balance to offset the amount of notice not given.

Wages in Lieu of Notice: An employee who submits a notice of resignation may be requested to leave immediately, or at any time during the notice period, at the discretion of the County. If the supervisor relieves the employee from duty for some or all of the notice period, the employee will be paid "wages in lieu of notice" through the effective date of his/her resignation (maximum of two weeks for non-exempt employees and four weeks for exempt employees).

7.2.2 Pending Corrective Action

An employee whose resignation notice is tendered and accepted after the initiation of a corrective action forfeits his/her right to challenge the corrective action.

7.2.3 Failure to Report (Job Abandonment)

An employee who is absent from work for a period of three (3) consecutive working days without notifying his/her supervisor of the reasons for his/her absence and without receiving permission to remain away from work shall be considered as having quit without notice; provided, however, that the failure to contact his/her supervisor was not caused by unavoidable emergency circumstances that made such contact impossible. The official termination will be effective as of the date of the third consecutive day with no notification. An employee who "quit without notice" under these circumstances will forfeit the payment of any unused annual leave. And will be considered not eligible for re-hire.

7.2.4 Involuntary Termination

Employees who are involuntarily terminated (commonly referred to as “fired”) from the County will be notified of the reasons for the dismissal and the date of the dismissal. All involuntary terminations should be approved by the Human Resources Director prior to the termination. Individuals who are involuntarily terminated will forfeit payment for unused annual leave.

7.2.5 Loss of Job Requirement(s)

Any employee who is unable to do his/her job adequately because of loss of, or inability to obtain, a necessary license or other requirement may be terminated. The effective date will be the last day worked. A separation for this reason will not result in the forfeit of unused annual leave balance.

7.2.6 Death of Employee

An employee who dies shall be separated as of the date of death. Any salary due the employee, along with any unused annual leave balance, will be paid as required by law.

7.2.7 Exit Interview

After receiving written notice of voluntary resignation or retirement, the Department Head or Division Head shall notify the Human Resources Director and will forward the original written notice of resignation or retirement to Human Resources. Whenever possible and practical, the Human Resources Department will conduct an exit interview with departing full-time employees.

7.2.8 Separation Notice and Notification of Benefits

All employees who leave employment with the County either voluntarily or involuntarily will receive a Separation Notice. Employees will also receive, if applicable, information related to discontinuation of benefits, COBRA, final pay, etc.

7.3 Reduction in Work Force

7.3.1 Statement of Policy

A reduction-in-force (also referred to as a “layoff”) may result in the separation of an employee due to abolishment of a position, a shortage of funds or work, a need to increase efficiency, material change in the duties or organizational unit of the Department, or for any other reason. No reduction-in-force shall be made for the purpose of dismissing an employee for incompetence, misconduct, or for other reasons specific to the employee. The reduction does not reflect discredit upon the service of the employee.

7.3.2 Procedures

The County Manager is authorized to initiate a reduction in force. Probationary or non-regularly scheduled employees will be considered for layoff prior to full-time or regular part-time employees being affected. Prior to the reduction-in-force, consideration may be given to work records, performance history, assigned duties, job skills, and length of service in determining which employees shall be eliminated in the affected job class. Seniority will be considered when performance and qualifications are equal. An employee shall not be terminated based on race, color, creed, religion, sex, national origin, age, disability, genetic information, or any other

category protected by Federal and/or State law. Employees who are laid off may be eligible to be re-employed, if a vacancy occurs in a position for which they are qualified.

7.4 Name Clearing Hearings

7.4.1 Right to Name Clearing Hearing

Any employee who has been discharged from employment with the County shall be entitled to a name clearing hearing before the Board of Commissioners if the discharged employee believes or alleges that the County or any of its officers or employees made public a false statement of a stigmatizing nature about the discharged employee in connection with his/her discharge from employment.

7.4.2 Procedure for Name Clearing Hearing

Any employee who believes that he/she is entitled to a name clearing hearing may submit a written request for a name clearing hearing to the Human Resources Director. The written request shall include the specific statement or statements that the employee alleges were false and stigmatizing in connection with the employee's discharge. Upon receiving the request, the Human Resources Director shall take steps to schedule a name clearing hearing before the Board of Commissioners and shall notify the requesting employee in writing of the time and place of the hearing. The name clearing hearing shall be held before the Board of Commissioners in a meeting that is open to the public.

7.4.3 Purpose of Name Clearing Hearing

The purpose of a name clearing hearing is to allow the employee to present evidence in an attempt to publicly clear his/her name of any allegedly false and stigmatizing statements made in connection with the employee's discharge. The purpose is not for the Board of Commissioners to reconsider the employee's discharge from employment or to reinstate the employee to his/her former position with the County. Therefore, the Board of Commissioners will not make any decisions regarding any matters presented at the name clearing hearing.

Section 8 – Use of County Property and Equipment

8.1 Policy Statement

The County is committed to providing a safe workplace and has a substantial investment in the property and equipment used to provide employees the tools for the effective and efficient accomplishment of County business. The appropriate use of facilities, vehicles, equipment, and other items of is expected from employees. Additionally, this policy governs the use of computer and electronic communications systems.

8.2 Definitions

For the purposes of this Section, the following definitions shall apply:

8.2.1 Electronic Communications Systems

“Electronic Communications Systems” is defined as Internet, electronic mail, telephone, voice mail, facsimiles, pagers, cellular phones, radios, computer and computer networks, directories, and files.

8.2.2 Property

“Property” includes all facilities, vehicles, furniture, supplies, and equipment provided and/or used in the course of employment, including telephone, computer, and Electronic Communications Systems.

8.2.3 Sensitive Data

“Sensitive data” includes personally identifiable information (such as social security numbers and dates of birth), medical information about any individual or group of individuals, financially private information (such as credit/debit card numbers and account numbers), and any other information that is not appropriate to release without authorization.

8.3 General Provisions

8.3.1 Authorization and Use

An employee shall not, regardless of value, take County Property without authorization. The use of County Property for personal gain or for other than official duty-related use is prohibited.

8.3.2 Care

Employees shall exercise care in maintaining, protecting and securing county-owned Property and shall report loss or damage to a supervisor immediately.

8.3.3 Physical Security of Electronic Communications Systems

Computer hardware, software, and data storage devices should be protected from misuse, unauthorized access and environmental hazards. Storage media devices should be kept out of sight and, if they contain Sensitive Data, secured. Storage media devices containing Sensitive Data must not be removed from Pierce County premises without authorization from the supervisor; if such authorization is granted, these devices must be safeguarded against loss or access by unauthorized individuals.

8.4 Privacy

No employee shall have an expectation of privacy in any Property. This includes the use of the computer and Electronic Communications Systems, including, but not limited to, the e-mail and voice mail messages he/she creates, stores, sends, and receives, and the Internet sites he/she visits.

8.4.1 Inspection of Property

Employees may be assigned and/or authorized the use of County-owned vehicles, lockers, desks, cabinets, computers, etc., for the convenience of the County and its employees. Management reserves the right to search Property assigned to employees as well as documents in employee desks, lockers, file cabinets, etc.

8.4.2 Monitoring

The County has the right to monitor any and all aspects of its computer and Electronic Communications Systems, including, but not limited to, monitoring sites visited on the Internet, reviewing material downloaded or uploaded to the Internet, and reviewing e-mail sent and received. Such monitoring may be conducted at any time and without notice. Use of the Property automatically constitutes consent to such monitoring, including, but not limited to, GPS tracking on County vehicles and County issued mobile devices.

8.4.3 File Server Usage

Personal data, including but not limited to photos, music files and personal documents, should not be stored on the County network. The County reserves the right to delete any and all stored data not related to County business without notice to the employee.

8.5 Corrective Action

Employees may be subject to corrective action, up to and including termination of employment, for improper use of Property. Repayment for loss or damage may be required under this Section in addition to, or in lieu of, corrective action. Required repayment may be made by payroll deduction from the employee's pay as necessary to recoup the amount to be recovered.

8.6 Electronic Communications Systems

8.6.1 No Right to Privacy

Employees will not have privacy rights with respect to any activity using County-provided Electronic Communications Systems. All data, including e-mail messages composed, sent, and received on County Electronic Communications Systems, are the property of the County.

8.6.2 Professionalism

At all times users have the responsibility to use Electronic Communications Systems in a professional, ethical, and lawful manner. Users should use the same care in drafting e-mail and other electronic documents as they would for any other written communications. Users should always strive to use good grammar and correct punctuation. Anything created or stored on the Electronic Communications Systems may be reviewed by others, and the quality of communications is a direct reflection upon the County.

8.6.3 Appropriate Use

Personal use of the Electronic Communications Systems is a privilege that may be revoked at any time. Occasional, limited, and appropriate personal use of the Electronic Communications Systems is permitted if the use:

1. Does not interfere with the user's work performance and productivity;
2. Is not excessive per management's discretion;
3. Does not interfere with any other employee's work performance and productivity;
4. Does not compromise the integrity of the Electronic Communications Systems; and
5. Does not violate any other provision of this policy or any other policy, guideline, or standard of the County and any local, State or Federal laws.

8.6.4 Inappropriate Use

Under no circumstances should the Electronic Communications Systems be used for sending, transmitting, intentionally receiving, copying, or storing any communication that is fraudulent, harassing, discriminatory, sexually explicit, profane, obscene, intimidating, defamatory, or in the County's sole opinion otherwise unlawful or inappropriate. Employees encountering or receiving this kind of material should immediately report the incident to their supervisor and the Human Resources Department. Exceptions are limited to investigations into criminal activities, which may require the use of the Internet for information and intelligence gathering. Other prohibited uses of the Electronic Communications Systems include, but are not limited to:

1. Utilizing "social networking" sites (e.g. Facebook) for non-work related purposes;
2. Sending copies of documents, messages, software, or other materials in violation of copyright laws;
3. Compromising the integrity of the County and its business in any way; and
4. Advertising or conducting personal business activities.

8.6.5 Information Security

Employees should know and abide by any County or departmental directives dealing with security and confidentiality of Pierce County records and should avoid, when possible, transmitting Sensitive Data.

8.6.6 Avoiding Malware

Employees should exercise caution when downloading files from the Internet, accepting e-mail attachments from outsiders, or using storage media devices from non-County sources. These files may contain malicious software (commonly referred to as "malware") that can damage the County's computer network. If an employee suspects that a virus has been introduced into the County's network, he/she should notify his/her supervisor and the contracted IT vendor immediately.

8.6.7 Misuse of Software

Without prior written authorization, employees may not do any of the following:

1. Copy software for use on their home computers or to other computers;

2. Provide copies of software to any independent contractors of the County or to any third person;
3. Install software on any of the County's workstations or servers;
4. Download any software from the Internet or other online service to any of the County's workstations or servers;
5. Modify, revise, transform, recast, or adapt any software; or
6. Reverse-engineer, disassemble, or decompile any software.

Employees who become aware of any misuse of software or violation of copyright law should immediately report the incident to the contracted IT vendor.

8.6.8 Passwords

Authorized users will be given a log-in name that allows access to the network. Each user will have a personalized password, which should be obscure in nature and not divulged to others. Any device (including but not limited to both County-owned and employee-owned cell phones, tablets, and laptops) that contain County business or data must be password-protected. Any employee with knowledge of any password that is not his/her own shall report it to his/her supervisor immediately. No employee shall attempt any unauthorized access to the system.

8.6.9 Public Records and Disclosure

An electronic message (e-mail) sent or received by the County's Electronic Communications System in the conduct of public business is subject to the Open Records Law and may be considered a public record. E-mails stored and accessible (whether from the employee's computer, from a file server, from a system backup, or otherwise stored), are still public records and must be produced upon request unless the e-mail or any portion is exempt from disclosure under the Open Records Law. Electronic records are also subject to Records Retention laws and must be properly saved in accordance with retention policies.

Section 9 – Safety and Accident Reporting

9.1 Policy Statement

The County is committed to providing a safe workplace. Employees are expected to take an active role in promoting workplace safety by reporting unsafe working conditions and by following safety rules in this manual and of their respective departments.

9.2 General Provisions

9.2.1 Division Head Responsibility

Each Division Head is accountable for the safety of employees within the division and should ensure that individual supervisors are (1) providing safety information to employees and (2) encouraging and promoting safe work practices among their employees.

9.2.2 Supervisor Responsibility

Direct responsibility and oversight for the safety of any operation or function rests with the immediate supervisor. The supervisor is expected to provide department-specific and task-specific safety training for employees and to ensure that departmental new hires have received safety information specific to their job responsibilities. The supervisor is also responsible to ensure employees are provided, and are using, personal protective equipment as needed.

9.2.3 Safety Committee Responsibility

The County Safety Committee is comprised of representatives from various County departments and is responsible for reviewing/analyzing accident trends, recommending safety policies or activities, promoting awareness of safety and loss control tools, and communicating safety-related information to employees.

9.2.4 Human Resources Department Responsibility

The Human Resources Director chairs the Safety Committee and is responsible for implementing and overseeing safety initiatives, conducting quarterly Safety Committee meetings, and distributing periodic reports to Division Heads and the County Manager.

9.2.5 Employee Responsibility

Employees are responsible for exercising care and good judgment in preventing accidents and for observing safety rules and procedures when performing their duties. Employees are required to:

1. Report all accidents to their supervisor immediately;
2. Report any unsafe work conditions, equipment, or practices to their supervisor as soon as possible;
3. Attend scheduled safety meetings and activities; and
4. Maintain contact (in the event of an on-the-job injury resulting in lost work time) with the supervisor and the Human Resources Department regarding work status.

9.2.6 Equipment Repair

An employee has a responsibility to report the need for repairs of any County-owned or leased property issued to the employee. No employee shall alter, repair, or in any way change, add to, or remove any parts or accessories of any County-owned or leased property without the permission of the supervisor.

9.3 Personal Protective Equipment

The County will provide items of personal protective equipment to be used by employees while performing certain job functions. Supervisors will direct the use of personal protective items when warranted, and employees are required to comply with such direction.

9.4 Seat Belt Use

Seat belts shall be used by all persons, both drivers and passengers, when (a) in a County vehicle when the vehicle is operating, (b) in any personal vehicle when the personal vehicle is being used for County business, and (c) on all County construction equipment when equipped with a seat belt.

9.5 Accidents

9.5.1 Prompt Notification of Supervisor

All of the following, collectively referred to throughout this Section as an "Accident," shall be promptly reported to the immediate supervisor:

1. All injuries to an employee or other person occurring during the course of business;
2. All accidents involving County-owned or issued vehicles or equipment, whether or not occurring during the course of business;
3. All accidents involving personal vehicles or equipment used during the course of business; and
4. All property damage occurring during the course of business.

9.5.2 Employee Responsibilities – Vehicle Accidents

Unless transported from the accident scene for medical treatment, the employee involved in a job-related accident involving a vehicle should:

1. Report the Accident and any injuries to local law enforcement. A copy of the report should be forwarded to the Human Resources Department when received from the agency.
2. Notify his/her supervisor or designee.
3. Obtain the name, address, phone number, and name of insurance company of other party.
4. Record the name, address, and phone number of any witnesses, if possible.
5. Be courteous, but not make or sign any statement for anyone other than the officer/deputy responding to the scene, the employee's supervisor, the Human Resources Department or, when approved by the supervisor or Human Resources, the insurance representative for the County.
6. Remain at the scene until excused by law enforcement personnel.

7. Not discuss or reveal information or provide statements to non-County personnel subsequent to the Accident. This does not prohibit cooperation with law enforcement investigations outside the County's jurisdiction.
8. Arrange towing of damaged County vehicle, if necessary.
9. Submit to all requested post-Accident testing as directed by the supervisor or other County management representative.

9.5.3 Accident/Incident Reporting to Human Resources

The supervisor or other designated employee should complete an Accident/Incident Report and submit to the Human Resources Department promptly following the accident. For serious accidents, the Human Resources Department should be notified by telephone as soon as possible.

9.6 Workplace Violence

9.6.1 Policy Statement

The County is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, Pierce County has adopted the following guidelines to deal with intimidation, harassment, or other threats of violence that may occur during business hours or on its premises.

9.6.2 Scope

This prohibition against threats and acts of violence applies to all persons involved in the operation of the County, including but not limited to, County personnel, contract and temporary workers, and anyone else on County property. All employees, elected officials, members of the public, and guests should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others.

9.6.3 Restriction on Conduct

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public will not be tolerated.

9.6.4 Duty to Report

All threats of or actual violence are to be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats or acts by employees, as well as threats or acts by customers, vendors, inmates, or other members of the public. When reporting a threat or act of violence, you should be as specific and detailed as possible.

9.6.5 Investigation

The County will promptly and thoroughly investigate all reports of threats of or actual violence. In order to maintain workplace safety and the integrity of its investigation, the County may suspend employees, either with or without pay, pending investigation.

9.6.6 Corrective Action

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

Section 10 – Vehicle Use and Operation

10.1 Policy Statement

It is the County's policy that vehicles used for County business be operated in a careful, safe, and prudent manner consistent with all policies, regulations, and procedures of the County and with all local and State laws. County vehicles will be maintained in a safe and cost-effective manner and will be used only for intended purposes. Employees are expected to display courteous and considerate driving habits when operating a County vehicle or a personal vehicle for County purposes.

10.2 Authorized Uses

Vehicles owned by or otherwise controlled by the County are authorized for use in performance of essential travel and transportation duties, including the following authorized uses:

1. The performance of law enforcement duties.
2. When on official travel status, between place of business and place of temporary lodging.
3. When on official travel status and not within reasonable walking distance between either of the above places and: 1) places to obtain meals within the immediate area of travel; 2) places to obtain medical assistance, including drugstore.
4. Transport of officers, officials, employees, clients or guests of the County, including transport of consultants, contractors, or commercial firm representatives when in direct interest of the County.
5. Transport of materials, supplies, equipment, parcels, baggage or other items belonging to or serving the interest of the County.
6. Transport of any person or item in an emergency situation.
7. Commute between place of dispatch or place of performance of official business to personal residence, if employee is assigned a vehicle with take home privileges.
8. "De minimis" personal use such as lunch or an occasional stop for a personal errand on the way between a business delivery location and the employee's home.

10.3 Unauthorized Uses

Unless expressed permission has been otherwise granted by the County Manager, use of a County vehicle is not authorized for unofficial travel duties or tasks, the transport of unauthorized persons or items, or the performance of tasks outside the rated capabilities of the vehicle. The following are considered unauthorized uses:

1. Travel for reasons of a personal nature and not connected with the accomplishment of official business, except for authorized commuting and "de minimis" personal use.
2. Travel or task performance beyond the stated capabilities of the vehicle.
3. Transport of family, friends, associates or other persons who are not employees of the County or serving the interest of the County, except for authorized commuting and "de

minimis” personal use. An example of “de minimis” personal use is taking a child to school on the way to work.

4. Transport of hitch-hikers, except in the case of law enforcement personnel.
5. Transport of items or cargo having no relation to the conduct of official business, except for “de minimis” transport.
6. Transport of acids, explosives, weapons, ammunition or highly flammable material except in an emergency, public safety situation, or performance of an authorized task in the normal performance of duties.
7. Transport of any item, equipment or cargo projecting from the side, front or rear of the vehicle in such a manner as to constitute a hazard to safe driving.
8. Extending the length of dispatch beyond that required to complete the official business purpose of the trip.
9. Loan of vehicle for use in non-County functions, unless authorized by the County Manager.

10.4 Use of County Vehicles Preferred

Employees are encouraged to, when possible, use County vehicles instead of their own personal vehicles for official County business, including to attend training, run errands for the County, or any duties that would require transportation.

10.5 Driver Qualification

In order to operate a County-owned vehicle in the course of business, an employee must:

1. Be at least 18 years of age;
2. Have a valid Driver’s License for the class of vehicle to be driven;
3. Be otherwise qualified under Federal and State regulations to drive the vehicle;
4. Be trained and authorized to operate the vehicle; and
5. Not be disqualified due to driving history (see “Driver Disqualification” below).

10.6 Driver Disqualification

Employees and applicants will not be qualified to drive a County vehicle, nor a personal vehicle for County business, if one or more of the following have occurred within the prior 36 months. Any exception to this policy must be reviewed by the Human Resources Director and approved by the County Manager.

1. Conviction of an alcohol or drug-related offense while driving (includes Driving Under the Influence, Driving While Intoxicated, etc.);
2. Conviction of three or more speeding violations or one or more other serious driving violations.

Employees may also be disqualified from driving following a charge of Driving Under the Influence or other serious violation.

10.6.1 License Review and Motor Vehicle Record Checks – Pre-Employment

The County will check motor vehicle records of applicants prior to making offers of employment. As part of the hiring process, applicants will be required to sign a

written consent form allowing the County to check motor vehicle records at any time prior to or during their employment.

10.6.2 License Review and Motor Vehicle Record Checks – Periodic

To ensure the maintenance and validity of driver's licenses, driving records of employees who operate vehicles for work purposes will be examined by the Human Resources Department on a periodic basis. An employee having an unacceptable MVR, as described above, may be subject to termination.

10.6.3 Notification Requirements

Employees who operate vehicles in the course and scope of their employment must notify their supervisor:

1. When their driver's license becomes invalid or suspended for any reason. Such employees will immediately be prohibited from operating vehicles on County business.
2. When they receive a citation for any violation while operating a County vehicle. The employee will be responsible for paying any fine or penalty incurred and will be subject to corrective action, up to and including termination. Failure to report a citation received may also be grounds for corrective action, up to and including termination.
3. When they receive a citation, whether such citation occurred on-duty or off-duty, for Driving Under the Influence, Hit-and-Run, Reckless Driving, or other serious driving offense. This requirement applies regardless of whether the vehicle being driven is owned by the County, owned by the employee, or owned by a third party.

10.7 Operation of Vehicles

1. Employees shall operate any vehicle used for County business in a careful and prudent manner and shall obey the laws, policies, regulations, and procedures of the County and State pertaining to such operation.
2. County vehicles are to be used only as required for the performance of job duties. Under no other circumstances should County vehicles be used for personal benefit or to transport family members or other unauthorized persons unless authorized by the County Manager or by the "Take Home Vehicle Policy". **See also Section 10.11.** Employees may, however, offer temporary assistance to a motorist with a disabled vehicle who needs emergency assistance.
3. County vehicles may be used to transport an employee to the doctor or hospital when an on-the-job injury occurs.
4. Employees who operate vehicles shall inspect the vehicle daily prior to driving. Any defective equipment shall be reported immediately to the driver's supervisor.
5. Drivers are responsible for the daily inside cleaning of vehicles; removal of drink cans, food wrappers, paper, and excessive soil; and for ensuring that vehicles are washed and waxed on a regular basis.
6. Smoking, vaping (the use of e-cigarettes), and other tobacco use in County-owned or leased vehicles is prohibited. **See also Section 11.2.**

7. Vehicles left unattended will be locked with engine off and the key removed from the ignition and retained by the driver.
8. Drivers shall adhere to all County safety procedures for vehicle operation and also to any additional departmental procedures for vehicle operation.
9. Drivers must never operate a vehicle when physically impaired or otherwise unfit to do so. This includes operating a vehicle while using or under the influence of alcohol or drugs, or while taking prescription or over-the-counter medications that may alter the employee's ability to safely operate a vehicle or equipment.
10. Drivers must wear seat belts at all times and ensure that each passenger in the vehicle is also restrained by a seatbelt.
11. In the event of an accident involving a County vehicle, drivers must follow all established accident reporting procedures.

10.8 Duty Restrictions

A physical, mental, or driving skill impairment that cannot be reasonably accommodated that affects an employee's ability to safely operate a motor vehicle, or failure to comply with the driver qualifications outlined in this Section, precludes that employee from operating any vehicle for County business. If the operation of a vehicle is an essential job duty, an attempt will be made to place the employee in a non-driving position. If such a position is not available, the employee will be relieved of duty. If the vehicle prohibition is due to suspected physical or mental impairment, the employee may be subject to a fitness for duty evaluation.

10.9 Non-employee Drivers

Individuals who are not employed by the County are not authorized to operate County vehicles unless:

1. Emergency circumstances exist; or
2. The express prior written approval of the County Manager and/or Chair of the County Commission is obtained.

10.10 Personal Vehicle Usage

Should an employee drive his/her own personal vehicle in the course of County business, he/she will assume all liability for property damage to his/her personal vehicle that occurs in the normal course of use and shall waive any claims against the County as a result of any such property damage. Employee must maintain automobile liability insurance of at least the minimum limits required by state law. Since the County does not accept liability of an employee's vehicle, it is always in the best interest of the employee to use a County vehicle if at all possible.

10.11 Take-Home Vehicles

10.11.1 Eligibility and Authorization

The following criteria apply to all requests for authorization to drive a County vehicle home:

1. Drivers of County vehicles must possess a valid State of Georgia Driver's License required for the type of vehicle being operated or a valid Driver's License from the state in which the employee resides which allows the employee to legally operate a County vehicle on Georgia roads;
2. The employee must be required to regularly return to work on County business, which includes checking facilities when problems arise or responding to emergency or medical situations. These duties must be articulated in the job description of the employee.
3. Take-home privileges must be authorized in writing by the County Manager.
4. Division Heads may remove take-home vehicle privileges from employees for disciplinary reasons, poor cleanliness, poor maintenance, at-fault accidents, unsafe driving, or excessive wear or abuse. Division Heads should notify the County Manager of the removal of any take-home vehicle privileges.

10.11.2 Vehicle Assignment

The assignment of a specific take-home vehicle will be determined by the Division Head and must be approved by the County Manager in writing. Vehicle assignments are based on availability. All vehicle assignments are subject to recall at any time.

10.11.3 Business Use

Except as specified in this manual, County vehicles are furnished for official County business and may not be used for personal reasons without express written consent by the applicable Division Heads or as allowed by this policy. The following exceptions are authorized:

1. Employees with "take home" privileges are authorized to make stops while traveling to and from work for legitimate reasons (i.e. Doctor/dentist, gym/fitness center, grocery store, etc.).
2. Employees are allowed to transport immediate family members to and from work, school, and day care while enroute to and from work themselves.
3. County vehicles may be used to transport an employee to the doctor or hospital when an on-the-job injury occurs.

10.11.4 Prohibited Stops

While operating a take-home vehicle, employees are prohibited from patronizing bars, package stores, or any establishment that would reasonably be expected to result in public criticism. Violation of this Section shall result in discontinued privileges from the program.

10.11.5 Passengers

No passengers except those expressly allowed in this policy may be transported in take-home vehicles unless they are connected to County business or unless authorized by the Division Head or County Manager.

10.11.6 Driver's Responsibilities

Drivers who are assigned take-home vehicles are required to ensure the vehicle is maintained and repaired as needed, reasonably clean on the inside and outside, and refueled as needed.

Section 11 – Tobacco-Free Environment

11.1 Policy Statement

Consistent with the public health concerns addressed by the adoption of the Georgia Smoke Free Air Act of 2005, all County enclosed buildings and vehicles are hereby declared to be smoke-free areas. In addition, based upon the maintenance and cleanliness issues presented by the use of smokeless tobacco that gives rise to increased facility costs and resulting public health concerns, all County enclosed buildings and vehicles are hereby declared to be tobacco-free areas.

11.2 General Provisions

The following rules relative to smoking, vaping (e-cigarettes), and the use of other tobacco products have been established:

11.2.1 Prohibited Use

1. Smoking, vaping (e-cigarettes), and the use of other tobacco products (e.g., chewing or dipping) are prohibited in all County buildings and County vehicles;
2. Smoking, vaping (e-cigarettes), and the use of other tobacco products (e.g., chewing or dipping) by County employees are prohibited at both public and employee entrances of County buildings; and
3. Smoking, vaping (e-cigarettes), and the use of other tobacco products (e.g., chewing or dipping) are prohibited at outdoor facilities (parks, pools, etc.) when citizens are present.

11.2.2 Exceptions

Employees who are not required to share the vehicle with another employee and whose vehicle is considered their primary work space, with consent of the County Manager or Constitutional Officer they work for, may be granted permission for exception to this policy. Vehicles under lease or rental agreement shall not apply for exception.

Section 12 – Compensation

12.1 Policy Statement

The County strives to maintain a competitive pay structure for the purpose of recruiting and retaining an effective and efficient workforce. The pay structure is designed to compensate employees based on the relative worth of the position itself, while recognizing and rewarding individual employee performance through merit increases, where appropriate and within budgeted funds. The pay plan is designed to comply with Federal and State law, including the Fair Labor Standards Act (FLSA). All aspects of the pay plan are contingent upon the availability of funds as determined in the sole discretion of the Board of Commissioners.

12.2 Pay System

12.2.1 Pay Period

All County employees will be paid on a bi-weekly basis. For purposes of computing overtime pay due under the FLSA, the workweek will start at 7:00 a.m. on Saturday and end at 6:59 a.m. on the following Saturday. The official pay date will be Thursday following the end of a pay period, though direct deposit funds could, but may not always, be credited to employees' accounts earlier in the week. The payroll schedule may be adjusted slightly when a holiday occurs during payroll week.

12.2.2 Time Increments

All compensable hours earned by non-exempt employees will be in increments of the nearest quarter hour.

12.2.3 Combination of Pay

When receiving any type of accrued leave (annual, sick) for absences from work, the combination of the pay received for accrued leave and compensable hours during a workweek cannot exceed the employee's normal number of hours worked per workweek. **See also Section 13.2(7).**

Example: Frank has a normal schedule of 40 hours per week but occasionally works overtime. Frank calls in sick on Tuesday, but, because he stays late to assist with a project on Friday, he works 34 hours that week. Therefore, Frank would not need to use a full 8 hours of his accrued sick leave to make him "whole" (i.e., to get 40 hours) for that week. Frank would be paid 40 hours – 34 regular and 6 sick – for the week.

12.2.4 Employee Time Records and Payroll Deadline

All non-exempt employees are required to record their work time daily either by utilizing a time clock or by completing a time sheet. The method of timekeeping will be determined by the supervisor, in coordination with the Human Resources. Employees must accurately record actual hours worked including starting time, ending time, and meal breaks. Time records must be verified by the employee and approved by the supervisor. Employee time records must be completed, verified, and approved in sufficient time to comply with the deadlines established by Human Resources. Special submission deadlines may be established during holiday weeks.

12.2.5 Direct Deposit

Pierce County payroll is distributed via direct deposit into the banking or financial institution of the employee's choice. Employees are required to provide accurate routing and account numbers to the Human Resources office, and to update the information when changes to the account occur. Account information can be submitted via email to humanresources@piercecountyga.gov. Should an employee be unable to open or maintain an appropriate account, he/she should contact Human Resources for additional options.

12.3 Types of Pay Other Than Base Rate

12.3.1 Overtime Pay

Overtime work is work performed by a non-exempt employee which exceeds 40 hours in a workweek.

All overtime work must be pre-authorized by the supervisor. Compensation for overtime hours shall be at one and one-half times the employee's regular rate. Annual, sick, holiday, or other types of leave will not be considered as hours worked for overtime computation purposes. An employee whose actual work hours equal or exceed 40 hours in one week (or the number of hours that employee regularly works in one week, if higher than 40) shall not receive additional annual leave pay or sick leave pay for that week. Exempt employees are not eligible for overtime pay.

12.3.2 On-Call Status

Some departments may designate non-exempt employees to be on call to provide for after-hours service needs. Any on-call policy shall be determined by the applicable Department Head depending upon the needs of the individual department and appropriations in the fiscal budget.

1. On-Call Assignments

The Department Head or designee will assign on-call duty. Such assignments will be made on a rotating basis. Employees will not normally be assigned on-call duty for consecutive periods, unless circumstances require consecutive assignments.

2. Requirements for On-Call Assignment

Employees who are on-call are expected to be available and responsive to departmental contact at all times, to refrain from consuming alcoholic beverages, and to be available to report to work within one hour or less, depending on department requirements. Other than these requirements, employees who are on-call are free to use their time for personal activities and are not required to remain in any particular location.

3. Non-Compensability

On-call time is not compensable time under the Fair Labor Standards Act (FLSA) since the employees, with minimal restrictions, are free to use on-call time for personal activities.

12.3.3 Call-Back Pay

A call-back occurs when there is an emergency or after-hours service need for which an employee reports to work as a result. A call-back does not include additional hours of work scheduled in advance. Call-back hours are considered time worked for FLSA purposes.

1. A non-exempt employee responding to a call-back will be paid for the greater of the following: actual time worked or the departmental minimum call-back time.
2. Exempt employees are not eligible for call-back compensation.

12.3.4 Acting Status Pay

Employees who are temporarily reassigned to perform the duties of a higher classification for thirty (30) consecutive days or more may receive a compensation increase for the duration of the temporary assignment. The appropriate increase shall be recommended by the Human Resources Director, but at no time should be less than the minimum pay range for the temporary reassignment classification. The County Manager must approve any increase due to acting status. *See also Section 3.5.3.*

12.3.5 Final Pay

Upon separation from employment, employees will receive any compensation due on the following regular pay date. Employees who separate voluntarily will be paid at their base rate for any unused accrued annual leave balances, less any reduction for failure to provide notice. *See also Section 7.2.1.*

12.4 Errors in Pay

Employees will be paid accurately and in compliance with all applicable state and federal laws. To ensure that pay is correct, each employee should review pay stubs promptly to identify and report any errors for review and correction. Errors in pay may be corrected with the next scheduled payroll cycle.

12.5 Exempt Employee Salary Basis

Exempt employees are paid a fixed amount for their work and only under special circumstances may their salary be reduced and still remain in compliance with the Fair Labor Standards Act. Any reduction in pay for exempt employees should be submitted to the Human Resources Department for review and approval by the County Manager prior to implementation. Employees who believe a deduction has been made that is conflict with their salaried status should immediately contact the Human Resources Department.

12.6 Compensation Plan

12.6.1 Pay Plan

The County will maintain a Classification and Pay Plan, including a complete inventory of all full-time and regularly scheduled part-time positions in the County's service, accurate job descriptions, and specific salary grades with minimum and maximum pay ranges. The Classification and Pay Plan will be designed to provide comparable pay for comparable work and to provide a pay range for each grade of positions, which will enable the County to recruit and retain qualified employees, as well as compete in the job market with other private and public employers. All aspects of the pay plan are contingent upon the availability of funds as determined in the discretion of the Board of Commissioners.

As part of the County's Pay Plan, pay ranges are established based on market rates. Each range will consist of a minimum and maximum, except for the County Manager position whose range will be considered open. The pay rates for certain acting status and part-time positions are established by the County Manager outside of the Classification and Pay Plan.

12.6.2 Administration

The primary responsibility for day-to-day administration of the Classification and Pay Plan rests with the County Manager or designee, as follows:

1. The Human Resources Director is charged with the maintenance of the Classification and Pay Plan and its administration so that it will reflect the duties performed by each employee and the grade to which each position is allocated.
2. It is the responsibility of the Human Resources Director to examine the nature of new positions as they are created and to allocate them to an existing grade in conformity with this Section; to make such changes as are necessary in the duties and responsibilities of existing positions; to periodically review the entire Classification and Pay Plan; and to recommend appropriate changes in the plan to the County Manager. The County Manager shall submit recommendations for updating the Pay Plan to the Board of Commissioners for approval.
3. A formal Classification and Pay Study may be conducted from time to time to review some or all of the Plan. Based on the results of these studies, the County Manager shall recommend to the Board of Commissioners such increases, reductions, or amendments of the Classification and Pay Plan as is deemed necessary to maintain the fairness and adequacy of the plan.

12.6.3 Use of the Classification and Pay Plan

The Classification and Pay Plan is to be used:

1. As an aide in recruiting and evaluating candidates for employment;
2. In determining salary or hourly wage to be paid for various types of work;
3. In providing uniform job terminology understandable to all County officials, employees and the public; and
4. To ensure that the official job title represented on the Classification and Pay Plan shall be used in organizational charts and other personnel, accounting, budget, appropriation, and financial records.

12.6.4 Starting Pay

In general, newly hired employees should begin at 2% below the minimum pay rate of the applicable grade for the position during the established probationary period. However, in some instances it may be appropriate to hire employees above the minimum pay rate for the grade. The hiring manager has the discretion, subject to the following guideline, to set the starting salary in an amount that is no lower than the pay grade minimum and no higher than the pay grade midpoint. As a guideline to help maintain internal equity, the hiring manager may increase the starting pay by 2% for each year of related training or experience that exceeds the minimum qualifications for the position, up to the midpoint of the pay grade. The County Manager may approve the employment of a new hire at a rate above the midpoint for positions that have been difficult to fill or when other unusual circumstances exist. At the completion of the probationary period, the hiring manager shall, following a performance evaluation, increase the employee to the minimum pay rate. The hiring manager has the authority to extend the probationary period in accordance with **section 3.3.4**, at which time the initial pay rate may remain the same.

12.6.5 Maintenance of Pay Ranges

The County Manager or designee may make or cause to be made such comparative

studies as he/she deems necessary of the factors affecting the level of salary ranges prior to the preparation of the annual budget, as well as at other times during the year. On the basis of information derived from such studies, the County Manager may make recommendations for changes in salary ranges as deemed necessary to maintain the fairness, adequacy, and competitiveness of the overall salary structure.

12.7 Changes in Pay

12.7.1 Position Reviews

The job performance of all employees who are subject to the Pay Plan may be reviewed periodically to determine if pay should be adjusted, if job descriptions should be revised, or if jobs need to be reclassified.

12.7.2 Across-the-Board Pay Adjustments

Subject to annual budget appropriation, across-the-board pay adjustments may be implemented for employees who are subject to the Pay Plan. There is no requirement that an across-the-board adjustment will occur in any given budget year. The Pay Plan may be adjusted to align with the adjustment to employee pay.

12.7.3 Pay Increases for Performance

Subject to annual budget appropriation, full-time employees may be eligible for pay increases based on performance (merit increases). Part-time employees who (1) are covered by the Pay Plan and (2) have worked at least 1,040 hours in the evaluation period are also eligible for a merit increase. The County Manager reserves the right to make additional pay adjustments as necessary for business operations or to address any internal equity issues.

12.7.4 Pay Changes Due to Reclassification

Normally adjustments for reclassifications to a higher pay grade are limited to seven percent (5%) of the employee's current base pay or the new pay grade minimum, whichever is greater. Reclassifications to a lower pay grade may result in a downward adjustment in pay. These adjustments are to be handled on a case-by-case basis. If the adjusted pay for an employee whose position has been reclassified to a lower pay grade exceeds the maximum of the pay grade, the employee's pay will be "frozen" until such time that the maximum of the pay grade exceeds the employee's pay.

12.7.5 Pay Changes Due to Demotion

The pay changes for employees receiving a demotion will be as follows:

1. Demotions Based on Performance

In general, the pay for employees receiving a demotion based on performance will be decreased by a minimum of seven percent (5%). At the Division Head's request, the County Manager may allow a greater or lesser decrease in order to address any internal equity issue.

2. Voluntary Demotions (not performance based)

The pay of an employee who voluntarily demotes to a position in a lower pay grade based on a personal decision to do so will be determined upon the recommendation of the Division Head, but will not exceed the maximum of the lower pay grade.

3. Involuntary Demotions (not performance based)

The pay of an employee who has been involuntarily demoted due to business needs or for accommodation purposes and not based on performance will not

experience any change in pay if the employee's pay falls within the lower pay grade and is comparable to employees within the same pay grade.

12.7.6 No Pay Changes for Lateral Transfers

An employee who makes a lateral transfer (e.g. movement from one position to another with the same pay grade) retains his/her current pay, up to the established maximum for the pay grade.

12.7.7 Discretionary Pay Adjustments

Special pay adjustments are granted under unusual circumstances such as to reflect special market conditions, special job performance, special equity adjustments, etc., which do not conform to customary compensation administration guidelines. All special pay adjustments require approval by the Division Head, the Human Resources Director, and the County Manager.

12.8 Employees at Maximum of Pay Range

Employees at or above the maximum of the assigned range will not be eligible to receive additional pay increases (merit, market, or across-the-board) until the maximum is adjusted above their current compensation. Lump-sum payments may be considered, subject to funding and other considerations, for employees in this situation.

12.9 Overpayments to Employees

All overpayments to employees will be repaid to the County regardless of where the error was made or who made it. Repayment will be coordinated with the Human Resources Office.

Section 13 – Employee Leave

13.1 Policy Statement

County management recognizes that employees have diverse needs for time off from work. Employees should have the opportunity to enjoy time away from work to help balance their work and personal lives. Because of this, the County has established leave practices to address that balance and to help protect the financial well-being of employees during certain absences from work. Employees are accountable and responsible for managing their own leave balances to allow for adequate reserves if there is a need to cover unanticipated events requiring time away from work. Employees also must understand that leave is not a required benefit, but rather a privileged benefit provided by the County. If abuse of leave becomes habitual, leave may be restricted or even taken away as a means of reprimand. Using leave as quickly as it is earned is considered abuse if the use is recurring at a regular frequency (i.e., taking a sick day and a vacation day every month).

13.2 General Provisions

Except as provided otherwise in this Section, the following apply to all types of leave:

1. Approval of leave is subject to operational requirements of the department, and any request for paid leave may be denied or rescheduled due to staffing needs.
2. Paid leave cannot be advanced; in other words, paid leave must actually be accrued before it can be used.
3. All requests for leave must be submitted with as much advance notice as possible. Vacation must be requested at least two weeks in advance. Medical appointments for the employee or their children, or spouse must be submitted as soon as the appointment is made.
4. Employees shall request leave in quarter hour increments.
5. Failure to return to work at the expiration of approved leave will be considered absence without approved leave, which may be grounds for corrective action up to and including dismissal.
6. Paid leave is not considered “hours worked” for the purposes of overtime calculations.
7. Paid leave is intended to make the employee “whole,” to help enable the employee to receive full pay during pay periods when the employee was absent. Therefore, in any week during which a non-exempt employee works more hours than regularly scheduled, but also requests sick or vacation leave, the amount of paid leave deducted from the employee’s accrued leave balance and paid to the employee may be reduced.

See also Section 12.2.3.

13.3 Leave Without Pay

Absence without pay will not be approved under normal circumstances; however, approval may be granted in unusual situations or as required by law. Annual leave, sick leave, and holiday hours will not be accrued during leave without pay status. This will not, however, constitute a break in service for accrual rate purposes. While an employee is on leave of absence without pay, there is no job protection by the County, except as required by law.

13.4 Annual Leave

13.4.1 Eligibility and Guidelines

It is the policy of the County to provide annual leave, sometimes referred to as “vacation” leave, for eligible employees. Annual leave guidelines include:

1. Annual leave is accrued by and granted to full-time employees.
2. Eligible employees will continue to accrue annual and sick leave hours while on authorized paid annual or paid sick leave.
3. Employees may not take annual leave during the first three months of employment, unless unusual circumstances exist.
4. All other eligible employees may take annual leave once hours have been accrued and the request has been approved by Department management.
5. Pay for annual leave shall be at the employee’s regular rate of pay in effect for the employee’s regular job on the day immediately preceding the employee’s vacation period.

13.4.2 Annual Leave Accrual Rate

1. Eligible employees will accrue annual leave hours on a biweekly basis.
2. Employees will accrue annual leave hours based on their hire date with the County. In the case of an employee with more than one period of employment with the County, the most recent hire date will dictate the rate of accrual. For an employee who previously worked in a part-time role but transferred to a full-time position, the date the employee became full-time will determine the accrual rate.
3. The chart below reflects the accrual rates for full-time County employees. Pro rata accruals will occur with each biweekly payroll period.

Full-Time Employee	Hours/Payroll
Regular Full Time	3.69
Office of the Sheriff (911)	5.54

13.4.3 Use and Scheduling of Annual Leave

1. Whenever possible, employees will be allowed to take annual leave at times most convenient to them. However, in order to ensure continued smooth operation and to maintain a high level of service to citizens, the County reserves the right to limit the number of employees that may be absent from a given department at any one time. Where there is a conflict in the annual leave choices of two or more employees who cannot be spared at the same time, the department management will determine who will take leave. Consideration will be given to which employee submitted the earliest request, but this may not be the determinative factor.
2. When a holiday occurs during the period an employee is on authorized annual leave with pay, annual leave shall not be charged for the holiday.
3. If an employee is called in to work during his/her pre-authorized annual leave, he/she may choose to be paid annual leave plus the hours worked that day or retain the leave hours for future use.
4. Employees on annual leave are subject to recall in case of emergency.

5. Employees will be allowed to carry over annual leave hours from one calendar year to the next, up to a maximum cap according to the chart below. Any hours in excess of these maximums will be forfeited as of December 31st.

Maximum Annual Leave Carry Over Hours	
Full Time Employee	Hours
Regular Full Time	160
Office of the Sheriff (911)	192

6. Annual leave may not be transferred or donated from one employee to another.
7. Employees who separate employment voluntarily are eligible to receive pay for all unused annual leave hours accrued through the last date of employment, provided proper resignation notice has been given. Accrued annual leave hours are forfeited for employees who are terminated involuntarily. **See also Sections 7.2.1 and 12.3.6.**

13.5 Sick Leave

13.5.1 Eligibility and Guidelines

It is the policy of the County to provide sick leave with pay for eligible employees. Sick leave is a privilege and may be used when an employee is unable to report to work, or it is inadvisable for the employee to report to work, due to personal illness or injury, or when an employee has a medical / dental / optical appointment. In addition, sick leave may be used when an employee's spouse, child, parent, grandparent, grandchild, father-in-law, mother-in-law, or an individual for which the employee is a legal guardian needs care due to personal illness.

1. Sick leave is accrued by and granted to full-time employees.
2. Eligible employees while on authorized paid sick leave will continue to accrue annual and sick leave hours.
3. Eligible employees can take sick leave once hours have been accrued and the request has been approved by Department management.
4. Pay for sick leave shall be at the employee's regular rate of pay in effect for the employee's regular job on the day immediately preceding the period of sick leave.
5. Employees who use sick leave for more than five (5) consecutive work days, or who are frequently absent for the same medical condition, should contact Human Resources to determine whether the Family and Medical Leave Act (FMLA) applies.

13.5.2 Sick Leave Accrual Rate

1. Eligible employees will accrue sick leave hours on a biweekly basis.
2. Employees will accrue sick leave hours based on their hire date with the County. In the case of an employee with more than one period of employment with the County, the most recent hire date will dictate the rate of accrual. For an employee who previously worked in a part-time role but transferred to a full-

time position, the date the employee became full-time will determine the accrual rate.

3. The below chart reflects the accrual rates for sick leave for full-time County employees. Pro rata accruals will occur with each biweekly payroll period.

Full-Time Employee	Hours/Payroll
Regular Full Time	3.69
Office of the Sheriff (911)	5.54

4. Eligible regular full-time employees may carry a maximum of 240 hours of sick leave. Office of the Sheriff full time employees may carry a maximum of 288 hours of sick leave. Employees who reach the maximum will no longer accrue leave until the available balance falls below the maximum allowed.

13.5.3 Use of Sick Leave

1. Sick leave may be used for appointments for medical, dental, or optical examinations or treatment when such appointments cannot be reasonably scheduled during non-working hours. Examination appointments generally should be approved at least one (1) work day in advance by the supervisor.
2. Sick leave may be used for unplanned sick absences. In unplanned circumstances, an employee should make every attempt to report the need for the sick leave to his/her supervisor at least one (1) hour prior to the scheduled starting time. Where a relief employee is required in a department which must provide 24 hours sustained service, the employee must report his/her absence two (2) hours before the designated reporting time. Failure to comply with the reporting requirements may be grounds for corrective action.
3. Employees are charged with sick leave for absences only on days for which they would otherwise work and receive pay. No charge is made against sick leave for absence on holidays or other non-work days unless the employee is scheduled to work.
4. If an employee has exhausted all accrued sick leave, available annual leave will be substituted. An employee may not elect to take sick time as unpaid leave unless no paid leave time is available.
5. A medical certification may be required to substantiate time off due to sickness for absences of three or more consecutive days or when absences occur frequently.
6. Department management will be responsible for monitoring abuse of the sick leave privilege, and employees may be subject to corrective action, up to and including termination, for any abuse of the sick leave benefit. Three or more occurrences of unplanned/unscheduled absence in a three-month period, or patterns of such absences that indicate abuse, are considered excessive and may be grounds for corrective action. **See also Sections 2.3.1 and 17.7.4.**
7. If an employee sustains an on-the-job injury or illness which necessitates a brief absence from work, he/she may be paid from accrued leave balances during the workers' compensation waiting period. For absences that exceed the workers' compensation waiting period, the employee will be required to elect between

using accrued sick/annual leave in lieu of workers' compensation benefits or accepting worker's compensation benefits in lieu of using accrued sick and annual leave. Employees cannot be paid both workers' compensation benefits and accrued sick/annual leave simultaneously. **See also Section 15.**

8. An employee who becomes ill during his/her vacation (annual leave) may be granted the option of changing annual leave to sick leave upon presentation of a doctor's certificate.
9. An employee on an authorized period of sick or other medical leave may not obtain or perform either part-time or full-time employment elsewhere without the prior approval of the employee's supervisor and the Human Resources Director.
10. An employee who separates from the County, whether voluntarily or involuntarily, shall forfeit all accrued sick leave. Accrued sick leave that is forfeited at the time of separation will not be reinstated for employees who are later rehired.

13.5.4 Sick Leave Donation

Employees may voluntarily donate a portion of their accrued sick leave to a qualified employee who is unable to work due to extended illness or injury, subject to the following:

1. To qualify to receive donated sick leave, an employee must obtain approval from the Department Head and the County Manager before any leave is donated. An employee may be denied the opportunity to receive donated sick leave if the Department Head and/or County Manager determines that the employee has exhibited a pattern of abusing sick leave within the twelve-month period prior to the employee's request. An employee's supervisor may make a request to Human Resources for sick leave donation on the employee's behalf.
2. Sick leave donation will only be approved in cases of an employee's own serious health condition or that of an immediate dependent (spouse, child or parent).
3. Employees must have satisfied their probationary period to be eligible to receive sick leave donations.
4. Human Resources will solicit sick leave on behalf of eligible employees, and will conduct such solicitations without identifying the intended recipient.
5. An employee must use all accrued sick leave before any donated leave is received.
6. Employees may donate sick leave in any amount; however, employees donating sick leave must have a remaining balance of at least 80 hours of sick leave after the donation.
7. Donated leave will only be deducted from the donating employee's accrual balance when it is actually transferred to the recipient. Donated leave in excess of need will be retained by the donating employee and will not be banked for future requests.

8. An employee's eligibility to receive donated sick leave will not extend beyond six months of leave in any twelve-month period.

13.6 Bereavement Leave

1. Full-time employees, including probationary employees, are entitled to a maximum of 24 hours of bereavement leave with pay upon the death of a member of the employee's immediate family. For the purposes of this bereavement policy, "immediate family" includes spouse, child, parent, brother, sister, grandparent, grandchild, or similar in-law or step-family relationship, or any other individual living in the employee's household.
2. Employees should direct requests for bereavement leave to their supervisor.
3. There is no requirement that bereavement leave hours be taken on consecutive days. However, all approved bereavement hours must be taken within seven (7) calendar days following the family member's death, unless funeral or memorial services are delayed beyond seven (7) days.
4. When attending a funeral of an individual other than immediate family member as defined in Section 13.6.1, the employee must use his/her annual leave time to cover his/her absence from work, after appropriate approval is sought and granted.
5. Employees attending the funeral of another active County employee may be granted up to a maximum of two (2) hours of paid time to attend the funeral during their normal scheduled work hours; annual leave time must be used to cover absences exceeding two (2) hours. Authorization to leave the work premises to attend coworker funerals may be granted or withheld, in the sole discretion of the employee's supervisor, after considering necessary service and staffing levels.
6. There is no accumulation of bereavement leave, and no payment upon separation from County employment.

13.7 Jury Duty / Court Leave

1. Because jury duty is recognized as a civic responsibility, the County will continue to pay an employee's regular salary when the employee is required to report for jury duty on a day, he/she is scheduled to work.
2. An employee must report his/her need for jury duty/court leave in advance to his/her supervisor. Employees are required to present documentation from the court indicating jury service is required.
3. Employees are required to turn over to the County any fees received for participating in jury duty since they are being regularly compensated and the extra payment would constitute an unauthorized gratuity to the employee.
4. An employee is expected to return to work on any day he or she is dismissed from jury duty prior to 1:00 p.m.
5. All employees subpoenaed or ordered to attend court or to appear as a witness in connection with the employee's County employment are considered to be working and will be paid accordingly.

13.8 Military Service Leave

1. Employees are entitled to a leave of absence for military service in accordance with state law and federal law commonly known as the Uniformed Services Employment and Reemployment Rights Act ("USERRA"). The provisions below are a brief summary of employees' legal rights and obligations and are not intended to set forth every detail and nuance of these laws.
2. "Military service" means any period of military service included within the definitions of "ordered military duty" or "service in the uniformed services" in state or federal law.
3. An employee shall be deemed to have a leave of absence while engaged in the performance of military service and while going to and returning from such service. An employee shall be paid his/her salary or other compensation for any and all periods of absence while engaged in the performance of military service and while going to and returning from such service, not exceeding a total of 18 days in any one federal fiscal year (October 1st – September 30th). In the event the Governor declares an emergency and orders an employee to military service as a member of the National Guard, any such employee, while performing such service, shall be paid his/her salary or other compensation for a period not exceeding 30 days in any one federal fiscal year.
4. Unless prevented from doing so by military necessity, or unless otherwise impossible or unreasonable under all the relevant circumstances, the employee (or an appropriate officer in the uniformed service in which such military service is performed) should provide advance written or verbal notice of military service to his/her department management and the Human Resources Director.
5. At the conclusion of military service, employees generally have the right to return to the same position held prior to the period of military service or to a position with equivalent seniority, pay and benefits. An employee who desires reemployment with the County after a period of military service exceeding 30 days must timely notify the Human Resources Director of his/her intent to return to employment with the County in the manner required by 38 U.S.C. § 4312 (e). With certain limited exceptions, an employee whose cumulative absences from employment with the County by reason of military service exceeds five years is not entitled to reemployment with the County. Also, an employee is not entitled to reemployment if the employee was separated from the service with a dishonorable or bad conduct discharge, other than honorable conditions, or dismissed or dropped from the rolls as a commissioned officer under certain circumstances.
6. Employees on leave of absence for military service may, at their option, use any or all accrued annual leave during their period of military service.
7. An employee on a leave of absence for military service for 30 days or less may maintain health insurance coverage as if no leave occurred. When an employee is on a leave of absence for military service that exceeds 30 days, he/she is eligible, at his/her expense, for COBRA benefits continuation up to a maximum of 24 months.
8. Each period of military service for an employee on a leave of absence shall, upon reemployment, be deemed to constitute service with the employer for purposes of the County's 401(a) pension plan, and the employee shall be treated as not having incurred a break in service for purposes of eligibility and vesting under the 401(a) plan.

13.9 Family and Medical Leave (FMLA)

Pursuant to the Family and Medical Leave Act, (“FMLA”), 29 U.S.C. §2601, et seq., an eligible employee can take up to twelve (12) weeks of unpaid leave in any 12-month period for one or more of the following:

- The birth of a child and to care for a newborn child (entitlement to leave expires at the end of the 12-month period beginning on the date of birth and cannot be taken intermittently or on a reduced leave schedule);
- The placement with the employee of a child for adoption or foster care (entitlement to leave expires at the end of the 12-month period beginning on the date of placement and cannot be taken intermittently or on a reduced leave schedule);
- To care for the employee’s spouse, child, or parent who has a qualifying serious health condition;
- For the employee’s own qualifying serious health condition that makes the employee unable to perform the employee’s job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee’s spouse, child, or parent; or
- An eligible employee who is a covered servicemember’s spouse, child, parent, or next of kin may also take up to 26 weeks of unpaid leave in a 12-month period to care for the servicemember with a serious injury or illness.

For purposes of this Section, a “12-month period” means a rolling twelve (12) months measured backward from the date the employee uses any FMLA leave. If the provisions in this manual conflict or come into conflict with the FMLA as it presently exists or is amended from time to time, the provisions contained in the FMLA shall control.

1. Eligibility

To be eligible for leave, an employee must have worked for the County for at least twelve (12) months and must have worked at least 1,250 hours during the twelve-month period prior to the request for leave. Eligible employees under FMLA shall be entitled to leave pursuant to the conditions and limitations of FMLA.

2. Concurrent Utilization of Paid Leave

An employee requesting FMLA leave is required to utilize all accrued paid leave (both sick and annual) and/or compensatory time available during the 12-week leave period, unless the employee is receiving workers’ compensation benefits. During periods of FMLA leave due to the serious medical condition of the employee or the employee’s child, spouse, or parent, available sick leave will be used first, followed by available annual leave if sick leave is exhausted. Employees who have exhausted all available paid leave time but who qualify for leave under the FMLA will be granted unpaid leave. FMLA designations may be retroactively dated to the date on which the serious health condition commenced. If the employee is absent on unpaid FMLA leave, he/she will not continue to accrue holiday hours or annual, sick, or other types of leave during this unpaid FMLA leave.

3. Concurrent Workers’ Compensation and FMLA Leave

Periods of leave pursuant to an accepted Workers’ Compensation injury (on-the-job injury) will run concurrently with FMLA leave, if the leave qualifies under FMLA.

4. Intermittent Leave or Reduced Schedule Leave

Leave for a serious health condition of the employee, qualifying family member, or covered servicemember may be taken intermittently or on a reduced schedule if medically necessary. Intermittent leave will be at the discretion of the employee's supervisor and the County Manager and shall not hinder the overall operations of the department during the time being requested. The taking of any leave intermittently or on a reduced schedule basis shall reduce the total amount of FMLA leave that has been approved for the eligible employee according to the actual hours of leave taken. In determining maximum FMLA leave, total intermittent leave and/or continuous leave added together may not exceed twelve work weeks in a twelve-month period, or 26 weeks in a twelve-month period if taken to care for a covered servicemember. If an eligible employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the County reserves the right to transfer the employee temporarily to an available alternative position with equivalent pay and benefits for which the employee is qualified that better accommodates recurring periods of absence.

5. Spouses Employed by Same Employer

When a husband and wife are both eligible for leave under the FMLA and are both employed by the County, the aggregate number of workweeks of leave to which both shall be entitled will be limited to twelve (12) workweeks during any 12-month rolling period, in the case where leave is taken for childbirth, adoption, foster care, or to care for a parent with a serious health condition, and will be limited to an aggregate of 26 workweeks during any 12-month period to care for a covered servicemember with a serious injury or illness.

6. Notice of Need for Foreseeable Leave

In any case in which the necessity for leave under the FMLA is foreseeable, based on an expected birth or placement of a child or based on planned medical treatment, the employee shall notify the Human Resources Director no less than thirty (30) days before the date the leave is to begin. In a case where the necessity for leave is based on planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the County, subject to the approval of the health care provider. If the date of the treatment requires leave to begin in less than thirty (30) days, the employee shall provide as much advance notice as is practicable. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

7. Notice of Need for Unforeseeable/Emergency Leave

If the need for leave is unforeseeable, the employee shall give notice to the supervisor or to Human Resources as soon as practical. Notice may be given by the employee's spouse or other family member if the employee is unable to do so due to a serious health condition.

8. Contents of Notice

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing the employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that

hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified. If an employee fails to give proper notice of the need for FMLA leave, the employee's FMLA coverage may be delayed.

9. Certification of Serious Health Conditions

An eligible employee who requests leave for a serious health condition of the employee or a qualifying family member shall be required to submit to the Human Resources Director certification from an appropriate health care provider supporting the need for FMLA leave. The Human Resources Director may require that subsequent re-certification be submitted on a reasonable basis.

In any case in which there is reasonable doubt as to the validity of the certification, the Human Resources Director may require the employee to obtain the opinion of a second health care provider at the expense of the County. If the second opinion differs from the original certification, the Human Resources Director may require the employee to obtain the opinion of a third health care provider designated or approved jointly by the Human Resources Director and the employee at the expense of the County. The opinion of the third health care provider shall be considered to be final. Pending receipt of a second or third medical opinion, the employee will be provisionally entitled to FMLA protection.

10. Employee Notices

After an employee requests FMLA leave, Human Resources will provide the employee with information about his/her eligibility and explain the employee's rights and responsibilities. If the employee is deemed to be ineligible, a reason will be provided. Employees will be notified about whether, and how much, leave will be designated as FMLA leave.

11. Accruals and Benefits during FMLA Leave

The employee, while on paid FMLA leave, is entitled to accrue annual leave, sick leave, and holidays during the periods of paid leave. For the purposes of pension or retirement plans, any period of FMLA leave will be treated as continuous service for the purposes of vesting and eligibility to participate. During any period of FMLA leave, the County will maintain any medical insurance provided by the County for the duration of the FMLA leave at the level and under the condition's coverage would have been provided if the employee had continued in employment continuously for the duration of such leave. The employee will continue to be responsible for his/her share of the cost. In addition, the employee's dental, vision, life, and disability coverage (if applicable) will continue as long as the employee pays his/her share of the costs in a timely manner.

12. Return to Duty from FMLA Leave

As a condition for return to duty after an employee's serious health condition, the employee shall be required to provide written certification from the health care provider, confirming that the employee is able to resume work. Such certification should be provided to Human Resources as soon as feasible. An employee who does not provide a fitness-for-duty certification or request additional FMLA leave is no longer entitled to reinstatement under FMLA.

13. Return to Former Position

Upon expiration of FMLA leave, the employee shall be returned to his/her former position or an equivalent position as defined by FMLA, provided that the employee has complied with the terms of the leave and reported for return of duty at the appropriate time. An exception to the employment restoration provisions of the policy may be made if the employee is a "key employee" as defined in the Family and Medical Leave Act and restoring employment would result in substantial and grievous economic injury to the County.

14. No Interference / No Retaliation

Pierce County will not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

15. Enforcement

Employees may file an FMLA-related complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

13.10 Leave of Absence

It is the policy of Pierce County to allow employees to apply for a leave of absence beyond those required by state and federal law. A Leave of Absence is defined as a continuous absence for medical, personal or educational reasons in excess of two (2) calendar weeks that has been approved by Human Resources and the employee's supervisor. These guidelines also apply when an employee on FMLA requests additional time off beyond the expiration of FMLA eligibility. This policy does not apply to approved vacations in excess of two weeks.

1. When an employee anticipates that a continuous absence will exceed two weeks, regardless of the reason for absence, a Request for Leave of Absence form must be submitted to Human Resources at least 30 days prior to the first day of anticipated absence when the leave is foreseeable or, for unforeseeable leaves, as soon as practical after the need for leave is known. The Leave of Absence Form must be signed by the employee's supervisor.
2. Employees on Leave of Absence are not eligible for any type of pay except sick leave, annual leave, or workers' compensation pay. Employees on unpaid Leave of Absence do not accrue sick or annual leave.
3. An employee on a Leave of Absence may not accept or perform work elsewhere. An employee who violates this provision will be considered to have voluntarily resigned without notice.
4. An employee may not exceed six (6) months of leave in any twelve-month period, with the exception of military leave or leave that has been granted as a reasonable accommodation under the Americans with Disabilities Act (ADA). Indefinite leave is not considered a reasonable accommodation under the ADA.

5. A medical leave of absence may continue until whichever of the following occurs first:
 - The employee voluntarily resigns.
 - The employee fails to provide proper documentation of the nature and anticipated length of absence.
 - The employee refuses an examination by a physician of Pierce County's choosing, if requested.
 - The employee's physician releases the employee to return to work.
 - The employee remains unable to perform his/her duties, no reasonable accommodation is possible, and there is no foreseeable return to work date.
6. An employee on Leave of Absence is not guaranteed a job upon return unless required by law, such as in FMLA.

13.11 Administrative Leave

An employee's supervisor, with notification to the Human Resources Department, may place an employee on paid or unpaid administrative leave.

1. An employee being investigated by the County for possible misconduct may be placed on administrative leave during the investigation.
2. An employee being investigated by a law enforcement agency for possible violation of a criminal law may be placed on administrative leave.
3. An employee may be placed on administrative leave in any instance where it is considered to be in the best interest of the County and/or the employee for the employee to be temporarily relieved of duties.
4. Written notification should be made to the employee, with a copy to Human Resources, indicating whether the administrative leave is with pay or without pay.
5. The decision to place an employee on administrative leave is entirely discretionary, as is the length of the administrative leave. Certain acts of misconduct or criminal arrests may be more suitable for immediate termination as determined by the employee's supervisor and the Human Resources Director.

13.12 Leave Due to Inclement Weather and Other Emergencies

While Pierce County strives to remain open for business during normal work hours, County facilities may be forced to close temporarily or to limit operations due to severe weather, power outages, or other emergency situations. During such situations, the County Manager shall be responsible for determining whether to close County offices for one or more full or partial days.

1. Due to the critical nature of the services they provide, essential employees may be required to report to work when County offices are closed. Essential employees, generally, include personnel in public safety and public works. However, other employees may be categorized as essential depending on the nature and severity of the emergency. It is the responsibility of the department head to determine if employees are essential or non-essential for any given emergency situation.
2. In the event of a full-day closure, non-essential full-time employees will be excused from work and will be compensated for the number of hours they were scheduled to work on that day.

3. For partial day closures, non-essential full-time employees will be excused for a portion of the work day and compensated for the hours missed due to the closure.
4. Part-time employees will not be compensated for hours missed due to closure of County offices.
5. Employees who were not scheduled to work, or who are on approved leave or vacation at the time of the closure, will not be eligible for pay as described in this section.
6. When County offices are open but questionable weather or other emergency situations exist, employees must make their own independent safety determinations concerning travel to work. If the employee elects not to work, or not to work a full day, due to weather or emergency-related safety concerns, the absence will be charged against the employee's accrued annual leave time. Employees with no accrued annual leave will not be paid for the hours they are absent from work. Employees must notify their supervisor, or designee, as soon as reasonably possible whenever they are unable to work.

13.13 Holidays

1. Eligible employees receive ten (10) paid holidays each year:

- New Year's Day
- Martin Luther King, Jr.'s Birthday
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Eve
- Christmas Day

Generally, when a holiday falls on a Saturday, the preceding Friday shall be declared a holiday for County employees and when a holiday falls on a Sunday, the following Monday shall be declared a holiday for County employees. The County Manager may select an alternate day as deemed appropriate.

Full-time employees receive eight (8) hours' pay for each holiday. Part-time employees do not receive holiday pay.

2. Eligible non-exempt employees who are required to work on a holiday will be paid for hours worked plus an additional eight (8) hours of holiday pay.
3. When an observed holiday falls on an employee's normally scheduled off day, the employee will still be paid for the holiday.

Section 14 – Group Benefit Plan

14.1 Policy Statement

It is the practice of the County to provide its full-time employees with various insurance, retirement, and other benefits. The benefits plan is intended to provide a supplemental package of programs which contribute to the physical and mental health and well-being of employees and their dependents. The County's benefits offerings are designed to enhance the value of employment with the County and to aid the County's competitiveness in recruitment and retention efforts.

14.2 Administration

The primary responsibility for the day-to-day administration of employee benefits plan shall rest with the Human Resources Department within the limits of these policies and procedures, as well as the actual plan documents that govern the particular benefit. Questions or concerns about employee benefits should be directed to the Human Resources Department.

14.3 Eligibility

Eligibility for health insurance, life insurance, and retirement benefits shall be governed by the provisions in the plan documents of the applicable program(s). Generally, health insurance eligibility is the first day of the month following 60 days of employment. Life insurance and retirement as well as supplemental insurance eligibility is the first day of the month

14.4 Employee Premiums

Premiums, contributions and other charges to the employee for benefits shall be collected via payroll deduction.

14.5 Benefits Changes During Open Enrollment

During the annual Open Enrollment period, the employee has the opportunity to change his/her benefit elections for the following plan year. Eligible employees will be notified of the dates of the Open Enrollment period each year.

14.6 Qualified Status Changes

Due to the pre-tax nature of many of our benefit plans (including spending accounts), IRS regulations determine when an employee can and cannot make changes to his/her benefit elections. Benefits choices made by an employee remain in effect for the entire plan year, unless the employee has a qualified status change. The following are examples of qualified status changes:

- Loss or gain of coverage through the employee's spouse
- Birth or adoption of a child
- Loss of eligibility of a covered dependent
- Marriage, divorce or legal separation, or annulment
- Death of a covered spouse or child
- Change in employment status

All paperwork related to an adjustment in employee benefits after a qualified status change must be completed within 31 days of the date the status change occurred, and the employee must provide documentation proving the qualifying event (for example, a marriage certificate).

14.7 Benefits Continuation

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the County's health plan for a certain period of time provided by law when a qualifying event would normally result in the loss of eligibility. Under COBRA, the employee or qualified beneficiary pays the full cost of coverage at the County's group rates, plus an administrative fee. Certain deadlines and application requirements will apply.

14.8 Measurement of Part-Time Hours for Benefits Eligibility

14.8.1 Definitions

For the purposes of this section, the following definitions apply:

- **Initial Measurement Period:** A period of 12 months that begins on the 1st day of the month following an employee's hire date and ends on the last day of the month that includes the first anniversary of the employee's hire date. For purposes of the initial measurement period, the term "employee" means a new employee who is not reasonably expected to be a full-time employee.
- **Standard Measurement Period:** A period of 12 months that begins each year on May 1st and ends each year on April 30th.
- **Stability Period:** A period of 12 months that follows and is associated with either an initial measurement period or the standard measurement period. The stability period for an initial measurement period begins on the first day of the second full month following the first anniversary of an employee's hire date and ends on the last day of the month following the month that includes the first anniversary of the employee's hire date. The stability period for the standard measurement period begins July 1st and ends on June 30th of each year.

14.8.2 Measurement

A part-time employee who actually averages 30 hours of service or more per week during the initial measurement period or a standard measurement period will be eligible for health insurance during the entire subsequent stability period, even if the employee averages less than 30 hours of service per week during the stability period. However, if such an employee is not promoted to the status of a full-time employee, and if the employee averages less than 30 hours of service per week during the following standard measurement period, then the employee will be ineligible for health insurance during the next stability period.

14.8.3 Eligibility

During any stability period in which a part-time employee is eligible for group health insurance, the employee will be offered group health insurance on the same basis as a full-time employee; however, unless the employee is actually

promoted to the status of a full-time employee, the employee will not be eligible for other fringe benefits such as, but not limited to, paid leave and participation in the retirement plan, unless the employee is otherwise eligible under the plan document or other written requirements applicable to those other fringe benefits.

14.9 Plan Documents

From time to time, employees may receive information regarding specific provisions related to employee benefits. The actual plan documents, rather than any verbal or written interpretation or summary, will govern and should be relied upon in determining an employee's rights and obligations.

Section 15 – Workers’ Compensation

15.1 Policy Statement

It is the intent of the County to comply with the provisions of the Workers’ Compensation Laws of the State of Georgia. All County employees and elected officials who are injured on the job are protected by the Georgia Workers’ Compensation Act. The provisions of this Act are the exclusive remedy for employees injured on the job and provide benefits for occupational injuries and diseases arising out of and in the course of an employee’s employment with the County.

15.2 Responsibility

Specific responsibilities lie with the Human Resources Department, all supervisors, and the employee.

15.2.1 Human Resources

The Human Resources Director is responsible for the management of the County’s workers’ compensation program in accordance with the provisions of the Georgia Workers’ Compensation Act and other Federal, State, or local regulations.

15.2.2 Supervisors

County supervisors are responsible for ensuring that their employees report all on-the-job injuries to them immediately or as soon as possible following the injury. Supervisors will ensure that a written report of the injury (First Report of Injury form) is completed and submitted to the Human Resources Department as soon as practicable, but in all cases within twenty-four hours of notification. Serious injuries should be reported immediately by phone to the Human Resources Director.

15.2.3 Employees

All County employees are required to report all on-the-job injuries to their supervisor immediately when possible, but in all cases no later than twenty-four (24) hours after the occurrence of the on-the-job injury, even if no medical treatment is necessary. The employee is obligated to cooperate with the workers’ compensation program requirements and directives.

15.3 Procedures

1. An employee injured on the job must report the injury to his/her supervisor immediately on the forms prepared and provided by the Human Resources Department, even if no medical treatment is necessary.
2. The employee’s supervisor must follow the procedures prescribed for reporting the injury which includes completion of the First Report of Injury form.
3. Medical treatment for the injury, if any, shall be obtained at one of the designated medical facilities that are posted at each work site, and the employee must select a doctor from this approved Panel of Physicians provided by the County. In an emergency, the employee may receive medical care from any doctor until the emergency is over; then the employee must obtain treatment from a doctor on the County’s approved

- Panel of Physicians. The County reserves the right to refuse payment of medical services for any employee examined by a physician not listed on its approved Panel of Physicians.
4. An employee injured by an accident arising out of and in the course of employment shall not be charged for any absence from duty due to the on-the-job injury on the day of the injury. The employee will be paid for any time missed from work on the day of the injury.
 5. There is a seven (7) calendar day waiting period before workers' compensation income benefits begin. The employee is eligible to receive medical benefits during the seven-day waiting period. Beginning with the first day after an on-the-job injury and continuing through the seventh day following the injury, the injured employee will be compensated by using his/her available sick or other leave balances.
 6. Beginning with the eighth (8th) day following the on-the-job injury, the employee may be compensated at the statutory workers' compensation rate or the employee may choose to receive full wages using his/her available sick or annual leave balances. Employees cannot be paid both workers' compensation benefits and accrued sick/annual leave during the same period of incapacity.
 7. Workers' compensation benefits may be denied for various reasons, including but not limited to willful misconduct, horseplay, or alcohol or drug use.
 8. An employee out of work on workers' compensation who does not return to work when released to do so by a qualified physician may be terminated.
 9. If the employee is unable to return to his/her regular position, the County may temporarily provide a modified/light duty assignment that is approved by the Workers' Compensation physician; however, the County has no obligation to create a modified duty assignment if work is not available. The modified duty job does not have to be at the employee's regular rate of pay, does not have to be full-time, and does not have to be the same type of job as the employee's regular job.
 10. If the employee is eligible for Family and Medical Leave (FMLA), the employee's FMLA leave will run concurrently with the employee's absence under Workers' Compensation.
 11. Workers' Compensation leave does not offer job protection, but the employee may be protected by FMLA leave or some other law, such as a reasonable accommodation under the ADA.
 12. In accordance with Georgia law (O.C.G.A. 34-9-19), willfully making any false or misleading statement or representation for the purpose of obtaining or denying any workers' compensation benefit or payment is a misdemeanor and, upon conviction thereof, may result in a fine and/or imprisonment. Any fraudulent activity or misrepresentation is grounds for termination of employment.

Section 16 – Employee Orientation

16.1 Policy Statement

Pierce County is committed to ensuring that all new employees are integrated into the workforce in a consistent and effective manner.

16.2 Assignment of Responsibilities

Upon employment an employee shall complete an orientation process. The Human Resources Department and the employing Department each have a role in ensuring that the employee is familiarized with County and departmental rules, policies, benefits, and procedures.

1. The Human Resources Department shall be responsible for the initial New Hire Orientation, including standard employment paperwork, employment eligibility verification, benefits information and enrollment, and policy acknowledgements.
2. The employing department shall be responsible for the following: introduction to other departmental employees; tour of departmental facilities; explanation of departmental standard operating procedures and rules; introduction of safety rules and practices; explanation of performance expectations; and other pertinent information.

Section 17 – Standards of Conduct

17.1 Policy Statement

All employees are expected to maintain acceptable standards of conduct, efficiency, and economy in the performance of their work. All employees are expected to maintain minimum standards of conduct both on and off duty in order to:

1. Promote impartial, objective, and effective performance of their duties;
2. Avoid activities that are adverse to the County's interest or that adversely affect the County's reputation;
3. Ensure safe and efficient operations; and
4. Encourage a high degree of confidence in and support for County operations.

The following list of standards of employee conduct is not intended to be all inclusive of every type of conduct prohibited. Other standards of conduct are established throughout this manual; additional standards may be established and published by Departments as operations deem necessary. Moreover, generally accepted standards of conduct shall apply even where not specifically stated. Failure to abide by these standards of employee conduct may result in corrective action, up to and including termination.

17.2 General Provisions

17.2.1 Conformance to Law

An employee shall obey and not engage in any conduct prohibited by the laws of the United States, the State of Georgia or the County. Conduct described as a violation of such laws may be cause for corrective action, regardless of whether charges are filed or prosecuted or whether the employee is adjudicated guilty or not guilty.

17.2.2 Violation of Rules

An employee shall not commit any act contrary to good order and discipline or any act constituting a violation of any of the provisions of the rules and regulations of the County and its departments.

17.3 Ethics

17.3.1 Prohibited Financial Interests

No employee of Pierce County shall have a financial interest either directly or indirectly in the purchase of or contract for any goods or services, nor in any firm, corporation, partnership, limited liability company, or any other legal entity furnishing any goods or services to Pierce County or any of its departments. For purposes of this provision, an indirect financial interest includes, but is not necessarily limited to, a financial interest of an employee's spouse. Nor shall any employee of Pierce County accept or receive, directly or indirectly, from any person, firm, corporation, partnership, limited liability company, or any other legal entity furnishing any goods or services to Pierce County 1) any money or anything of more than nominal value; or 2) any promise, obligation, or contract for future reward or compensation. Provided, however, that nothing in this section shall

preclude employees of Pierce County from 1) attending seminars, courses, lectures, briefings, or similar functions at any manufacturer's or vendor's facility or at any other place if any such seminar, course, lecture, briefing, or similar function is for the purpose of furnishing the employee with knowledge and information relative to the manufacturer's or vendor's products; 2) receiving meals from a manufacturer or vendor in connection with any such seminar, course, lecture, briefing, or similar function; or 3) receiving educational materials and business-related items of not more than nominal value from a manufacturer or vendor.

17.3.2 Purchasing or Supervision

No employee of Pierce County shall personally participate either directly or indirectly in the purchasing or supervision of any goods or services furnished to Pierce County by an immediate family member of the employee or by a firm, corporation, partnership, limited liability company, or any other legal entity in which the employee's immediate family member has a direct financial interest. For purposes of this provision, "immediate family member" means the employee's child, parent or sibling.

17.3.3 Personal Benefit

No employee of the County or any agency or entity to which this manual applies shall use property owned by such governmental entity for personal benefit, convenience, or profit, except in accordance with policies promulgated by the Board of Commissioners or the governing body of such agency or entity.

17.3.4 Commissioner Employment

No member of the Board of Commissioners shall apply for or hold any other County employment during the term for which elected. The only exception applies to fire fighters. Commissioners who actively participate as firefighters must recuse themselves from decisions affecting the fire department.

17.4 Attention / Dereliction

17.4.1 Attention

Except when approved in positions which require 24-hour shifts, an employee shall remain awake, alert, observant and occupied with County business when on the job. Employees are expected to perform their job duties:

1. Timely, promptly, and without undue delay;
2. Without unnecessary supervision;
3. Ensuring they are engaged productively at all times or as directed;
4. Demonstrating appropriate initiative and dependability in the quality, volume, and prioritization of job duties; and
5. Avoiding excessive tardiness, excessive absenteeism, and unexcused absences.

17.4.2 Insubordination

An employee shall adhere to and execute any and all appropriate orders of a supervisor. An appropriate order is an order in keeping with the performance of duty, issued either verbally or in writing by the Division Head or any other supervisor, direct or indirect. The willful disobedience of any appropriate order issued by a supervisor, or any insolent, uncooperative, or abusive language or conduct toward a supervisor, shall be considered insubordination.

17.5 Competence, Judgment and Supervision

17.5.1 Competence

An employee shall maintain sufficient qualifications and competence to properly perform the assigned duties and responsibilities of the position. The employee's efforts shall be directed and coordinated in a manner that demonstrates and maintains the highest standards of efficiency in carrying out the functions and objectives of the County. Failure to perform work at an acceptable level of competence as determined by the applicable supervisor may be grounds for corrective action, up to and including termination.

17.5.2 Judgment

An employee shall exercise sound judgment relevant to the conduct and performance of duty.

17.5.3 Supervision

A supervisor shall:

1. Demonstrate qualities of leadership necessary for the position;
2. Maintain a positive attitude in support of Department decisions and goals;
3. Exercise appropriate supervision of subordinates and appropriately perform other responsibilities as assigned;
4. Effectively plan, develop, and coordinate supervision and training of subordinates;
5. Observe and appropriately counsel subordinates;
6. Take appropriate action when a subordinate fails to perform; and
7. Properly account for all funds and property under his/her control.

17.6 Fitness for Duty

An employee must be physically and mentally fit to perform essential job functions.

17.6.1 Evaluation for Fitness

When it is reasonably suspected that the physical or mental impairment of an employee constitutes a hazard to individuals or property or may prevent the employee from effectively performing the essential functions of the position, the employee may be required to submit to an evaluation of fitness for duty by a physician of the County's choosing and expense. All such testing must be approved and coordinated by the Human Resources Director.

17.6.2 Periodic Evaluation

An employee may be required to submit to periodic examinations and/or undergo a program of treatment to qualify for continued employment, to the extent allowable by law.

17.6.3 Disclosure Required

An employee who is notified or otherwise becomes aware of a physical or mental impairment that affects or reasonably threatens to affect his/her ability to perform essential job functions shall report the condition immediately to the Division Head or to the Human Resources Director.

17.6.4 Status During Evaluation

Pending completion of the fitness for duty evaluation, the employee may be required to use accrued leave, may be placed in an unpaid or paid leave status, or may be temporarily reassigned, depending on the circumstances and the length of the evaluation period.

17.7 Absences and Reporting

17.7.1 Unauthorized Absence

No employee shall be absent without authorization. This includes failure to report for work at the assigned time and place or leaving a place of duty or assignment without authorization.

17.7.2 Reporting for Work

An employee shall report to work on time and be physically and mentally fit to perform the essential functions of his/her job at the time and place specified by the supervisor.

17.7.3 Reporting Absence

An employee who cannot report to work due to illness or emergency shall notify the immediate supervisor. Failure to do so may result in an unauthorized unexcused absence. *See also Section 13.5.3(2).*

17.7.4 Frequent or Excessive Absence, Tardiness, or Leaving Early

Three occurrences of unplanned/unscheduled absence in a three-month period are considered excessive and may be grounds for corrective action. Three occurrences of tardiness or leaving early in a three-month period are considered excessive and may be grounds for corrective action. *See also Sections 2.3.1 and 13.5.3(6).*

17.7.5 Fictitious Reporting

Employees reporting absences or reasons for absences shall be truthful and shall not attempt to deceive any supervisor or official of the County.

17.8 Personal Appearance

17.8.1 Expectation

All employees must present a neat, well-groomed and professional image to the public while in the workplace.

17.8.2 Guidelines

The following guidelines apply:

1. Employees are expected to be clean and to practice good hygiene habits.
2. Uniformed personnel shall wear a clean and complete uniform (including shoes/boots) and shall adhere to dress standards established by their Department. Costs related to uniforms may be borne by either the employee or the organization, depending upon departmental policy.
3. Non-uniformed personnel shall wear clothing and shoes that are clean, properly fitting and appropriate to the work situation. The wearing of tight-fitting, suggestive or see-through attire, jeans, shorts, jogging suits and T-shirts is generally not permitted. Dress down days where jeans are permitted are allowed with the approval of the Department Head.

4. Supervisors have the right and responsibility to determine appropriateness of attire. Employees who are not properly clothed will be asked to go home and change. If the problem continues, corrective action, up to and including termination, will be taken.
5. Individual departments may establish certain dress and grooming requirements specific to the type of work.

17.8.3 Employee Identification

Employees who are required to wear ID badges must do so in a visible area on the upper body, right side up. Nothing should be worn on the badge which conceals the employee's name or department.

17.9 Professional Conduct

17.9.1 Courtesy

Employees shall be courteous to the public and fellow employees. An employee's conduct should always be civil, orderly, and courteous. Employees shall be diplomatic and tactful, controlling their temper and exercising patience and discretion in all situations. Employees should refrain from using coarse, violent, profane, or insolent language.

17.9.2 Conduct Unbecoming or Prejudicial to Good Order

An employee's conduct shall reflect favorably on the employee and the County. Unbecoming conduct includes acts that tend to bring the County into disrepute, discredit the employee, or tend to impair or interfere with the operation of the County or employee.

17.10 Inappropriate Conduct

Inappropriate conduct includes, but is not limited to:

1. Uncooperative attitude, including, but not limited to, disrespect to a supervisor, co-worker, or the public;
2. Conflict of interest;
3. Reporting to work/working under the influence of drugs and/or alcohol; any involvement in the manufacture, distribution, possession, or use of illegal, non-prescription drugs or illegally obtained prescription drugs;
4. Use of abusive or obscene language;
5. Violation of telephone or computer usage policies;
6. Theft, abuse, or misuse of County property or vehicles or loaning property or equipment of the County without permission or proper authority;
7. Violation of traffic laws while driving a County vehicle;
8. Failure to report damage or destruction of County property to a supervisor;
9. Illegal gambling;
10. Falsifying documents/records or making false claims;
11. Fighting or any other form of workplace violence;
12. Deliberate damage to County property;
13. Acceptance of a bribe;
14. Mishandling cash or other County property;

15. Discriminatory attitude or prejudice concerning another person;
16. Conviction of or admission of a felony or a crime of moral turpitude, and/or arrests that bring discredit to the County or otherwise threaten to interfere with the County operations;
17. Falsification or destruction of official records or documents or use of official position for personal benefit, profit, or advantage;
18. When duly and properly called as a witness before any County Board, Appeals Board, State or Federal judicial or administrative tribunal, and when before such tribunal, failing to answer truthfully any question concerning performance of official duties with the County;
19. Failure to timely report an on-the-job injury or accident;
20. Absence due to incarceration;
21. Use of any form of physical abuse toward the public, supervisors, or other employees, or making threats to the public, supervisors, or other employees;
22. Violation of any lawful official regulation or order or failing to obey any proper directive made and given by a superior;
23. Carelessness or negligence with the monies or other property of the County;
24. Use of, threatening to use, or attempting to use personal or political influence to secure employment benefits, including, but not limited to, promotion, leave of absence, transfer, change of pay rate, or character of work;
25. Failure to acquire or maintain a valid license, registration, or certification when such license, registration, or certification is required for the position occupied by the employee;
26. Wasted time, inefficiency, and/or loitering during working hours;
27. Sleeping while on duty except for when approved for 24-hour shift personnel;
28. Failure to perform work at an acceptable level of competence as determined by the supervisor, Department Head or Division Head;
29. Violation of County ordinances, administrative regulations, or departmental rules;
30. Falsification of information on an application or during a pre-hire interview or examination which had not been detected previously;
31. Use of County equipment or facilities for unauthorized personal use or benefit;
32. Use of County employees to perform work or duties for the personal benefit or gain of another County employee;
33. Use of any tobacco product in any County building or vehicle;
34. Violation of safety and health rules and established safety standards, including unsafe acts;
35. Refusal to submit to a drug/alcohol test as required by County policy;
36. Refusal to be examined by a County-authorized, licensed physician when so directed;
37. Abuse of leave policies, including excessive absence, tardiness or leaving early;
38. "Clocking in" or "clocking out" for another employee or otherwise assisting another employee to inaccurately record working hours.
39. Engaging in horseplay or rough play while on the job or in any County facility.
40. Unnecessary violence or harassment toward any person, except where authorized by law, even in the event of provocation.

17.11 Immoral Conduct

An employee shall at all times maintain high standards of moral conduct in personal affairs and shall not be a participant in any incident involving moral corruption that may impair the employee’s ability to perform as a County employee or cause the County to be brought into disrepute.

17.12 Identification

An employee must furnish his/her name, job title, and department name to any person requesting that information as a result of actions taken by the employee in the course of County business.

17.13 Examinations and/or Tests

Upon order of the Division Head, in consultation with the Human Resources Director, for matters related to duty performance and investigations, an employee shall submit to any medical, chemical, drug, alcohol, ballistics, or other test, polygraph, fingerprinting, or counseling program authorized by law, and shall sign any related authorization forms. If an employee is required to submit to a polygraph examination, the employee will be informed that (1) the questions will relate specifically and narrowly to the performance of official duties; (2) the answer cannot be used against the employee in any subsequent criminal proceeding; and (3) the penalty for refusing to submit to the polygraph examination is dismissal.

17.14 Fraudulent Employment

No employee shall procure or maintain employment in the County by means of willful misrepresentation or omission of any fact concerning the employee’s personal or work history, qualifications for employment, or physical condition.

17.15 Employee Mobile Devices

The County recognizes that most employees own and carry cellular telephones and/or other mobile devices. This Section addresses guidelines for the use of those devices in the workplace.

17.15.1 Personal Use During Work Hours

While personal phone calls are discouraged during working hours or while conducting County business, it is understood that periodic or infrequent calls of a “de minimis” nature during business hours may be expected and acceptable. However, personal phone calls, text messaging, or other mobile device usage which is excessive in frequency or length, that is unprofessional in nature, and/or that interferes with the employee’s assigned duties or normal functioning of the workplace are not acceptable.

17.15.2 Cameras and Photographs

Many mobile devices contain cameras. If cameras are used at work, employees must be mindful of their obligation to maintain confidentiality of sensitive work-related information. Also, employees should not photograph coworkers, customers, or other visitors without their knowledge and consent.

17.15.3 Use While Driving or Operating Machinery

Unless necessary in the course of performing work duties, Pierce County does not promote any use of mobile phones (or other items which could be distracting) while operating a vehicle. If accepting a call while driving is an unavoidable part of one's job, and pulling over is not an option, employees are required to use a hands-free device and to otherwise comply with state laws pertaining to mobile use while driving. Employees will be solely responsible for any traffic violations, fines or penalties resulting from the use of a phone or other handheld device.

17.15.4 Mobile Device Allowances

Employees whose job duties require the use of a personally owned mobile device may be eligible for a monthly cell phone allowance; eligibility and justification for such allowance must be confirmed by the supervisor and department head and approved by the County Manager. Employees receiving such an allowance must notify the supervisor immediately if the phone number changes, the phone is lost or stolen, or service is interrupted.

17.16 Political Activity

17.16.1 Candidacy for Board of Commissioners

It is the policy of Pierce County to prohibit employees from holding an elected seat while employed by Pierce County. If an active employee wishes to seek candidacy for an elected position, the employee must request a leave of absence to the supervisor which then must be approved by the County Manager, without compensation, from the date of qualifying through the election. If the employee is unsuccessful in the election, they may request to be reinstated in their vacated position with Pierce County. If the employee succeeds in their election bid, the employee may request to reassume the vacated position with Pierce County, until the day prior to the beginning of the term for which they were elected. .

17.16.2 Political Participation

Employees of Pierce County are expected to avoid public political activities that would have the effect of endorsing, promoting, or disparaging a particular candidate for an elected seat within the boundaries of Pierce County which shall include municipal and Board of Education elections. While employees are encouraged to otherwise express their political opinions and to vote for the candidate of their choice in any political election, employees should not use their positions or County time or resources for political purposes.

17.17 Reporting Arrests/Convictions

Employees who are arrested or convicted of a misdemeanor or felony, except for routine traffic violations, are required to report such arrest or conviction to Human Resources and to their supervisor within three days. Arrests and convictions will not necessarily result in any corrective action. However, the employee may be disciplined, up to and including involuntarily separated, based upon the employee's position and the nature of activity leading to the arrest or conviction.

Section 18 – Corrective Action

18.1 Policy Statement

The County believes that each employee desires to provide quality public service by meeting high standards of job performance and conduct and by following established policies, procedures, regulations, and practices. When an employee's conduct does not meet standards or results in deficiencies in job performance or violations of law, County regulations, or rules, it is the policy of the County to take appropriate action to improve and/or correct the conduct or performance or, if necessary, remove the employee from the County workforce through application of disciplinary practices (corrective actions).

The primary purpose of corrective action is to remedy behavior and performance problems before ending the employment relationship. However, in cases of serious misconduct or other situations as warranted, the employee may be subject to involuntary termination without prior corrective action. The County's discipline policies emphasize the employee's responsibility for the consequences of his/her own behavior with a focus on communicating expectations for changes in behavior and needed improvement.

18.2 General Provisions

18.2.1 Level of Discipline

Corrective action will be consistent with the nature of the deficiency or infraction involved and with other relevant factors. In reaching a decision as to the level of discipline to be applied, the supervisor should consider such factors as the type and severity of the infraction, the results of the infraction, the employee's work record, prior corrective actions, and any mitigating circumstances which may be relevant to the situation.

18.2.2 Consultation with Human Resources

The Human Resources Director should be consulted before any employee is suspended, demoted or terminated.

18.2.3 Exempt Employees

Any unpaid suspension of an exempt employee must be made in full-week increments only.

18.2.4 Administrative Leave Pending Investigation

When conduct or policy violations occur that require investigation, it is sometimes in the County's best interest for one or more employees to leave the workplace immediately. Removing an employee from the workplace in these situations allows the supervisor to intervene in employee altercations or to collect and consider facts that will be necessary to determine the appropriate next steps. The affected employee should be notified in writing that he/she is being placed on administrative leave pending investigation and should be required to clock out and leave immediately. The employee should provide contact information and remain available during normal working hours to respond should the supervisor have questions or require the employee to return to the workplace. All parties should

work to resolve the situation quickly. The supervisor should forward documentation of the administrative leave to the Human Resources Department. *See also Section 13.11.*

18.2.5 Format and Location of Corrective Actions

All corrective action should be documented in writing. The supervisor shall ensure that the documentation is complete and accurate and that needed signatures are obtained. An employee's signature does not indicate agreement with the corrective action, but is an acknowledgement of receipt. Should an employee refuse to sign the documentation, the supervisor should write "refused to sign" with the appropriate date. The employee should be given a copy of the document and the original should be maintained in the employee's personnel file in the Human Resources Department.

18.3 Progressive Discipline

While it is expected that corrective action be exercised progressively, the circumstances of any particular situation, as well as the nature of the deficiency or the violation in any particular situation, may preclude the exercise of a less severe discipline option. Options for corrective actions may include verbal or written reprimand, suspension, performance improvement plan, demotion, and termination. Employee misconduct of a serious nature may be cause for immediate termination while bypassing any or all other levels of corrective action. There is no requirement or expectation that specific corrective action be used for any given situation, nor is the availability or use of different levels of corrective action intended to imply any right of an employee to receive a less severe form of corrective action prior to termination of employment. All employment relationships are considered "at will" and the County may discharge an employee at any time for any reason, with or without cause or notice.

18.4 Disciplinary Options

18.4.1 Employee Coaching

Coaching provides a structure for the supervisor to communicate with the employee to provide both positive feedback and guidance regarding areas needing improvement. It is generally preferred that one or more coaching sessions be held prior to proceeding to more formal discipline; however, the supervisor may initiate a corrective action or termination without prior coaching if circumstances warrant.

1. *Who is involved?* Employee coaching is a private discussion between the employee and supervisor.
2. *What documentation is required?* Coaching should be documented by the supervisor and maintained in the supervisor's files to provide a record of historical performance and efforts to correct deficiencies. There is no requirement for an employee to sign any documentation following coaching.

18.4.2 Documented Verbal Reprimand

A verbal reprimand is an oral warning and correction from the supervisor to the employee and is considered the lowest level of formal corrective action.

1. *Who is involved?* The supervisor may initiate verbal reprimands without consultation with the Human Resources Department.
2. *What documentation is required?* Verbal reprimands should be documented so that a record of the discussion exists. It is preferable to have the employee sign acknowledging the discussion. Supervisors should keep records of verbal reprimands.

18.4.3 Written Reprimand

A written reprimand is a formal corrective action which provides admonishment and correction to the employee for inappropriate conduct, violation of rules, or substandard performance.

1. *Who is involved?* The supervisor may initiate written reprimands without consultation with the Human Resources Department.
2. *What documentation is required?* Written reprimands should be documented and signed by the supervisor and the employee. The original signed document should be sent to the Human Resources Department for inclusion in the employee's personnel file.

18.4.4 Suspension

Disciplinary suspension means the employee is relieved of duties, without pay, for one or more working days. The dates of suspension will be determined by the supervisor and, depending on workload and operational needs, do not have to be consecutive. Employees on disciplinary suspension will not be paid annual leave, accrued compensatory leave or any other pay.

1. *Who is involved?* The Human Resources Director should be consulted before an employee is placed on disciplinary suspension.
2. *What documentation is required?* Disciplinary suspension must be documented and signed by the supervisor and the employee. The original signed document should be sent to the Human Resources Department for inclusion in the employee's personnel file.

18.4.5 Demotion

A demotion is a reduction in rank, grade or classification. An employee who is demoted will receive a reduction in pay as described in Section 12.7. Demotion falls outside the realm of normal corrective action and will be considered only in unusual circumstances.

1. *Who is involved?* The Human Resources Director should be consulted before an employee is demoted. The County Manager's approval is required.
2. *What documentation is required?* Demotions must be documented and signed by the supervisor and the employee. The original signed document should be sent to the Human Resources Department for inclusion in the employee's personnel file.

18.4.6 Performance Improvement Plan (PIP)

A Performance Improvement Plan imposes a new probationary period for a specified amount of time, generally 90 days, to ensure that performance deficiencies are understood and that management is coaching the employee to improve. Performance Improvement Plans are recommended only in instances of substandard performance; they are not generally helpful in correcting employee conduct or rules violations.

1. *Who is involved?* The Human Resources Director should be consulted before an employee is placed on a PIP.
2. *What documentation is required?* A PIP must be documented and signed by the supervisor and the employee, and should contain clear and objective expectations for improved future performance as well as consequences for failure to comply. The original signed document should be sent to the Human Resources Department for inclusion in the employee's personnel file.

18.4.7 Termination

Termination is the involuntary separation of employment from Pierce County.

1. *Who is involved?* The Human Resources Director should be consulted before an employee is involuntarily terminated.
2. *What documentation is required?* Employee terminations are generally accompanied by a written account of the infractions or performance issues leading to the decision to terminate. The original signed document must be sent to the Human Resources Department, along with a copy of the separation notice, for inclusion in the employee's personnel file.

Section 19 – Grievances

19.1 Policy Statement

The County is committed to providing the best possible working conditions for its employees. Part of this commitment is ensuring an expedient and fair process through which an employee's work-related concerns may be resolved.

No employee shall be penalized or retaliated against in any way for voicing a complaint in a reasonable, professional manner using the grievance process nor for participating in the investigation of a grievance. While a formal grievance process is in place, employees are encouraged to first informally discuss any issue with their immediate supervisor.

19.2 General Provisions

19.2.1 Scope

The grievance procedure provides an avenue for any employee to obtain management review of work-related issues that are felt to adversely affect the employee, for which no other means of resolution is provided in this manual. Grounds for submission of a grievance include:

1. Negative employment action (written corrective action, failure to secure a promotion, etc.);
2. Unfair application, interpretation, or violation of County or Department regulations; or
3. Acts of retaliation as a result of utilization of the grievance process.

19.2.2 Statement of Grievance

The written grievance must include the following:

1. A statement of the grievance and the facts upon which it is based;
2. A description of the specific alleged wrongful act and perceived harm done to the grieving employee; and
3. A statement of the remedy or adjustment sought.

19.3 Grievance Steps

19.3.1 Step One – Informal Resolution

The employee should first seek to resolve the issue informally through his or her supervisor. If unable to do so, the employee should seek assistance from his/her supervisor's supervisor and upward through the chain of command to the Division Head level. If the issue remains unresolved, the employee should forward the issue to the Human Resources Director. If the grievance involves termination, demotion, or suspension without pay, the employee may proceed directly to Step Two.

19.3.2 Step Two – Human Resources Director Review

If the Division Head is unable to resolve the grievance or the response is unacceptable to the employee, the employee should file a written grievance with the Human Resources Director. The Human Resources Director will review the issue with the employee and conduct an investigation. If the Human Resources Director finds merit with the grievance, he/she will attempt to mediate a resolution with the

involved parties. If no resolution is reached, the Human Resources Director will report the issue to the appropriate member of management. If the grievance involves termination, demotion, or suspension without pay, the employee must notify the Human Resources Director in writing within seven (7) calendar days of notification of the employment action or the employee will forfeit the right to utilize this grievance process.

19.4 Matters Not Eligible

The following matters are NOT eligible for review under this policy:

1. Issues which are pending before or which have been concluded by other administrative or judicial procedures;
2. Management's rights to assign work and/or establish work processes;
3. Budget allocations and expectations and organizational structure, including the persons or number of persons assigned to particular jobs or departments;
4. The content or rating of a performance evaluation;
5. The selection of an individual to fill a position;
6. Any matter which is not within the jurisdiction or control of the County;
7. Decisions, practices, resolutions, or policies made or passed by the Board of Commissioners or the County Manager.

19.5 No Formal Appeal Process

The alternative dispute resolution or grievance process is not a formal appeal process and does not entitle an employee to demand a hearing before a neutral decision-maker with authority to reverse any prior decision or action. Rather, it is a more informal process designed to bring to light and address any legitimate concerns an employee may have. The alternative dispute resolution or grievance process should not be construed to give an employee any property interest in his/her job or to affect an employee's at-will employment status in any way.

Section 20 – Workplace Discrimination and Harassment

20.1 Policy Statement

It is the policy of Pierce County that harassment and discrimination of any kind will not be tolerated, and those reporting such activity will be protected from retaliation. The County expressly prohibits any form of unlawful discrimination and employee harassment based on race, color, religion, gender, sexual orientation, national origin, age, disability, genetic information, veteran status or other legally protected class.

20.2 Discriminatory Harassment

20.2.1 Definition

Prohibited harassment includes verbal, visual or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, sexual orientation, national origin, age, disability, genetic information, veteran status or other legally protected class, and that:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. Otherwise adversely affects an individual's employment opportunities.

20.2.2 Prohibited Behavior

All employees, supervisors, and elected officials are expected to avoid any behavior or conduct that could reasonably be interpreted as harassment. Any form of harassment is a violation of this policy and will be treated as a disciplinary matter. For purposes of this policy, the term "harassment" may include, but is not limited to, any of the following that is based on or pertains to an individual's race, color, religion, gender, sexual orientation, national origin, age, disability, genetic information, veteran status or other legally protected class:

1. Offensive remarks, comments, jokes or slurs;
2. Offensive pictures, drawings, posters, photographs, reading materials, or other tangible items, or communications including e-mail, text messaging, or any other form of written or electronic communication;
3. Threatening reprisals; or
4. Conduct that has the purpose or effect of unreasonably interfering with an individual's work performance and/or creates an intimidating, hostile, or offensive working environment.

20.3 Sexual Harassment

20.3.1 Definition

Sexual harassment as a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964, including but not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for an employment decision; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile or intimidating working environment.

20.3.2 Quid Pro Quo

Quid Pro Quo literally means "this for that" and exists when submission to, or rejection of, such conduct is used as a basis for employment decisions such as raises or promotions or affects public services.

20.3.3 Hostile Environment

Hostile Environment includes any lewd sexual conduct, jokes, pictures, words, or touching that unreasonably interferes with a person's job performance or creates an intimidating, offensive working or public service environment even if there are no occurrences of tangible or economic loss.

20.3.4 Prohibited Behavior

Behavior prohibited by this policy can include, but is not limited to, unwelcome sexual remarks or compliments, sexual jokes, sexual innuendo or propositions, sexually suggestive gestures or facial expressions, sexual remarks about a person's clothing or body, exhibiting sexually explicit publications or materials, kissing, touching, and sexual contact.

20.4 Complaint Procedure and Investigation

Any employee who feels harassed is strongly urged and encouraged to report the situation to his or her supervisor. If the supervisor is unavailable or the employee believes it would be inappropriate to contact that person, the employee should contact the Human Resources department or the County Manager. At any point, the employee who feels he/she has been subject to discrimination or harassment may go outside the chain of command of his/her department and go to the Human Resources Department or to the County Manager. This complaint procedure may be followed regardless of whether the harassment is by a fellow worker, a supervisor, or a member of the general public.

Any supervisor who receives a complaint related to discrimination or harassing or offensive behavior or who has reason to believe that such behavior is occurring shall report these concerns to the Human Resources Director and/or the County Manager. The Human Resources Department is responsible for conducting a thorough and discreet investigation and for recommending corrective action if the evidence is sufficient to confirm that harassment has taken place.

All reports of discrimination or harassing or offensive behavior will be investigated promptly, fairly, and discreetly. Investigatory procedures may vary from case to case depending upon the circumstances. All employees have a responsibility both to cooperate fully with the investigation and to keep the matter confidential whether the employee is the accused person, the complainant, or merely a potential witness. Persons who are interviewed are prohibited from discussing the matter outside the course of the investigation. The County will keep the information it gathers as

confidential as possible, consistent with State and Federal laws and the needs of the investigation.

20.5 Corrective Action

If a complaint of discrimination or harassment is found to have merit, appropriate action will be taken to prevent recurrence of the behavior. Resolution options can include, but are not necessarily limited to, an apology, a transfer, direction to stop the discriminatory or offensive behavior, counseling or training, verbal or written warning, suspension with or without pay, or termination. In the event that discrimination, harassment, or offensive behavior reoccurs, it should immediately be reported to the supervisor, the Human Resources department or the County Manager.

20.6 Retaliation

Retaliation in any form towards any employee who reports discrimination or harassment or who participates in an investigation of discrimination or harassment is strictly prohibited. Anyone attempting to retaliate or to interfere with the investigation of a complaint of discrimination or harassment will be disciplined, up to and including termination. Retaliation can include, but is not limited to, refusing to recommend any employee for a benefit for which he or she qualifies, spreading rumors about the employee, encouraging hostility from coworkers and escalating the harassment.

20.7 Bad Faith Complaints

If, after being made aware of a complaint, the Human Resources department learns that an employee has made a complaint in bad faith or knowingly provided false information regarding a complaint, corrective action may be taken against the individual who provided the false information.

Section 21 – Drug-Free Workplace

21.1 Policy Statement

The County has a vital interest in maintaining a safe, healthy, and efficient working environment free from the adverse effects of employee drug and alcohol abuse. Employee drug and alcohol abuse poses serious safety and health risks to the user and to those who work or come in contact with the user in the workplace. Accordingly, the County takes very seriously its responsibility and commitment to provide and maintain a working environment free from the effects of alcohol and drug abuse.

21.2 Definitions

For purposes of this Substance Abuse and Drug and Alcohol Testing Policy, the following definitions apply:

21.2.1 Alcohol or Alcoholic Beverages

Any beverage or substance that contains alcohol manufactured for the primary purpose of personal consumption, including, but not limited to, beer, wine, and distilled spirits.

21.2.2 County Premises

Includes all property, facilities, land, platforms, buildings, structures, fixtures, installations, parking lots, and vehicles, that are owned, leased or used by the County government or its officials, managers, supervisors, employees, or other agents. This definition also includes an employee's own vehicle when the employee is using it on County business or when the vehicle is parked on County property.

21.2.3 Controlled Substances

Any drug or substance the law prohibits individuals from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring, including, without limitation, all drugs listed as controlled substances under Title 16 of the Official Code of Georgia Annotated. This definition encompasses any measurable amount of any drugs or controlled substances such as amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or other drugs made unlawful under Federal or State laws, or a metabolite of any such substances, "look-alikes," "designer drugs" having the same or similar psychotropic effects, marijuana, hallucinogens (whether natural or synthetic), inhalants, unauthorized prescription drugs, or any other substances that are mood-altering, mind or consciousness-affecting, or which are likely to have an effect upon a person's perceptions, sensations, thought processes, self-awareness, emotions, or other mental or physiological or psychological reactions or behavior. It also includes substances, natural or synthetic, designed or used to alter a urine specimen or to conceal illicit chemical substances or other metabolites in an initial screening test.

21.2.4 Impaired

The condition of being weakened, diminished, or damaged, or of functioning poorly, incompetently, uncontrollably, or with less control or ability, due to the

consumption, use, or abuse of illegal drugs, controlled substances, and/or alcohol, or if the employee's drug test results indicate the presence of an illegal drug or controlled substance in an amount that constitutes a positive test under accepted scientific standards.

21.2.5 Legally Obtained Drug

This includes prescription drugs and over-the-counter medications.

21.2.6 Over-The-Counter Medication

Includes any drug or substance that does not require a prescription, but which has the capacity to affect a person physically, mentally, or emotionally or which could otherwise affect a person's ability to perform.

21.2.7 Prescription Drug

Any drug or substance that is attainable only by lawful prescription from a licensed physician.

21.2.8 Reasonable Suspicion

A belief based on objective facts sufficient to lead a prudent person to conclude that a particular County employee may have used, consumed, may be impaired by, or may be under the influence of illegal drugs, controlled substances, and/or alcohol. Reasonable suspicion must be directed at a specific person and must be based upon specific and articulable facts and the logical inferences from those facts.

21.2.9 Safety-Sensitive Positions

Positions of employment with the County where a lapse of judgment or impaired physical/mental ability in performing any essential job function could reasonably result in a significant threat of harm to the employee, fellow employees, citizens, inmates, or others. Safety-sensitive positions include, but are not limited to, those which, as a part of the essential job functions: (1) require the performance of law enforcement duties as a POST-certified law enforcement officer; (2) require or involve possession of a firearm; (3) require or involve providing emergency medical, rescue, or fire suppression services; (4) require or involve interacting with incarcerated persons; (5) require or involve interacting with persons who are on probation; (6) require or involve the direct supervision of minor children; (7) require or involve the performance of lifeguard duties; (8) primary duty is maintenance or operation of a motor vehicle, heavy machinery, or heavy equipment; (9) require the holding of a commercial driver's license (CDL); or (10) require or involve performing duties which directly affect public health or safety.

21.3 Prohibitions

The County prohibits all employees from engaging in the following conduct or behavior:

1. The possession, use or consumption of Controlled Substances;
2. The abuse of prescription medications and over-the-counter medications;
3. The manufacture, sale, purchase, transfer, dispensing of, and/or distribution of Controlled Substances.

21.4 Workplace Prohibitions

The County prohibits all employees from engaging in the following conduct or behavior while performing County business or while on County Premises:

1. The possession, use or consumption of Controlled Substances, and/or alcohol;
2. The abuse of prescription medications and over-the-counter medications;
3. Being impaired by and/or under the influence of Controlled Substances, and/or alcohol;
4. The manufacture, sale, purchase, transfer, dispensing of, and/or distribution of Controlled Substances, prescription medications, and/or alcohol; and/or
5. The use of County property to store, conceal, or transport Controlled Substances and/or alcohol.

21.5 Use of Legally Obtained Drugs

The abuse and/or inappropriate use of legally obtained drugs while on the job, while performing County business, while on County Premises, while operating a County vehicle, or while operating any other equipment or vehicle in performance of County business is prohibited and shall constitute grounds for corrective action, up to and including termination. The following policies shall apply to the use of legally obtained drugs:

1. Employees must not be on the job, on call, on County Premises, operating a County vehicle, or operating any other equipment or vehicle while in performance of County business while impaired due to any drug, legal or illegal, that renders the employee unfit for duty. An employee is “unfit for duty” if the employee’s use of legally obtained drugs jeopardizes his/her ability to work safely and efficiently.
2. Employees using legally obtained drugs while on the job shall do so in strict accordance with physician and/or manufacturer’s 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.
3. Employees who, due to the proper use of legally obtained drugs, believe they may be unfit for duty, should notify their supervisor immediately. Employees are not required to disclose to their supervisor the specific medication nor the reason why it is taken.
4. No employee may take medication prescribed to another person.

21.6 When Drug Testing is Required

21.6.1 Job Applicants

Applicants being hired for safety-sensitive positions will be tested for drugs after a conditional offer of employment has been extended. No such applicant or new hire shall be permitted to report for duty until the results of the drug test are obtained. In the event of a confirmed positive drug screen, the applicant will no longer be considered for employment and any pending offer will be revoked.

21.6.2 Transfers to Safety-Sensitive Positions

Employees who are transferred, promoted, or who otherwise move from a non-safety-sensitive position into a safety-sensitive position will be tested for drugs before performing any job duties in the new position.

21.6.3 Reasonable Suspicion

All employees will be subject to immediate testing when there is reasonable suspicion that the employee has used or misused drugs or alcohol in violation of this policy. Employees directed to undergo reasonable suspicion testing should be escorted to the testing site by the supervisor or his/her designee without any prior notice to the employee. Any employee who is required to take a reasonable suspicion test will be immediately placed on administrative leave with pay pending the results of the test and confirmation of the results and arrangements should be made to escort the employee to his/her home.

Supervisors who suspect that an employee is under the influence of drugs or alcohol shall document all credible evidence and shall consult with the Human Resources Department before transporting the employee for testing. A reasonable suspicion test may be required based upon, but not limited to, the following:

1. The personal observation by the supervisor of the employee's job performance, appearance, behavior, speech, or odor creating a reasonable suspicion that the employee has used drugs or alcohol in violation of this policy;
2. Personal observation of the employee by another credible individual who has fully disclosed the observation to the County;
3. Following a work-related accident as described below.

21.6.4 Testing After Certain Accidents

Drug and alcohol testing may be performed following a work-related accident where:

1. The employee sustained an on-the-job injury requiring medical treatment;
2. The actions of the employee cannot be completely discounted as a contributing factor in an accident involving a motor vehicle, heavy machinery, or other motorized equipment;
3. The employee left the scene of an accident without legal authority or permission to do so;
4. The employee acted contrary to a safety rule, established safety practice, or otherwise engaged in demonstrably unsafe behavior for which there is no reasonable explanation; or
5. The employee has been involved, or was a contributing factor, in a pattern of repetitive on-duty accidents, whether or not they involved actual or potential injury.

21.7 Random Testing

All employees holding safety-sensitive positions will be subject to random drug testing, as follows:

1. Tests will be ordered on a random, unannounced basis from the pool of identified employees holding safety-sensitive positions.
2. An employee's name will remain in the pool after being selected so that every employee will have an equal chance of being tested each time selections are made. Therefore, it is possible that an employee holding a safety-sensitive position who is randomly selected for testing may be randomly selected again during the same year.

3. Human Resources will notify the supervisor or Department/Division Head when an employee has been selected through the random process. The supervisor or Department/Division Head is not to inform the employee that he/she has been chosen for the test until immediately prior to the time the employee is given the directive to report for testing.
4. Employees are allowed to continue working pending the results of the test. If the testing facility notifies the County that the employee has produced a non-negative sample, the employee will be placed on administrative leave without pay pending the confirmation of the results.

21.8 After-Care Testing

Employees returning to work from an approved treatment program for drug or alcohol abuse may be subject to unannounced testing at the discretion of the Human Resources Director for a period of one (1) year following the employee's return to work.

21.9 Investigation of Prohibited Drug and Alcohol Use and Searches

All County-issued, County-owned, or County-leased equipment, property, and facilities, including, but not limited to, desks, workstations, file cabinets, lockers, vehicles, computer equipment, or any other property or equipment owned, leased, or provided by the County is subject to inspection at any time and for any reason. No employee shall have any privacy interest whatsoever in any County-issued, County-owned or County-leased equipment, property, and facilities. If a search uncovers evidence of employee wrongdoing, illegal activity, or employee violations of County rules or policies, the evidence may be used to support corrective action, up to and including termination. In cases involving suspected illegal activities, the evidence may be turned over to appropriate legal authorities. A refusal to submit to, or cooperate with, a search may result in immediate discipline, including discharge.

21.9.1 Consent for Testing

Prior to date of hire, all safety-sensitive employees and job applicants are required to sign a consent form consenting to any and all drug and/or alcohol test(s) set forth in this policy. Signed consent forms shall be kept on file by the Human Resources Department and are enforceable for the duration of employment.

21.9.2 Refusals to Undergo Testing

The County prohibits test refusals. As such, any employee so refusing to immediately proceed as directed will be subject to corrective action, which action may include termination from employment.

Other actions that constitute a test refusal occur when an employee:

1. Fails to appear for any test within a reasonable time, as determined by the County, after being directed to do so;
2. Fails to remain at the testing site until the testing process is complete;
3. Fails to provide a urine, breath, saliva, or blood specimen for any drug or alcohol test required or to comply with any part of the testing process.

21.10 Disclosure of Testing Information / Results

All information received by the County as a result of any testing procedure may be entered into evidence or disclosed in any civil action or administrative proceedings when the information is relevant to the County's defense in any such action or proceedings. Such information may also be disclosed to the extent required by any Federal, State, or local law, statute, ordinance, or regulation.

21.11 Discipline for Violations of Policy

21.11.1 Removal from Duty

An employee who tests non-negative for drugs or alcohol shall immediately be placed on administrative leave without pay pending confirmation of results. If the non-negative test is explained or negated by the Medical Review Officer and/or subsequent confirmation testing, the employee shall be reinstated and compensated for the period of administrative leave.

21.11.2 Corrective Action

An employee who violates any provision of this policy is subject to discipline, up to and including termination.

Section 22 – Social Media

22.1 Policy Statement

The purpose and intent of this policy is to establish guidelines for employees who engage in social media activity as defined herein. This policy is not intended to prohibit any employee's personal expression in general or through social media in particular; employees have the right to post complaints, express opinions and engage in civil discourse that does not unduly disrupt County business. However, because such activity can adversely affect the efficiency and effectiveness of County operations, as well as undermine public trust and confidence, a certain amount of regulation is necessary and appropriate. This policy therefore attempts to strike a reasonable balance between the employees' interest in engaging in social media activity and the County's interest in preventing unnecessary disruption to or interference with its operations and relationship to the public it serves.

22.2 Definitions

22.2.1 For purposes of this policy, the term "social media" is defined as the online technologies through which employees and other individuals engage in "social media activity" as defined below. In most cases, the term refers to websites or apps such as Facebook®, Twitter®, Instagram®, LinkedIn®, Google+®, YouTube®, Tumblr®, Myspace®, and Blogger®. Online social media technologies covered by this policy also include, but are not limited to, such applications as web logs/blogs, video logs/vlogs, message boards, podcasts, and wikis.

22.2.2 For purposes of this policy, the term "social media activity" is defined as the act of sharing information or otherwise communicating through social media, including, but not limited to, posting, uploading, reviewing, downloading, and/or forwarding of text, audio recordings, video recordings, photographs/images, symbols, or hyperlinks.

22.3 Scope of Policy

This policy applies to all employees without regard to whether their social media activity is conducted in or outside the workplace, while on or off-duty, or anonymously or through the use of pseudonyms.

22.4 Prohibitions on Social Media Activity

22.4.1 All employees should remain mindful that, as public servants, they are generally held to higher standards than the general public with regards to their on-duty and off-duty conduct, professionalism, and ethics. As a result, certain social media activity that may be tolerated or even acceptable in the private sector may nevertheless constitute a violation of this policy.

22.4.2 Each employee who engages in social media activity must take personal responsibility for ensuring that such activity is consistent with all policies of the County, including, but not limited to, those pertaining to making false or misleading statements, promoting or endorsing violence or illegal activity, promoting or

endorsing the abuse of alcohol or drugs, disparaging individuals, or otherwise engaging in conduct unbecoming an employee of the County, bringing discredit to the County, or interfering with or detrimental to the mission or function of the County.

- 22.4.3** Employees must refrain from engaging in any social media activity which disqualifies them from performing, or in any way reasonably calls into question their ability to objectively perform, any essential function of their jobs. Examples of such functions include, but are not limited to, making hiring or promotion decisions or recommendations, conducting performance evaluations, and determining eligibility for programs.
- 22.4.4** While any employee, at his/her discretion, may engage in social media activity with any other employee(s) consistent with the prohibitions, limitations, restrictions, and guidelines of this policy, no employee may be required or otherwise compelled to engage in such activity with another employee.
- 22.4.5** Employees must not use a County email address to create or use a personal social media account.
- 22.4.6** No employee, whether for purposes of engaging in social media activity or otherwise, may disclose or otherwise reveal any privileged or confidential information of the County, any other current or former employee of the County, or any applicant for employment with the County.

22.5 Limitations and Restrictions on Social Media Activity

- 22.5.1** Except as otherwise authorized in advance by the County Manager, employees are strictly prohibited from directly or indirectly representing themselves to be speaking on behalf of the County.
- 22.5.2** Employees must keep any personal use of social media while at work to a minimum. Use of personal social media at work must not be allowed to distract from work-related tasks.
- 22.5.3** The County reserves the right to require any employee to remove immediately any posted or uploaded text, audio recordings, video recordings, photographs/images, etc. from a personal account, if such posted material constitutes a violation of this policy or other County policies, or is determined to be detrimental to County operations.

22.6 Application to Other Policies

All personnel policies of the County relating to employee conduct apply equally to conduct that occurs through social media. This includes, but is not limited to, policies relating to discrimination, harassment, retaliation, workplace violence, conflicts of interest, and political activity.

22.7 Corrective Action

Employees engaging in social media activity in violation of this policy will be held accountable, and corrective action, up to and including termination of employment, may be taken in accordance with the County's disciplinary policies.

22.8 Interpretation and Application

Nothing in this policy is intended to or will be applied in a manner that violates any employee's constitutional rights, including rights to freedom of speech, expression, and association, or Federal or State rights to engage in any statutorily-protected activity.

Section 23 – Travel

23.1 Policy Statement

Pierce County allows for the purchase on the County Purchasing Card or reimburses travelers for reasonable and necessary expenses incurred in connection with approved travel on its behalf. The County encourages travelers to take advantage of County and State of Georgia arranged discounts wherever possible.

A necessary travel expense is one for which there exists a clear business purpose and is within the County's expense policy limitations. A clear business purpose contains all information necessary to substantiate the expenditure including a list of attendees, if appropriate, and their purpose for attending, business topics discussed, or how the expenditure benefited the County.

Establishing policies and procedures for travel expenses enables the County to effectively comply with federal, state, and county regulations.

These policies are intended to be guidelines for the planning and reimbursement of all County approved travel expenses. There are several key points to remember when incurring expenses on behalf of the County:

- Under no circumstances should an individual approve his/her own expense report. In most cases, he/she should not approve the expense reports of a person to whom he/she functionally or administratively reports (see exceptions, paragraph A., below).
- All expense reports must be submitted using the approved travel forms of the County to the Finance Department by the individual who incurred the expense.
- A large number of exceptions or Policy violations will increase the likelihood of expense report audits.
- The County will not reimburse employees for personal expenses.

23.2 Definitions

23.2.1 Accountability means employees are responsible for accounting for their travel expenses accurately. All staff will ensure travel is conducted in the most efficient and cost-effective manner and will only occur when necessary.

23.2.2 Agency is any department, board, commission, or other organizational unit of government that is subject to these countywide travel policies.

23.2.3 Common Carrier means private-sector supplier of air, rail or bus transportation.

23.2.4 Commercial Transportation means any entity that offers transportation of people or goods to the public for pay.

23.2.5 Commuting Miles are the miles travelled on a regular (usually daily) basis from an employee's residence to the location most frequently associated with work performed outside that residence (Primary Work Station). This should be a standard distance that does not change from one reimbursement request to the next.

23.2.6 Continuous Travel is when a traveler is required to be away from his/her Residence and Primary Work Station for any four or more days per week.

23.2.7 Employee Travel Expense Statement is the accounting document used as the basis to reimburse a County employee for travel expenses incurred while on official business.

23.2.8 Fleet Vehicle is a county owned vehicle.

- 23.2.9** Guest Traveler refers to travelers who are not employed by Pierce County.
- 23.2.10** High-Cost Area means any area within Georgia within which meals expenses may be reimbursed at a higher amount than the limits that otherwise apply to travel within Georgia. High-cost areas are those counties which are assigned higher than standard "CONUS" rates for meals by the U.S. General Services Administration, and are identified in a separate Meal Allowance Schedule document issued by SAO and OPB.
- 23.2.11** Incidentals are actual incidental expenses such as fees and tips given to porters, baggage carriers, bellhops, hotel housekeeping, stewards and stewardesses, and hotel staff. See IRS Publication 453 for further definition and guidance.
- 23.2.12** Lodging refers to a hotel, motel, inn, apartment, or similar entity that furnishes lodging to the public for pay.
- 23.2.13** Miscellaneous Travel Expense means a necessary and reasonable expense incurred by a County employee while traveling on official business. The term does not apply to meals, lodging, mileage, or transportation costs.
- 23.2.14** Out of State Travel is when an employee travels overnight from a point of origin within Georgia to a point of destination within another state and then returns, Out-of-state travel rates are used for all travel with a destination outside the state of Georgia.
- 23.2.15** Personal Motor Vehicle a motor vehicle that is owned or leased for personal use by an employee. Personal motor vehicles include automobiles, aircraft, and motorcycles.
- 23.2.16** Per Diem Allowance is the maximum food allowance for which employees can be reimbursed per day. The amount is not a reimbursement of actual expenses incurred. Receipts are not required for meal per diem amounts.
- 23.2.17** Point of Departure means the beginning location used to calculate county-use miles traveled in a motor vehicle. Start time is defined as the point of direct departure (from Residence or Primary Work Station) to the alternate work site, and ending time is the point of direct return to his/her Residence or Primary Work Station.
- 23.2.18** Primary Work Station is the location a County employee regularly reports to for work.
- 23.2.19** County Fund Sources means all revenue types for Pierce County.
- 23.2.20** Travel Advance means any payment to an employee for travel expenses made prior to the time that expenses will be incurred for a scheduled, future trip.
- 23.2.21** Travel Advance Authorization Form is the form used to document approval of cash advances by a department head or his designee and to document receipt of cash advance, via check, by the employee.
- 23.2.22** Travel Exception refers to written authorization for travel reimbursement of expenses generally not allowable under the Pierce County Travel Regulations.
- 23.2.23** Travel Expenses means reimbursable meal, lodging, mileage, transportation, parking, and miscellaneous expenses related to official County business travel.
- 23.2.24** Travel Status means an individual is working away from his/her Primary Work Station on official County business. Start time is defined as the point of direct departure (from Residence or Primary Work Station) to the alternate work site, and ending time is the point of direct return to his/her Residence or Primary Work

Station.

23.3 Applying to All Travel Expenses

23.3.1 Approval and Authorization A traveler's immediate supervisor or higher administrative authority must pre-approve the necessity and duration of all travel, which must be supported by an agenda, in order to utilize the County Purchasing Card or receive reimbursement for travel expenses. Some departments may require multiple approvals for certain expense reports; in these instances, all approvers in the submission process are held accountable. The approver should be in a higher-level position of authority that is able to determine the appropriateness and reasonableness of expenses.

23.3.1.a. Commissioner and Chairman travel/expense reimbursements in any form are required to be reviewed and, for the efficiency of government, shall be approved by the County Manager. This approval ensure that all expenses are justified and there is no potential misappropriation of travel fund outside of the guidelines of this policy.

23.3.1.b. Department head travel/expense reimbursements in any form are required to have final approval from the County Manager. Travel/expense reimbursements for the County Manager or the County Clerk must be approved by the Chairman of the Board of Commissioners.

23.3.1.c. Constitutional Officers and Statutory employees are excluded from the requirement that their expense report must be approved by their immediate supervisor or higher administrative authority. However, processes should still be in place for their expense reports to be reviewed and approved for appropriateness and reasonableness. The Pierce County Board of Commissioners strongly encourages all Constitutional Officers and Statutory Officials to adopt this policy for both consistency of County Operations and to comply with O.C.G.A. § 36-80-24 "*Limitation on elected official's or constitutional officer's use of government issued purchasing or credit cards; policy development*".

23.3.2 Role of the Approver By approving travel expenses, the approver is attesting that he/she has thoroughly reviewed each transaction and the supporting documentation, and has verified that all transactions are allowable expenses. The approver is the "check" in the expense reporting process to identify potential or actual errors in expense reporting and is equally accountable for all expenditures. The approver role should be assigned to an individual who can judge the business appropriateness of each expenditure.

Each transaction must be consistent with departmental budgetary and project/grant guidelines. The approver may be required to ensure the correct funding sources are charged according to departmental procedure and keeping with proper fiscal stewardship.

Should expenses not meet approval guidelines, the expense approver may deny the expense. Denied expenses will be considered a personal expense to the employee and will be processed in accordance with the policies, herein. The appropriate department approvers will deny the expense by written comment and return the expense report to the employee for correction. A reduction may be created by the

approver in the traveler's reimbursement due, create an amount due the County, or create a future payroll deduction.

Upon granting approval of expense submissions, approvers are certifying:

- Appropriateness of the expenditure and reasonableness of the amount;
- Compliance with funding regulations and County reimbursement policies;
- Completeness and accuracy of documentation.

23.3.2 Business Purpose Justification and Explanation Standards

In cases where a submitted expense does not conform to County Policy, or if a receipt is lost or missing, an explanation is required when submitting the expense. The individual's immediate supervisor or higher administrative authority must approve the submitted request.

23.3.3 Internal Revenue Service Requirements

In order for travel reimbursements to be excluded from a traveler's taxable income, the County's travel policies must meet the Internal Revenue Service (IRS) requirements for and "Accountable Plan". In general, the *County Travel Policies & Procedures* has been developed with the IRS Regulations as its primary payment framework. Accordingly:

- Reimbursements must be reasonable in amount, must be made for travel only, must be in line with actual costs incurred and must be within Policy limitations. Expenses that do not comply with Policy guidelines will be the obligation of the individual that incurred the expense.

County policy requires that travelers submit expenses substantiating the amount, date, use and business purpose of expenses, ideally within 10 days, but **no later than 45 calendar days** after completion of the trip or event. Expenses submitted in excess of 60 calendar days may not be reimbursed. (See Section 7.2 for further guidance.) Expenses submitted more than 60 calendar days after completion of the trip or event, if reimbursed should be included in the traveler's IRS Form W-2 as taxable income.

23.3.4 Documentation and Receipt Requirements

IRS requirements are met with the submission of approved expenses on manual expense forms approved by the County. The overall, specific business purpose of the trip should be clearly stated on expense submissions. Business purpose should include information such as:

- People involved
- Business topics covered
- Brief explanation of duties performed

Required receipts must be attached electronically to the expense submission.

Receipts must contain appropriate detail, including starting and ending destinations, hotel charges, and detailed item charges. A specific business purpose for the expenditure must be noted on every expense submitted. Imaged receipts are required for the following:

- Air, lodging, rental cars and rail (such as Amtrak, etc.)
- Visa/Passport fees
- Conference registration fees
- All single expenditures of \$5 or greater

23.4 Transportation

23.4.1 Ground Transportation

The most cost-effective method of transportation that will accomplish the purpose of the travel should be selected. Departments should use their own discretion when determining the most cost-effective ground transportation. Among the factors to be considered should be length of travel time, employee's salary, cost of operation of a vehicle, cost and availability of common carrier services, etc. Common carrier shall be used for out-of-state travel unless it is documented that utilization of another method of travel is more cost-efficient or practical and approved in accordance with these regulations.

Travelers are responsible for knowing which type of ground transportation is the least expensive in the area. In some areas, public transportation (e.g., taxis, shuttles, or mass transit) may be the more economical alternative. In other areas, it may be more cost effective to rent a car. When renting a car, the traveler should also consider the costs of parking fees and fuel.

When traveling by air or train, travelers should use shuttle services or public transportation when such options are available and less expensive than other means of ground transportation.

23.4.2 Car Rental

Employees travelling on County business should use a fleet vehicle, if available, unless the employee's supervisor determines and provides in writing, in advance of travel, that use of a fleet vehicle is clearly not the most efficient method of travel.

If a fleet vehicle is not available, county employees may choose between a rental vehicle or mileage reimbursement for use of their personal vehicle.

The County has mandatory statewide contracts, as negotiated by ACCG, with specified car rental vendors which must be utilized by county employees. Travelers are responsible for contacting the Finance Department for all bookings and reservations.

Approved car rental sizes are Compact, Intermediate, or Full Size. Other vehicle sizes require a business-related justification. Vans may be rented when there are more than 4 travelers.

Reimbursement will be made for reasonable fuel charges. Travelers must decline optional fuel offerings offered by the car rental vendor. Maintenance and oil changes are the responsibility of the rental company and will not be reimbursed by the County.

Rental cars should be returned with the same amount of gas that it had when it was picked up. Travelers should pay close attention to the fuel amount when they pick up the vehicle to ensure there are no overcharges for gas upon return of the rental car.

Employees traveling on County business inside the Continental U.S. in any rented motor vehicle are covered by the County's liability policy; therefore, liability coverage should be declined when renting a motor vehicle. Loss Damage and Collision Damage are also covered for vehicles rented for County business.

NOTE: The County liability policy is only in effect while the employee is using the rented vehicle for official County business. For this reason, personal use of the

vehicle, including allowing friends or family members to ride in a County rented vehicle, is prohibited.

In the event of an accident while driving a rental vehicle, contact the Human Resources Office at (912) 449-2022, as well as the appropriate car rental vendor, for claims handling.

23.4.3 Personal Automobile

Reimbursement for business use of a personally-owned vehicle is calculated per mile, from point of departure after deduction for normal commuting mileage, based on the current reimbursement rate, which can be found on <https://www.gsa.gov/travel-resources>. The employee and supervisor must determine if mileage reimbursement should be made using Tier 1 or Tier 2 rates, as described below. **Any reimbursement of mileage claims paid to an employee in excess of rates stipulated in the Policy (e.g., Tier 2 versus Tier 1 rates) must be refunded to the County or characterized as taxable compensation to the employee.**

By law, the State mileage reimbursement rates follow the published General Services Administration (GSA) rates and are as follows:

- **Tier 1 Rate:** When a fleet (government owned) vehicle is not available, the employee will be reimbursed for business miles traveled based on the applicable GSA Tier 1 rates.
- **Tier 2 Rate:** If a fleet (government owned) vehicle is available, BUT a personal motor vehicle is used, the employee will be reimbursed for business miles based on the applicable GSA Tier 2 Rate.

The standard per-mile reimbursement rate includes gas, oil, repairs and maintenance, tires, insurance, registration fees, licenses, and depreciation attributable to the business miles driven. If you request reimbursement for mileage, you will not be reimbursed separately for those costs.

In addition, **normal commuting miles must be deducted when calculating total mileage reimbursement.** Mileage travelled by County travelers between their Residence and Primary Work Station (see Section 23.2 for definitions) is considered “commuting miles”. Commuting costs are not reimbursable.

Exceptions:

- If travel occurs on a weekend or holiday outside of the normal work schedule, mileage is calculated from the point of departure with no reduction for normal commuting miles.
- If an employee’s Primary Work Station is his/her Residence, the requirement to deduct normal commuting miles does not apply since, by definition, there are none.

Tolls and reasonable parking charges incurred while on official County business will be reimbursed, in addition to the mileage allowance. While there are no maximum limits for parking, employees are encouraged to utilize low-cost, long-term parking to minimize the cost.

While driving your personal vehicle on County business, the County provides full

liability coverage and personal immunity for the employee for damages and injuries the employee may cause to others. The exception to this exists when an employee is found guilty of driving while impaired, or under the influence of prescription medications when directed to refrain from driving, or alcohol/illegal substances. The County does not provide coverage for damages to your personal vehicle. Cost of repairs to a personal vehicle, whether or not they result from the traveler's acts, are not reimbursable.

Under no circumstances will the County reimburse parking fines or moving violations.

See **Section 23.11** for mileage reimbursement examples.

23.4.4 Other Transportation

The most reasonable and customary means of transportation should be used when traveling. The County will reimburse for shuttle or taxi fares (including Uber, Lyft, etc.) to and from airports and railroad stations when such service is not included in air and rail fares, and where public transportation is not practical. Taxi fares between business meetings while on travel status are reimbursable.

23.5 Lodging

23.5.1 Lodging Expense

The traveler should select the least expensive option available taking into consideration proximity to the business destination and personal safety. The traveler or the travel arranger must inquire about the government rate availability, or the conference lodging rate, and select the lowest available rate. When the hotel or motel is the conference site, reimbursement will be limited to the conference rate, if available.

Lodging will only be authorized for trips out of the area that, by evidence of an agenda, will require the traveler to be away from their primary work location for a specified period of time longer than 12 hours (e.g. 7:00 AM—7:00 PM). Lodging will also be authorized for conferences, trainings, or seminars, when supported by an agenda, that will be beneficial for the performance of the traveler's primary job duties. Written pre-approval for lodging outside of these guidelines shall be obtained from the County Manager or Chairman.

Example #1: Employee A works Monday through Friday from 8:00 AM until 5:00 PM and is scheduled to be in Tifton for a training session that begins at 10:00 AM and ends at 4:00 PM. The employee will not be authorized lodging expenses since the travel time will commence during normal working hours and will not exceed 12 hours.

Example #2: Employee B is scheduled to be at a two-day conference in Jekyll Island at 9:00 AM. The employee's work schedule is 8:00 AM until 5:00 PM Monday through Friday. The employee would be authorized one night of lodging the evening of the first conference day to attend networking opportunities, but additional lodging would not be at the traveler's personal expense.

Reasonable lodging expenses are reimbursed at actual costs. All lodging claims must be documented with receipts and must be at a business that offers lodging to the general public, such as a hotel or motel, and not a private residence.

When lodging is shared, the traveler paying for the lodging seeks reimbursement for the full expense.

Upgraded room accommodations that incur an additional charge are not allowed. A complimentary upgrade should be noted on the expense report. Mandatory resort fees are reimbursable as lodging expenses.

23.5.2 Special Discount Rates and Tax Exemptions

County government officials and employees traveling within the state on official business are **exempt** from paying the **county or municipal excise tax** on lodging (“hotel/motel” or “occupancy” tax). [OCGA 48-13-51 (H) (3)], regardless of the payment method being used. *(This exemption does not apply to travelers staying at an out-of-state hotel/motel.)* Travelers must be able to provide proper identification to document their employment as a County employee.

Additionally, as an employee traveling on official County business, the lodging is eligible for **exemption** from **State of Georgia Sales Tax** when the payment method being used is either direct bill to the agency, or a County issued credit card. Travelers should make every effort to avoid payment of sales tax when payment method is other than a personal payment method.

Travelers are required to submit a copy of the Hotel Occupancy Tax Exempt Form, which can be obtained from the County Clerk or his/her designee, upon registration at the hotel/motel. If the hotel refuses to accept the form at check-in, the traveler should attempt to resolve the issue with hotel management before checking out at the end of their stay. If the matter is not resolved by check-out time, the traveler should pay the tax. Failure of the employee to submit the Hotel Occupancy Tax Exemption Form to the hotel/motel may result in non-reimbursement of the tax to the employee.

Per the Transportation Funding Act of 2015, effective July 1, 2015 hotels in the state of Georgia will charge \$5.00 per room per night hotel tax to travelers. This tax is not exempted for County Employees.

23.5.3 Cancellation

Travelers should not book nonrefundable rates or rates that require a deposit unless required by conference lodging.

It is the traveler’s or arranger’s responsibility to understand the cancellation rules of the room confirmed. No-show charges and penalties will not be reimbursed when the traveler does not cancel reservations within the allotted time. Nonrefundable rates cannot be changed or cancelled; therefore, the traveler is accepting the risk of a non-reimbursable cancellation fee.

In a case where all efforts have been taken, and a fee is still charged, and explanation must be provided when submitting the traveler’s expense report in order for the fee to be reimbursed.

23.5.4 Conference Lodging

Employees who stay at a hotel/motel that is holding a scheduled meeting or seminar may incur lodging expenses that exceed the rate generally considered reasonable. The higher cost may be justified to avoid excessive transportation costs between a lower cost hotel/motel and the location of the meeting.

When the conference does not have an official hotel, the traveler is required to

obtain property within reasonable proximity to the conference.

23.6 Meals and Incidental Travel Expenses

23.6.1 General

Generally, meals are reimbursable on a per diem basis (not actual expenses) for overnight travel outside the traveler's Primary Work Station. Per Diem expenses do not require receipts to be provided unless the County's Purchasing Card has been used to make the purchases.

Reasonable incidental travel expenses, also known as incidentals, are reimbursed separately from Per Diem Rates for In State or Out of State travel; incidental travel expenses are included in International Per Diem Rates and are not separately reimbursed. (see Section 23.2).

- (A) **In-state travel per diem rates** includes the cost of meals, taxes and tips on meals. (Incidentals are not included.)
- (B) **Out-of-state travel per diem rates** include the cost of meals, taxes and tips on meals and follows the appropriate GSA per diem rates for a given geographical area. These rates, as well as a breakdown by meal, can be found on <https://www.gsa.gov/travel-resources>. (Incidentals are not included)
- (C) **International per diem rates** include the cost of meals, taxes, tips on meals and other travel incidental expenses (see Section 23.12.) and follows the appropriate GSA per diem rates for a given geographical area. (Incidentals are included in the per diem rates.) These rates, as well as breakdown by meal, can be found on <https://www.gsa.gov/travel-resources>.

23.6.2 Reimbursement Amount when Traveling

Employees traveling within the State of Georgia or Out of State (United States and Canada) are paid a per diem amount designed to cover the cost of meals (including taxes and tips), based on the number of meals per day for which the traveler is eligible. Employees traveling internationally are paid a per diem amount designed to cover the cost of meals (including taxes and tips) and specific non-meal travel incidentals. (Please see Section 23.12) for more information regarding international travel links to current per diem rates).

Employees who are provided meals during the course of travel as part of a conference fee, or when hosting or are hosted by another party while on travel status, must deduct the corresponding, applicable meal rate from their per diem reimbursement claim for each meal provided.

Meal adjustments include those provided by hotels, meetings, conferences, or any other source. If a continental breakfast, lunch, dinner, or reception is offered as part of the travel and the food/timing is sufficient to serve as a meal, the traveler must reduce the per diem by the appropriate allowance amount. If a traveler has medical restrictions and cannot eat a meal provided by any source while traveling, the traveler should make every effort to have the source facilitate his/her needs. If the source does not or cannot honor the request, the traveler is not required to deduct the applicable meal allowance from the per diem. However, the traveler must include a note or other documentation with the Travel Expense Reimbursement

form documenting this information.

23.6.3 In-State High-Cost Area

Increased per diem allowances are available in certain locations designated as “high-cost areas”. The high-cost areas in Georgia and the current rates for those areas are located on <https://www.gsa.gov/travel/plan-book/per-diem-rates>.

23.6.4 Meal Per Diem During OVERNIGHT Travel

Employees traveling overnight are generally eligible for per diem amounts designed to cover the cost of three (3) meals per day for all days on travel status **other than** the day of departure and the day of return.

Travelers are eligible for seventy-five percent (75%) of the total per diem rate on the first and last day of travel. For example, if the per diem rate allows a \$54 total reimbursement, \$41.00 would be allowable on a travel departure or return day ($\$54 \times .75 = \41 .) As a result, the time of departure and time of return are not considerations for calculating the Meal Per Diem when associated with overnight travel.

When meals are provided to an employee in conjunction with travel events on a travel departure or return day, the full meals per diem reimbursement rate is reduced by the amount of the provided meal(s) after the 75% proration. For example, if the per diem allows a \$54 total reimbursement, and lunch was provided at no cost on a travel departure or return day, the total allowable reimbursement for that day would be \$26 [$\$54 \times .75 = \41 less \$15 lunch = \$26.00]

For trips involving multiple travel destinations, base the reduction on the per diem rate in effect where the night was spent, as follows:

- Departure Day: Where you spend the night.
- Return Day: Where you spent the night before returning to your Residence or Primary Work Station.

As a reminder, the time of departure and time of return are not considerations for calculating the Meal Per Diem when associated with overnight travel.

23.6.5 Meal Per Diem During NON-OVERNIGHT Travel

Employees on County business who travel more than 50 miles from their Residence and Primary Work Station on a work assignment, AND are away for more than twelve (12) hours, may receive the total eligible per diem allowance for that day, even when there is no overnight lodging. The per diem allowance must, however, be adjusted for any meal provided to the traveler, as stated in Sec. 23.6.2 above.

For travel without an associated overnight stay, the per diem rate will be determined by the location of the last business stop of the date of travel.

Each Department Head (or the County Manager for Department Heads) is to determine the reasonableness of when an overnight stay is justified. Generally, travel that requires the employee to depart prior to 6:00 am to arrive at the scheduled meeting or travel that prevents the employee from returning to their home until after 8:00 pm may be authorized. For full consideration, an agenda of the training must be provided a minimum of two weeks in advance of the requested travel date(s).

23.7 Miscellaneous Travel Expenses

23.7.1 Reimbursable expenses while on official travel status include, but are not limited to, the following:

- Baggage handling services only, this does not include tips
- Business office expenses (copy services, postage, and supplies)
- Business related phone calls, faxes, and internet usage charges and fees
- Conference/Registration fees
- Costs related to passports and travel visas when necessary to accomplish the official business purpose of the trip
- Costs related to vaccinations required and/or recommended for international business travel
- Currency conversion fees
- Laundry or cleaning expenses on trips lasting seven (7) calendar days or more
- Reasonable incidental travel expenses, also known as incidentals, are reimbursed separately from Per Diem Rates for In State and Out of State travel
- Transportation costs from lodging or businesses to restaurants (**domestic travel only**; see **Section 23.12** for international travel guidance.)

23.7.2 Non-reimbursable expenses include, but are not limited to, the following:

- Airline, car, and card membership dues and club fees
- Airline reserved/priority seating fees
- Travel upgrade fees (air, rail, car)
- Alcoholic beverages
- Bank charges for ATM withdrawals, except on international travel
- Childcare costs
- Clothing or toiletry items
- Commuting between Residence and Primary Work Station
- Country Club dues
- Expenses related to vacation or personal days taken before, during or after a business trip
- Haircuts and personal grooming
- Incidental travel expenses are included in International Per Diem Rates and are not separately reimbursed
- Laundry, cleaning, pressing costs for trips of less than seven days
- Loss damage Insurance when County contract rate vehicle is available and another rental car agency is utilized
- Loss or theft of cash advance money or airline tickets
- Loss or theft of personal funds or property
- Lost baggage
- Luggage or briefcases
- Medical expenses while traveling (*Exceptions may be made to accommodate ADA compliance; see Sec. 23.10.10*)

- Mini-bar charges
- Movies
- No-show/Cancellation fees or fees related to hotel late check-out (unless business or weather related)
- Personal reading materials (magazines, newspapers, etc.)
- Personal vehicle maintenance (including car washes)
- Personal entertainment
- Personal pet care
- Recreational expenses
- Rental vehicle maintenance (including car washes)
- Saunas, massages
- Shoe shines
- Souvenirs or personal gifts
- Tips covered by per diem allowances
- Traffic citations (moving violations), parking tickets, court fees and other fines
- Traffic accident insurance premiums
- TSA PreCheck application fee for airport pre-screening convenience service
- Valet services for parking, when self-parking options are available, unless there are valid security reasons

23.8 Reimbursement for Travel Expenses

23.8.1 General

Employees are expected to exercise good stewardship of funds when traveling on official business. Any expenditure disallowed by the County is the responsibility of the employee.

23.8.2 Expense Reimbursement Timing

Travelers should submit all expenses for reimbursement and reconciliation within 10 business days of the completion of the event or trip, but **no later than 45 calendar days**. However, a reimbursement request will preferably be held until an amount of at least \$10 is due.

IRS regulations state the traveler must adequately account to the employer and submit travel expense reimbursement requests within 60 days of the end of the trip. Such expenses, if submitted after 60 days, become taxable income to the traveler.

All expense reimbursement requests must be submitted as soon as possible, in conjunction with an employee's last day of employment, when applicable, but no later than 45 calendar days after the last day of employment. Outstanding requests submitted after this time-period will not be reimbursed.

23.8.3 Expense Reimbursement Submission

Employees are responsible for ensuring that expenses claimed in the travel expense report are proper, accurate, and incurred for official business. A traveler who knowingly presents a false or fraudulent claim may be subject to penalties under criminal statutes.

All employee expense reimbursements will be processed via check once all required

and complete documentation has been submitted to the Finance Department. Reimbursement checks will be processed in the next check run cycle following the receipt and review of all complete documentation for validity.

23.8.4 Receipts

Travelers must always obtain receipts, except when per diem travel allowance are claimed. Not all receipts must be submitted with a travel expense report, but may be requested for verification or audit. Itemized receipts should include:

- Name and address of vendor
- Date of service
- Description of goods/service
- Amount paid for each individual item

In the absence of actual receipts, credit card slips and statements may be acceptable in lieu of actual receipts.

Travel expense reports may be selected for audit at any time and all travel receipts must be retained by the traveler for three years after the travel date, if not attached to the expense report.

Receipts are required with the travel expense report for the following expenses, regardless of the dollar amount:

- Airline fares
- Hotel expenses
- Rental car expenses
- Breakfast, lunch, or dinner meetings unless claiming a per diem
- Rail fares (Amtrak or similar rail transportation)
- Registration fees
- Visa/passport fees

No expense should be approved if a receipt is missing, unless a lost/stolen receipt form has been submitted.

23.8.5 Personal Expenses

Reimbursement of personal expenses shall not be authorized for payment at any time. See Section 5 for a list of non-reimbursable expenses.

23.8.6 Combining Personal Travel with County Business Travel

Employees should check with County Manager or Chairman before combining personal and business travel.

For in-state and out-of-state trips that combine personal travel with County Business travel, reimbursement may not exceed the amount it would have cost the County if the traveler did not combine personal travel with business travel. Combining County travel with personal travel does not, in and of itself, provide justification for using a private vehicle rather than a county-owned vehicle.

For out-of-state trips between points where scheduled airline service is available and where travelers are combining official County travel with a holiday, weekend trip, vacation or other personal travel, reimbursement will be based on the cost of round-trip coach airfare, lodging, and the meal per diems to which the traveler would have been entitled while traveling by air, or by the least expensive reasonable means of travel.

When combining business and personal travel that includes air travel, the air travel costs cannot exceed the cost for the business air travel cost and requires documentation and written approval by the County Manager or Chairman prior to booking the travel.

When combining personal travel and County business travel, baggage and luggage fees should be allocated, accordingly, and be reasonable under the circumstances.

Note: The employee is responsible for any additional costs incurred in booking personal travel combined with business travel. This includes additional baggage fees incurred for personal items that would not otherwise have been required for the business travel.

23.8.7 Travelers with Physical and/or Medical Conditions

The impact of travelers with physical and/or medical conditions, while on County travel, should be considered on a case-by-case basis. Human Resources has the authority, with the County Manager and/or Chairman to provide reasonable accommodations during County travel for travelers with disabilities.

All County employees are to be afforded equal opportunity to perform travel for official County business even if the travel costs for disabled travelers will exceed what would normally be most economical to the County. For example:

- When a traveler uses a wheelchair, it may be necessary to pay for an airline ticket so the traveler can fly on a larger plane that accommodates the wheelchair
- When a traveler with a physical and/or medical condition rents a vehicle while on travel, a non-standard vehicle size may be required. When a traveler has hearing or vision impairments, there may be a cost of providing auxiliary aids and services to enable the traveler to successfully accomplish the purpose of travel.

The extra costs required to comply with ADA shall be documented and kept on file by Human Resources.

23.9 Policy Exceptions

23.9.1 Overview

Requests for exceptions to the Pierce County Travel Policy should be infrequent and requested in advance. The County will generally not grant exceptions to the Travel Policy when it appears that, with proper planning and reasonable effort, the additional costs could have been avoided. Repetitive requests for similar exceptions, particularly after-the-fact requests, will be carefully reviewed and, when circumstances warrant, denied.

Employees should not consider approved exceptions to be a blanket waiver of the travel regulations. Exceptions are only granted for an individual or individuals participating in a scheduled event, and are only allowable for the specified dates of the event. Employees are encouraged to request exceptions for unusual travel circumstances, as needed. Employees that deviate from the travel regulations, without receiving written authorization, may be subject to the County's Disciplinary Action Policy.

23.9.2 Procedures for Requesting Travel Exceptions

Employees requesting travel exceptions should submit their request in writing to the County Manager with as much advance notice as possible. All written requests must

come from the employee's supervisor and must be submitted prior to the travel date. All written requests should include the following:

- The name(s) of the person(s) for which the exception is requested,
- An explanation of the purpose of the trip,
- An explanation of the types of expenses to be incurred, and
- The anticipated travel dates.

Note: Exceptions granted under these provisions apply only in circumstances in which an employee will incur expenses.

23.9.3 Approval/Denial of Travel Exceptions

The County Manager and/or Chairman are responsible for approving or denying all requests for travel exceptions. Written documentation will be returned to the requesting employee's supervisor indicating whether the request was approved or denied.

23.10 Air Travel

23.10.1 Booking

Travelers who are combining personal travel with business travel may only do so when the personal portion does not add to any cost to the County. Travel arrangements must be made to accommodate the business duties of the traveler and not the personal preference (see Section 7 regarding reimbursement for personal travel). All travel arrangements shall be made by the Finance Department to ensure consistency and best pricing practices.

The County will pay for the airfare and/or penalty incurred for a change or cancellation of travel plans when the change or cancellation is required by the County, or is the result of other unavoidable situations approved by the Department head or designee. Travelers must state the business reason for the need to alter the flight reservation, and the total cost of the flight should be evaluated and approved as reasonable by the approver when completing the final expense report submission.

23.10.2 Lowest Logical Airfare

Travelers on County business should always select the lowest priced airfare that meets their approved, most logical itinerary and County Policy. Travelers are expected to use their best judgement to save on airfare cost, considering points of departure and destination, flight times and schedules, etc.

Travelers should use penalty or nonrefundable fares whenever feasible. These fares are typically much lower in cost. If the travel plan is subsequently cancelled, the traveler will still have an opportunity to reuse the ticket. If a refundable fare must be used, the difference in the cost of the flight should not exceed \$150.

Lower cost flights should be chosen within two hours before or after the preferred flight time. Lower cost fares that are declined should be related to the job functions of the traveler and justified with a written explanation attached to the expense reimbursement forms.

Travelers on County business may open and maintain frequent flyer/guests accounts with airline, hotels, car rental companies, and other travel suppliers. The cost of these memberships is the responsibility of the traveler and will not be reimbursed

by the County. Travelers may retain promotional items, including frequent flyer miles, earned on official County travel. However, if an employee makes travel arrangements that favor a preferred airline/supplier to receive promotional items/points and this circumvents the most economical means of travel, they are in violation of this Policy.

23.10.3 Business and First-Class Tickets

Business and first-class tickets are not reimbursable for domestic flights with the exception of travel to Alaska and Hawaii. Business class is allowable for international travel when approved in advance by the County Manager or Chairman (see Section 23.12).

It is not permissible to confirm a higher fare for upgrade eligibility or for personal reasons. Upgrades at the County's expense are not permitted. Upgrades may be purchased after the travel is booked, at the traveler's expense, only.

23.10.4 International Travel

Federal regulations require that U.S. carriers be used for foreign travel for trips funded by federally sponsored programs, unless a U.S. carrier is not available.

The traveler is responsible for knowing which visas and passports are needed. Associated costs and fees are reimbursable if the travel is required and the traveler does not currently possess the valid documents. Receipts must be included for reimbursement.

See Section 23.12 for additional guidelines and details regarding International Travel.

23.10.5 Advance Booking

Once travel dates have been confirmed, all flights should be booked at least 14 days, but no more than 30 days in advance, when practical. Flights booked within 30 days of travel help manage county cash flow and reduce the risk of potential change fees and administrative costs related to any subsequent change in travel plans.

Flights booked with less than 14 days advanced purchase are more expensive and require that a written explanation for the booking delay be provided to the County Manager.

23.10.6 Connecting Flights

Connecting flights should be chosen over nonstop flights when the connection does not add more than two hours to travel time and the connection saves \$200.00 or more. Travelers are not required to take a lower fare if a change of airline at the connection point is required.

23.10.7 Cancellations

It is the traveler's responsibility to closely examine the cancellation/exchange rules and fees before purchasing a ticket. If a trip is cancelled after a ticket has been issued, the airline reservation must be cancelled at least one hour prior to the scheduled flight.

If the ticket is refundable, the traveler should notify the responsible booking agency or airline for a refund. Any refunds received shall be provided to the County if the tickets were paid by the County or through a County maintained credit card.

23.10.8 Voids

If your trip is cancelled within 24 hours of being ticketed, most airlines will allow

traveler's or agents to "void" the ticket, which will reverse the airfare charged and avoid additional airline change fees. This is not applicable to Instant Purchase Fares. Travelers will be responsible for submitting proof of the void with their travel claim.

23.10.9 Exchanges

Unused tickets that are not used prior to their expiration lose their value. It is the traveler's responsibility to use airline credits prior to expiration. Credits for cancelled tickets should be used as soon as possible. Most airlines require tickets to be exchanged and used within one year from the original purchase date. Credits shall be used for the traveler's next trip if the airline services the destination.

23.10.10 Baggage Charges

Most airlines are now charging for checked luggage and for curbside check-in. In the event there is a charge for checking the traveler's first piece of luggage, the County will reimburse for that charge. If there is no charge for the first piece of luggage, the County will not reimburse for additional pieces of checked luggage unless an appropriate business purpose explanation is provided.

Baggage charges incurred for excess weight will not be reimbursed, unless an appropriate business purpose explanation is provided.

23.10.11 Other Expenses

Expenses for memberships in travel/airline clubs and/or daily club use are not reimbursable. Some airlines are now charging for priority (reserved) seating. The County will not reimburse for this additional expense.

23.10.12 Private Aircraft

The use of aircraft owned, rented, or operated by a traveler on County business is strongly discouraged. If it is determined that the use of this type of aircraft is advantageous (cost-efficient and practical) to the County, written pre-approval should be obtained and an explanation must be noted in the comments section of the Expense Report. The approval should be submitted with the traveler's Expense Report. In the comments section of the Expense Report the employee should add the following comment: "traveled by private aircraft; registration number NXXXX; mileage (as calculated from U.S. DOT website)".

Reimbursement for the use of private aircraft is calculated per mile based on the current reimbursement rate which can be found at <https://www.gsa.gov/travel/plan-book/transportation-airfare-rates-pov-rates/privately-owned-vehicle-pov-mileage-reimbursement-rates>. For calculating the mileage between airports, please visit <https://www.transtats.bts.gov/distance.asp>. For trips using airports not listed on this website, a reasonable alternative should be used, e.g., and official highway map. Airplane nautical miles (NMs) should be converted into statute miles (SMs) or regular miles when submitting a voucher using the formula (1 NM equals 1.15077945 SMs).

Lodging and meal expenses on route will not be reimbursed if the expenses are a direct result of the decision to take a personal aircraft, rather than commercial aircraft.

If a traveler opts to use a personal aircraft when use of commercial aircraft would

be the most economical and advantageous for the County, the traveler will be reimbursed up to the value of the commercial airfare (lowest coach fare).

23.11 Mileage Reimbursement Examples

The following are examples that depict situations in which a traveler’s personal vehicle mileage as a business expense and the transportation expenses are reimbursable, versus personal commuting and the transportation expenses are not reimbursable.

23.11.1 Business Miles versus Commuting Miles

Round-trip mileage between your Residence and your Primary Work Station is a personal commuting expense and is not eligible for travel reimbursement.

Residence: The primary location (tax home base) where you personally reside.

Primary Work Station: The location a County employee regularly reports to for work. The employee’s supervisor shall confer with the Human Resources Manager to determine an employee’s Primary Work Station (PWS) if it cannot be easily determined. This shall be used for all applicable mileage calculations.

23.12 International Travel

23.12.1 Approval; Authority

In addition to all other policies set forth in this *Pierce County Travel Policy*, the following policies must be adhered to when traveling internationally. The following approvals must be made in advance, dated and submitted with the traveler’s expense report.

If the traveler is...	The, approval must be made in advance by...
A Regular County Employee	County Manager and/or Chairman on recommendation from the department head
A department head	County Manager and/or Chairman

23.12.2 Air Travel

Business and first-class tickets are not reimbursable for domestic flights with the exception of travel to Alaska and Hawaii. **Business class** travel is allowed for international flights.

The Fly America Act was enacted to mandate the use of U.S. flag air carriers for federally funded international travel. The Federal Travel Regulation requires international flights to be on U.S. flag air carriers whenever possible, which is accomplished when code sharing is present. Code sharing occurs when two or more airlines “code” the same flight as if it was their own. In other words, the international flight may be on a foreign air carrier’s plane, but is considered the same as one operated by an U. S. flag carrier. Compliance with the Fly America Act is satisfied when the U.S. flag air carrier’s designator code is present in the area next to the electronic ticket (passenger receipt).

What does this mean to you? If you are scheduling international travel that is federally funded, you must ensure that all flights, where possible, are scheduled on U.S. flag air carriers or on foreign air carriers that code share with a U.S. flag air

carrier.

23.12.3 Meals & Incidental Reimbursement

For employees travelling internationally, meals, taxes, tips on meals, and other travel incidentals are included in the Per Diem Rate and are based upon GSA tables. Incidental travel expenses included in the per diem rate for international travel include: fees and tips given to porters, bell hops, hotel housekeeping, stewards/stewardesses, and hotel staff.

Ground transportation costs (e.g. taxi, shuttle) to and from airports and railroad stations, and between meetings, as well as the Reimbursable Miscellaneous Expenses references in Section 5, are not included in the per diem, and are reimbursed separately.

Travelers are eligible for 75 percent of the total per diem rate on the first and last day of international travel. For a complete listing of the GSA per diem tables, visit the GSA per diem website.

23.12.4 Other International Travel Expenses

With proper documentation, justification, and approval, the County will reimburse:

- Commission for currency conversion or traveler checks, when deemed necessary;
- Bank charges for business related international ATM withdrawals;
- Service of guides, interpreters, packers, or drivers, when deemed necessary and reasonable;
- Fees for the issuance of passport, visas, and/or affidavits, when required for business international travel;
- Costs related to vaccinations and inoculations required and/or recommended for international business travel.

23.12.5 Foreign Currency Conversion

When a traveler incurs expenses in a foreign currency each expense should be converted to United States dollars (USD). The following methods are acceptable:

- Credit card statement: If the expenses are charged, the credit card company will convert them to USD.
- Conversion of charges via the internet for *dates of travel*. An acceptable site is: Oanda Converter – this site allows for built in exchange fees and specific travel dates.
- Currency rate conversion based on actual cash exchange. Use the following formula:

$$F \times C = U$$

F = amount of charges in foreign currency

C = conversion factor (USD's per unit of foreign currency)

U = equivalent expenses in US dollars

Example:

F = **\$100** of charges in Canadian Dollars

C = \$.68 USD's per Canadian Dollar

U = \$100 CD x \$.68 USD/CD = **\$68 USD**

Section 24 – Technology

24.1 Purpose

Pierce County Board of Commissioners provides various information technology resources to its employees for the purpose of assisting them in the performance of their job-related duties. This policy clearly documents expectations for appropriate use of these assets. This policy will establish acceptable practices regarding the use of county owned technology including, but not limited to computers, facsimile machines, telephones, printers, cell phones, 'hotspots', associated equipment, and software.

24.2 Roles & Responsibilities

24.2.1 Individual users are responsible:

- To read, and acknowledge the reading of, this policy
- To participate in any training and guidelines as directed by IT
- Use these systems in a responsible manner at all times, in a manner consistent with these policies. Use of Pierce County computer information system is a privilege and may be revoked at any time
- For the content of all text, audio, and video, they send over the internet, phone, or fax systems. All messages should contain the user identity and be written in a professional manner.
- To immediately report any compromise, actual or suspected, to their immediate supervisor, Department Director, or IT staff

24.2.2 Department Directors are responsible:

- for implementing the requirements of this policy, or documenting any employees non-compliance
- for immediately reporting any compromise, actual or suspected, to the County Manager or his/her designee
- to discuss department software/hardware/ program requirements with IT

24.2.3 Information Technology Staff s responsible:

- to assist departments in defining hardware/software requirements
- to discuss equipment features and costs with Department Directors
- to approve and assist with any download or installation of specialized hardware/software/ or programs to a county owned computer

24.3 Prohibited Use

Users of Pierce County technology are prohibited from the following:

- Downloading or installing any software, from any source, without the direct authority and written consent of the County Manager or his/her designee.
- Modifying any hardware or software configuration of any equipment except under the direct authority and written consent of the County Manager or his/her designee.

- Using remote or wireless login to access Pierce County Information system without written consent and coordination of the County Manager or his/her designee.
- Changing a user password to gain access to a Pierce County information system or related data sources without direct authority and written consent of the County Manager or his/her designee.
- Sharing log-in information or passwords with any unauthorized user
- Releasing any information gained through the use of Pierce county Information system without Department Director approval, and in accordance with the official keeper of records for Pierce County
- Attempting to “cleanup” or remove a suspected virus without consent and assistance from the County Manager or designee.
- Using Pierce County Computers for accessing social media websites; streaming audio, video, or instant messaging; gambling; accessing explicit or violent material; using the system to violate or harass other systems or users, creating or distributing pirated or stolen data or software
- Storing personal or non-governmental related information on Pierce County Government servers

24.4 Ownership

Electronic files created, sent, received, or stored on Pierce County owned, leased, or administered technology are the property of Pierce County and employee use of these such files is neither personal nor private. At the termination or resignation of an employee, all files on the user’s computer will remain “as is”. Any unauthorized removal of any files, software, or equipment is strictly prohibited. Authorized Pierce County Information Security employees or contractors may access all such files at any time without knowledge of the user. Pierce County Board of Commissioners reserves the right to monitor and/or log all employee use of Pierce County technology with or without prior notice. Users shall have no expectation of privacy in using any Pierce County information systems.

24.5 Security

24.5.1 Authorized Access: Only authorized individuals will have access to the Pierce County, GA Government system.

24.5.2 Passwords: Passwords used for access to Pierce County Information systems may not be shared across multiple users. Passwords should be of sufficient complexity so that they are not easily guessed. All passwords for access to the system must be reported to, and approved by, the County Manager or designee. A request for the change of a password must be approved by IT. All password notification will be given directly to the employee through his/her supervisor, or through voicemail or text, but never through email.

24.5.3 Information requests: No employee of Pierce County Government will release any records information to the public. Pierce County Government maintains a public access point for such requests for information. Please direct any citizen requesting records information to the Pierce County Clerk, the official record keeper for Pierce County.

- 24.5.4 Viruses:** All files introduced to the Pierce County Information systems environment (i.e. your work computer) are required to be scanned for viruses before opening. This includes files introduced by all external means, to include (not limited to) disks, drives, and incoming email attachments. Contact the County Manager should you need assistance with virus scanning. Users should contact the County Manager IMMEDIATELY is there is a suspected computer virus. NO USER SHOULD ATTEMPT TO REMOVE THE VIRUS.
- 24.5.5 Unattended Computers:** Users are required to log off the system or lock their computers when they will be away from their computer for any length of time. As a precaution, automatic log-out will be enabled after a 15-minute period of inactivity. Users are NOT permitted to disable the automatic logout feature.
- 24.5.6 Preventing Disclosure:**
- Users should be aware that potentially sensitive data may be displayed on a computer screen and should be alert to ensure that unauthorized individuals cannot read or modify data during a valid system login. Users may consider solutions such as monitor placement to prevent unauthorized disclosure.
 - When printing sensitive, proprietary, or otherwise controlled information, users should take care to retrieve the information in a timely manner to reduce the exposure time of any such information.
- 24.5.7 Remote and Wireless Access:** Remote or wireless access to Pierce County's internal network is only permitted through methods approved by and in coordination with County Manager or his/her designee.
- 24.5.8 New Systems:** All acquisitions of computing software, hardware, and services will be only with permission by and in coordination with the County Manager or his/her designee.

Section 25 – Purchasing

25.1 Policy Statement

25.1.1 Purpose and Intent The purpose and intent of this manual are to establish operational policies and purchasing procedures for the Pierce County Board of Commissioners. The Finance/Purchasing Department strives to provide quality service through effective communication and a cooperative working relationship with all departments and vendors; to fulfill the needs of the County for goods and services in a professional, responsive, timely, and cost-effective manner; and in accordance with all legal requirements and ethical standards. (NIGP Section C, 13, 17b)

The Department must keep a current copy of the Purchasing Policy and any official updates and amicable memos issued by the Finance/Purchasing Department. Procedures contained herein are applicable to all County personnel involved in the requisitioning, procuring of goods and services, receiving, transferring, and replacement of supplies, materials, services, equipment, and invoice processing.

The objectives of the Finance/Purchasing Department and this Manual are:

- a. To clearly establish that the responsibility for day to day purchasing rest with each department's designated employee with the assistance of the Finance/Purchasing Department.
- b. To procure supplies, materials, equipment, contractual labor and services as requested by departments in accordance with the Purchasing Manual at the most appropriate costs and best quality with the goods and services required.
- c. To exercise positive financial accountability in the expenditure of funds.
- d. To establish and maintain an accurate inventory of all contracts, materials, equipment, buildings, and property belonging to the County.
- e. To provide an efficient means for disposal of surplus property.
- f. To establish and maintain high standards of quality based on suitability of use in all purchasing transactions.
- g. To ensure the fair and equitable treatment of all persons who deal with the purchasing system.
- h. To provide safeguards for the maintenance of a purchasing system of quality and integrity.
- i. To ensure that all parties involved in the negotiation, performance or administration of contracts act in good faith.

25.1.2 Mission and Vision Statements (NIGP Section A, 3)

25.1.2.a Mission: The mission of the Purchasing Department is to provide for fair and equitable treatment of all persons involved in public purchasing by the County with the highest level of customer service, to strive to maximize the purchasing value of public funds in procurement, provide safeguards for maintaining a procurement system of quality and professional integrity, and to protect the public property acquired with public funds from acquisition through final disposal.

25.1.2.b Vision: Knowledgeable and professional personnel working together in trust and with open, honest communication to maintain the integrity of Purchasing

and to provide exemplary, effective customer service in procuring products and services at the best value.

25.1.3 Duties of the Accounts Payable Clerk

The Primary function of the Accounts Payable Clerk is to purchase and contract for the supplies, material, equipment, services and construction required by the County in a reasonable time frame that meets the operational needs and to ensure the maximum value is obtained for each dollar spent. Other duties include, but are not limited to:

1. Establish and enforce specifications for supplies, materials, and equipment to be procured for the County in compliance with local, state, and federal procurement requirements.
2. Contract for, purchase, or issue purchase authorizations for all supplies, material, equipment, contractual labor and services for the departments, offices and agencies of the County; provided that, before the purchase of or contract for any supplies, materials, equipment, contractual labor, services or insurance, ample opportunity for competitive bidding, under such regulations and with such exceptions as the Board may provide, to include, the avoidance of duplication of services already in effect through the utilization of inmate labor, or the bulk purchase of supplies or materials resulting in a greater savings to the County.
3. Have charge over the Central Supply Inventory.
4. Transfer to or between departments, offices, and agencies or sell surplus, obsolete or unused supplies, materials and equipment.
5. Once the bid process is complete, verifies the successful vendor has submitted an Occupational License, Georgia State Contractor’s License, E-Verification affidavit, and proof of insurance and bonds, (if applicable) to Purchasing, the requesting department will be responsible for administering the agreement. The Accounts Payable Clerk will act as the Contract Administrator for the County. (NIGP Section C, 17c) Contract Administration includes, but is not limited to, the following activities: monitoring time lines for completion; addressing billing/payment issues; documenting compliance issues and steps taken to address these issues with the vendor. It is recommended that departments maintain well-documented vendor files as well. Departments must submit Vendor Complaint Forms to Purchasing in case of a dispute or cause for termination of an existing contract.
6. The County Manager and the Chairman of the Board of Commissioners, will be the only signature(s) that can bind the County into a contract. (NIGP Section C, 171i, p)
7. The County Manager and the Chairman of the Board of Commissioners shall have the authority to join with the other units of Government in purchasing activities when it meets the best interest of the County. This is also known as Cooperative Purchasing. (NIGP Section J, 64)

25.1.3 Authorization (NIGP Section B, 11)

Authorization for all budgeted items are as follows:

Dept Heads not otherwise listed:	\$ 1,000	Fire Chief/EMA Dir:	\$2,000
Public Works Director:	\$ 2,000	County Manager:	\$5,000
Chairman of the Board of Commissioner:	\$10,000		

In an emergency, the Chairman of the Board of Commissioners may purchase items up to \$25,000 each

25.2 PURCHASING FORMS

The County Manager and/or Accounts Payable Clerk will be authorized to develop all the forms needed to implement this Policy. All goods received by or on behalf of Pierce County must be acknowledged by a legible signature on the receiving slip (or invoice) at the time the goods are received specifying the condition they arrived in and noting any discrepancies in quantity. No invoice will be paid without a signed and received slip or signed invoice verifying that the item(s) was received in good condition.

25.2.1 Purchase Order—to be utilized by the County for all purposes described:

- a. **Field**—A Field Purchase Order will be issued by the Accounts Payable Clerk, at the request of the department for amounts that exceed \$250 and below \$1,000. Field Purchase orders are not required for County Purchases under \$1,000 made with the authorized use of the County’s Purchasing Card.
- b. **Standard**—Also referred to as a “Large PO”, a four (4) to six (6) digit Purchase Order will be assigned by the Accounts Payable Clerk for amounts that exceed \$1,000 after a requisition (see below) is submitted and the purchase is approved at the appropriate levels. (NIGP Section C, 17i)

NOTE: The amount of the purchase order or contract, upon completion, will be encumbered within the appropriated department and account number to accurately reflect the reporting information. Purchase Orders will be valid until December 31st of the current fiscal year or forty-five (45) days after the end of each fiscal year; after which, will be cancelled out of the system and a new PO will have to be requested to encumber funds for the current fiscal year. NO EXCEPTIONS.

25.2.2 Requisition—One-page electronic form that will be prepared by the department, to explain or describe a request prior to all total purchases that exceed \$1,000, unless the limit is otherwise allowed by this policy. Requisitions are then emailed to the County Manager for approval and will then be emailed to the Accounts Payable Clerk for issuance of an eight (8) digit Purchase Order number. The Accounts Payable Clerk will then email the requesting department a copy of the Purchase Order. Departments are required to write the Purchase Order Number and Account Number on the invoice and attach a copy of the Purchase Order when submitting to accounts payable.

25.2.3 Request for Proposal/Invitation to Bid—Official bidding opportunity for Vendors to return bids/proposals to the County Finance/Purchasing Department where quotes will be required by sealed bid. (See Chapter 5)

25.2.4 Purchase Order Register—A brief record of all field purchase orders issued to Departments which will be kept in the Finance/Purchasing Department.

25.2.5 Fixed Asset Form—A detailed record of an item, in excess of \$5,000 individually which will be entered into the County computer system by the Finance Department.

25.2.6 Travel Form—Electronic or paper form utilized to show expenses incurred while in a travel status for County related business. The Form must be signed by the Department Head/Designee and detailed receipts attached for use of the County authorize Purchasing Card. Attached receipts must be signed and properly coded.

The County authorized Purchasing Card is the preferred tender while traveling on County related business, but shall never be authorized for non-business-related personal expenses. No purchase order is needed for travel related expenses. (See Travel Policy)

25.2.7 Request for Local Preference Consideration—To be completed by a Vendor requesting local preference consideration. See also, Chapter 5 (i) Local Vendor Preference.

25.3 EXPENSES NOT REQUIRING A PURCHASE ORDER

Certain expenses will not require a purchase order, however, expenses must be verified with Purchasing prior to purchase.

25.3.1 Pierce County Procurement Card Purchases: The procurement card is an efficient, cost-effective method of purchasing and for paying for small dollar transactions (not to exceed \$1,000, without a four to six-digit purchase order requisition number). Procurement cards are designed to replace general fund checks, field purchase orders, check requests, and the use of personal funds which require reimbursement. **The procurement card is the recommended method for all small dollar transactions. NOTE: See the *Purchasing Card Manual* for details on the use of the Pierce County Board of Commissioners Bank of America/Merrill Lynch Visa Card. (NIGP Section G, 43)**

25.3.2 Travel Expenses/Training; Any expenses incurred due to county related travel are to be submitted with a Travel Expense Form. The Travel Expense Form is used in place of the purchase order and should be submitted with signed and coded receipts attached. **See *Travel Policy* for detailed information regarding travel expenses.**

25.3.3 Utilities/Medical Charges/Fuel/Propane: Electricity, phone, water, inmate medical, mandatory state purchase, gun permit registrations, gasoline, diesel and propane bulk purchases. Invoices must be signed, coded and submitted to Accounts Payable.

25.3.4 Lease/Contract Payments: Any payments due resulting from a Capital/Operating lease or monthly maintenance agreement and contracted service(s).

25.3.5 Professional and other Technical Services: Although professional services are not required to be competitively procured, when determined to be in the best interest of Pierce County, requests for proposals may be issued for professional services. Negotiated contracts for professional services can be used when a formal Bid or RFP was not completed and this exception is typically (though not exclusively) utilized when additional services are needed on an existing contract or when recurring services are needed and a relationship has been established with an existing Vendor and cost associated with changing Vendors may be more than savings achieved through the purchasing process. A professional service is one that typically requires a specialized degree in higher education and/or a license to practice the profession sanctioned by the state and/or a governing organization. For purposes of this policy, professional services are defined as and limited to services provided by the following professions: lawyers, certified public accountants, architects, engineers, land surveyors, physicians or other medical professionals, veterinarians, funeral directors, and consultants in specialized areas.

- 25.3.6 Software Renewal: Any renewal of software/licensing that is currently in use, unless over \$5,000 annually.
- 25.3.7 Postage Machine Rental/Refill
- 25.3.8 Dues/Memberships/Registrations
- 25.3.9 Veterinary Bills: Totals are typically unknown until after the service(s) have been performed.
- 25.3.10 Inmate housing/ankle monitoring/food services: Totals are typically unknown until after the service(s) have been performed
Note: The ultimate decision as to whether an item/service needs a purchase order or not resides with the County Manager or Accounts Payable Clerk as designated.

25.4 EXPENSES REQUIRING A PURCHASE ORDER

- 25.4.1 Purchases \$250 up to \$1,000—To expedite the purchase of goods up to \$1,000, departments must obtain **two quotations** (one Vendor that is chosen and one additional quote) and add them to the Field Purchase Order. (Purchases totaling less than \$250 will not need additional quotes.)
 - i. The Field Purchase Order must include the following information:
 1. Date the order was placed
 2. Name of the Vendor
 3. Description of goods/service(s)
 4. Detailed price, shipping charges and purchase total (*NOTE: All purchases must be tax exempt*)
 5. Department where the item will be used
 6. Department code and appropriate account number to be expensed
 - ii. One additional quote for purchases from \$250-\$1,000 and two additional quotations for purchases over \$1,000 which must be approved by the County Manager or Chairman.
 - iii. The Field Purchase Order is to be attached to the signed and coded packing slip/email confirmation or invoice and sent to Accounts Payable. A copy of the Field Purchase Order shall be kept electronically with all supporting documents on the Departments respective server.
 - iv. Purchases will not be divided into smaller quantities of the same product or submitted on multiple purchase orders to circumvent the purchasing system.
- 25.4.2 Purchase Orders over \$1,000—Requisitions for over \$1,000 must be submitted to Purchasing to generate a system assigned four to six-digit purchase order number **PRIOR** to securing the Goods/Services requested.
 - i. The Department solicits **three bids/quotes** from vendors (one from vendor chosen and two additional quotes).
 - ii. Requisition, clearly specifying goods/services desired and listing alternate quotes, are submitted to Purchasing via email.
 - iii. Include copies of all quotes with requisitions.
 - iv. Requisitions shall not be divided into smaller quantities of the same product or submitted on multiple purchase orders to circumvent the purchasing system.

Purchases \$1,000--\$5,000 are additionally approved by the County Manager.

Purchases \$5,000--\$10,000 are approved by the Chairman. Informal bids for amounts less than \$10,000 do not require formal advertising and a public notice for bid opening shall not be required.

25.4.3 Emergency Purchases—The Chairman or his/her designee is authorized to waive any or all bidding requirements for the purchase of necessary goods or services whenever an emergency condition exists which presents a threat to the safety, health or welfare of the citizens of the County and whenever such requirements would cause undue delay in the delivery of essential services under such conditions. Any emergency purchase above \$20,000 must be reported to the Board of Commissioners at the next regular meeting of the Board of Commissioners. Any department wishing to make an emergency purchase must furnish the Accounts Payable Clerk (who will then refer it to the County Manager) with the written request, which fully explains why it is essential to do so. In the absence of the County Manager, the Accounts Payable Clerk may automatically forward the written request to the Chairman for approval.

25.5 INVITATION TO BID/REQUESTS FOR PROPOSALS

The County utilizes Invitations to Bid (ITB) and Request for Proposals (RFP) when procuring professional services (architects, engineers, consultants, health insurance, etc.) or for large transactions where other factors, in addition to cost, are considered in the evaluation process. (NIGP Section C, 17I) The competitive bidding process allows greater flexibility in selecting the most qualified and experienced firm to provide these specialized services for the County. Invitations to Bid (ITB) and Request for Proposals (RFP) will be advertised as defined by Georgia State Law. The Board prohibits entering into contracts or making purchases for the purpose of evading requirements of competitive bidding.

25.5.1 Bidding Methods—Purchasing or Projects/Services exceeding \$10,000 may be made utilizing either of two methods:

- a. Invitation to Bid—The bid documents and specifications are definite and specific. Awards shall be made to the bidder offering the lowest cost who is most responsive to the requirements of the bid documents, without material exception, and who is responsible and capable of providing the item(s) or service(s) to be purchased/contracted. Evaluation and award are limited to cost, determination of compliance with the specifications and conditions specified in the bid documents, and the responsibility of the bidder. Negotiations are not permitted. The Accounts Payable Clerk may use judgmental consideration to determine if the bidder's offer complies with the specifications and conditions, if such considerations can be demonstrated to be reasonable, appropriate, and fairly applied. This method does not permit comparison of the relative specifications of competing bidders, but only comparison to the specifications contained in the bid documents.
- b. Request for Proposal—This method can be used whenever detailed specifications cannot be determined, whenever several possible methods may satisfy the County's requirements, or whenever the nature of the requirements are such that subjective evaluation of criteria other than cost is necessary. A scope of work is required, which makes comparison of competing proposals relative to each other appropriate. This method permits negotiations and

discussion with competing Vendors to determine the best solution to the County's needs. Proposals may be revised or modified at the request of the County. Subjective criteria shall be used in the evaluation of competing proposals. The relative value of evaluation criteria and method of evaluation shall be established in the RFP documents published by the County. During the public opening of proposals, it shall be determined that each proposer meets the documentation requirements, the name of the proposer is read aloud, and the total amount of the proposal submitted will be read aloud. No further discussion of the proposals shall take place and no proposer shall have the ability to discuss their proposal or the proposals of others with any County staff or elected officials prior to a formal award being announced at a scheduled public Commission meeting.

25.5.2 Bidding Process

- a. The process begins when the requesting department submits a detailed scope of work and evaluation criteria to Purchasing. The department is also encouraged to submit a cost estimate for the project list to Purchasing. The bid documents may contain a basic contract that may be used, if appropriate, for a particular service. Parts of the contract may be modified (insurance requirements, bonding requirements, etc.) depending on the type of service.
- b. The Accounts Payable Clerk will assist the requiring department in determining the need for a contract and, if so, the necessary elements of the contract. Based on the information provided, Purchasing will formalize the ITB or RFP and submit the document to the requesting department for approval prior to issuance (NIGP Section C, 17m, Section E 27). The Accounts Payable Clerk shall prepare and evaluation form, prior to the date proposals are due. The Accounts Payable Clerk will complete the evaluation form detailing each of the proposal requirements which will be submitted to the County Manager for review prior to presenting to the Board of Commissioners at a regularly scheduled, or special called meeting to approve and/or award the bid.
- c. According to O.C.G.A. § 50-22-3, public notice of each proposed project requiring professional services may be given at least fifteen (15) days prior to the selection of the three or more most highly qualified offerors. Prior to entering into a Public Works contract, the request shall be posted conspicuously in the governing authority's office and shall be advertised in the legal organ of the County OR by electronic means on the Internet website of the County per O.C.G.A. § 36-91-20 a minimum of two times, with the first advertisement occurring at least four (4) weeks prior to the opening of the sealed bids or proposals. The second advertisement shall follow no earlier than two weeks from the first advertisement. (NIGP Section C, 17s)
- d. Offerors must develop and provide a solution in response to the Scope of Services. The Bid/RFP must be sealed, properly identified on the outside, submitted to the proper place and received no later than the time stated in the public notice. Faxed or emailed responses are not permitted and will be deemed non-responsive. At the time of the public opening, only the names of the offerors

- are read; no pricing or other data is revealed to avoid conflict during possible negotiations. The Accounts Payable Clerk will oversee the evaluation process.
- e. The Accounts Payable Clerk will review and rank all proposals individually on their technical merits and according to the criteria established in the bid documents as represented on the evaluation form. The Accounts Payable Clerk may contact offerors, if any clarification is needed on the proposal. Offerors whose proposal are ranked highest by the Accounts Payable Clerk may be asked to participate in an interview process to ensure mutual understanding of both the County's requirements and the offeror's proposal. Interviews may be conducted either in person or by telephone. However, the Accounts Payable Clerk may decide that interviews are not necessary and make recommendations to the County Manager for award based on information provided in the proposal.
 - f. If deemed necessary in an RFP, the Accounts Payable Clerk may enter into competitive negotiations with the firm or firms ranked highest after evaluations. This is a formal process that entails a written request for Best and Final Offers (BAFO) to be issued through the Finance/Purchasing Department. The Accounts Payable Clerk will review the BAFO response(s) and make a final recommendation based on this information.
 - g. The offeror that provides the County with the most reliable and cost-effective services, based on the established evaluation criteria will be recommended to the Board of Commissioners for approval. The award will be based on the best value, ***not necessarily the lowest price.***
 - h. The County reserves the right to accept or reject any or all bids.
 - i. Local Vendor Preference—A local vendor shall be afforded the opportunity to match the bid amount of the lowest responsive and responsible bid if 1) the lowest responsive and responsible bidder is not a local vendor; 2) the local vendor is the second lowest responsive and responsible bidder, and 3) the local vendor's bid is within five percent (5%) of the lowest bid.
 - i. Invitation to Bid (ITB) or any derivation thereof: If the quality, service, price and other factors are substantially equal, then a local vendor whose bid is within five percent (5%) of the lowest bid may be given an opportunity to match the lowest bid. This policy shall be stated in all applicable solicitations.
 - ii. Requests for Proposals (RFP) or any derivation thereof: Pierce County vendor preference of five percent (5%) or equivalent unit of measure, shall be provided as an evaluation criterion. For example, if a one-hundred-point evaluation scale is utilized, a local vendor would be given a total of five (5) points.
 - iii. For the purposes of this provision, a "Local Vendor" is one that has:
 - 1. A business which has its principal office located in and having a street address within Pierce County for at least one year immediately prior to the issuance of the quote/bid/proposal. Post Office Boxes (to include mail/shipping center addresses) are not eligible and shall

- not be sued for the purpose of establishing a physical address.
 - 2. A valid occupational tax certificate issued by a jurisdiction located in Pierce County.
 - 3. If incorporated, proof from the Georgia Secretary of State that the principal place of business is in Pierce County, Georgia.
 - 4. Must certify under oath to the above criteria upon submission for any bid, solicitation, or proposal to Pierce County.
- iv. Exclusions:
 - 1. Purchases made or contracts let under emergency or non-competitive situations.
 - 2. Projects greater than \$100,000.
 - v. To request the local vendor preferences, a vendor must include a complete Local Vendor Preference Affidavit of Eligibility with its submitted bid.
 - vi. In accordance with the Pierce County Purchasing Policy and Procedures, Chapter 7 (5), the County shall not engage in purchasing from any vendor(s)/contractor(s) that have failed to secure, renew, or pay any fees or taxes required by Pierce County, therefore exempting vendor(s)/contractor(s) from local vendor preference.
- j. Notice of Award/Notice to Proceed—Upon approval by the Board of Commissioners in an open meeting, the Accounts Payable Clerk will issue a purchase order, if applicable, send a Notice of Award/Notice to Proceed and will provide any required contract to the County Manager for proper execution.
 - k. Public Inspection of Notice of Award—Once the Notice of Award has been issued, all information submitted in response to the solicitation will be available for public inspection in compliance with federal, state and local laws.
 - l. Non-Responsive or Unacceptable Bids—The Finance/Purchasing Department shall reject any bid or proposal, which is materially non-responsive to the requirements set forth in the bid documents. The Accounts Payable Clerk may re-solicit bids or proposals if, in his/her discretion, bids received as a result of a solicitation for bids or proposals are not acceptable for any reason. Such re-solicitation shall not be for the purpose of directing the award to a particular bidder.
 - m. Change Orders—Any change order that increases the amount of any contract in excess of \$10,000 must be approved by the Board of Commissioners. The County Manager is authorized to approve and execute all change orders up to \$5,000. The Chairman of the Board of Commissioners is authorized to approve and execute all change orders up to \$10,000.
 - n. Contract Extensions—The County Manager or his/her designee is authorized to extend contracts up to 180 days to facilitate bidding of a new contract. An extension may only be granted one time by the County Manager or his/her

designee. All contract extensions over 180 days from the original contract shall require the approval of the Pierce County Board of Commissioners.

- o. Correction or Withdrawal of Bids—Correction or withdrawal of erroneous bids after opening, or cancellation of awards or contracts based on such bid mistakes, shall not be permitted. Bids shall indicate the unit price extended to indicate the total bid; in the event of an error in extension, unit price shall govern, except when the bidder clearly indicates the total price is based on consideration of being awarded the entire lot. (NIGP Section C, 17u)
- p. Competitive Bidding not Required in the following cases:
 - i. Purchase from federal, state, or other local governmental units. (NIGP Section J, 65)
 - ii. Recurring payments such as utilities, postage, telephone, principle and interest on debt.
 - iii. Sole source items, as determined by the Accounts Payable Clerk. In sole source procurement, only one vendor possesses the unique and singularly available capability to meet the requirement of solicitation, such as technical qualifications, ability to deliver at a particular time, services from a public utility or when there is a situation where a particular supplier or person is identified as the only qualified source available. While similar products may exist, the particular product may be proprietary. Justification for specifying and choosing such products is extremely important and must be clearly explained.
 - iv. Purchases under \$250—The Department Head, or his/her designee can make purchases without competitive bids if the total of each purchase is less than Two Hundred Fifty Dollars (\$250).
 - i. The Accounts Payable Clerk shall establish procedures sufficient to ensure compliance with the Board, the Code and proper purchasing practices for such purchases.
 - ii. The County Manager shall establish procedures sufficient to provide for the proper payment and accountability of such purchases authorized under this section.
 - iii. Purchases shall not be divided into smaller quantities of the same product or submitted on multiple purchase order to circumvent the Purchasing system.
- q. Tie Bids—The County Manager will make a recommendation of award to the Board in the event two or more bids are equal in cost. The County Manager may also, unless the terms, conditions, and specifications of the Invitation to Bid state to the contrary, elect to divide the contract award between two or more bidders, if the County Manager deems such action to be in the best interest of the County. Items that will be used to determine a tie break include, but are not limited to delivery time frame, prompt discounts, location of vendors' place of business.
- r. Bid Security
 - i. Requirement for Bid Bond-Bid security may be required for competitive sealed bids, proposal and for other items as determined by the County Manager or his/her designee. Bid security shall be a bond provided by a

surety company authorized to do business in the State of Georgia, or the equivalent in cash, or otherwise supplied in a form satisfactory to the County. Failure to provide security when requested in the bid documents, will result in rejection of the bid. If the bidder fails to honor the bid for any reason, then such bid security may be retained by the County and deposited to the General Fund.

- ii. Withdrawal of Bids—Bids or proposals may be revised, modified, or withdrawn by the bidder at any time **prior** to opening. Any such revision, modification, or withdrawal shall be in writing. After the bids are opened, they shall be irrevocable for the period specifies in the bid documents. Once a bid or proposal is opened, all documents shall become the property of the County.
- iii. Receipt of Bids—Bids or proposals will not be accepted after the deadline for submission regardless of the reason for such lateness, except for Acts of God. Bids or proposals received after the submission deadline may be returned to the offeror unopened.
- iv. Performance, Maintenance and Payment Bonds—Performance, maintenance and payment bonds may be required for competitive sealed bids, proposals, and for other items as determined by the Accounts Payable Clerk. Bid security shall be a bond provided by a surety company authorized to so business in the State of Georgia, or as otherwise secured in a manner satisfactory to the County, in the amount up to one hundred percent (100%) of the price specified in the bid or proposal.
- s. Right of Protest—Any bid protest must be filed within seven (7) business days of the date of Notifications of Award. Protests must be received in the office of the Finance/Purchasing Department and must contain the following information:
 - i. Company name, address, telephone number, and signature of the authorized representative
 - ii. Solicitation Number
 - iii. Detailed statement describing the grounds for protest
 - iv. Supporting evidence or documents to substantiate the claim

The Accounts Payable Clerk will review the information provided and render a decision within five (5) business days. If this decision is not satisfactory, the protest will then be forwarded to the County Manager. The County Manager has the right to either make a final decision or forward to the Board for a final decision. (NIGP Section C, 17y)

25.6 COMPETITIVE NEGOTIATION QUALIFICATIONS-BASED SELECTION FOR PROJECTS USING FEDERAL AID HIGHWAY PROGRAM (FAHP) FUNDING

Pierce County shall use the competitive negotiation method for the procurement of engineering and design related services when FAHP funds are involved in the contract (as specified in 23 U.A.C. 112(b) (2) (A)). The solicitation, evaluation, ranking, selection, and negotiation shall comply with the qualifications-based selection procurement procedures for architectural and engineering services codified under 40 U.S.C. 1101-1104, commonly referred to the Brooks Act.

In accordance with the requirements of the Brooks Act, the following procedures shall apply

to the competitive negotiation procurement method.

25.6.1 Solicitation—The solicitation process shall be by public announcement, public advertisement, or any other public forum or method that assures qualified in State and out of State consultants are given a fair opportunity to be considered for award of contract. Procurement procedures may involve a single step process with issuance of a Request for Proposal (RFP) to all interested consultants or a multiphase process with issuance of a Request for statements or letters of interest or Qualifications (RFQ) whereby responding consultants are ranked based on qualifications and request for proposals are then provided to three or more of the most highly qualified consultants. Minimum qualifications are submitted on an annual basis. Regardless of any process utilized for prequalification of consultants or for an initial assessment of a consultant's qualifications under an RFQ, and RFP specific to the project, task, or service is required for evaluation of a consultant's specific technical approach and qualifications.

25.6.2 Request for Proposal (RFP)—The RFP shall provide all information and requirements necessary for interested consultants to provide a response to the RFP and compete for the solicited services. The RFP shall:

- 1) Provide a clear, accurate, detailed description of the scope of work, technical requirements, and qualifications of consultants necessary for the services to be rendered. The scope of work shall detail the purpose and description of the project, services to be performed, deliverable to be provided, estimated schedule for performance of the work, and applicable standards, specifications, and policies;
- 2) Identify the requirements for any discussions that may be conducted with three (3) or more of the most highly qualified consultants following submission and evaluation of proposals;
- 3) Identify evaluation factors including their relative weight of importance in accordance with subparagraph 6(2) (a) of this section;
- 4) Specify the contract type and method(s) of payment to be utilized in accordance with 23 CFR § 172.9;
- 5) Identify any special provisions or contract requirements associated with the solicited services;
- 6) Require the submission of any request cost proposals or elements of cost be in a concealed format and separate from technical/qualifications proposals as these shall not be considered in the evaluation, ranking, and selection phase; and
- 7) Provide a schedule of key dates for the procurement process and establish a submittal deadline for responses to the RFP which provides sufficient time for interested consultants to receive notice, prepare, and submit a proposal, which except in unusual circumstances shall be not less than 14 days from the date of issuance of the RFP.

25.6.3 Evaluation Factors:

- a. Criteria used for evaluation, ranking, and selection of consultants to perform engineering and design related services must assess the demonstrated competence and qualifications for the type of professional services solicited.

These qualifications-based factors may include, but are not limited to, technical approach (e.g., project understanding, innovative concepts or alternative, quality control procedures), work experience, specialized expertise, professional licensure, staff capabilities, workload capacity, and past performance.

- b. Price shall not be used as a factor in the evaluation, ranking and selection phase. All price or cost related items which include, but are not limited to, cost proposals, direct salaries/wage rates, indirect cost rates, and other direct costs are prohibited from being used as evaluation criteria.
- c. In-State or local preference shall not be used as a factor in the evaluation, ranking, and selection phase. State licensing laws are not preempted by this provision and professional licensure within a jurisdiction may be established as a requirement which attests to the minimum qualifications and competence of a consultant to perform the solicited services.
- d. The following non-qualifications-based evaluation criteria are permitted under the specified conditions and provided the combined total of these criteria do not exceed a nominal value of ten percent (10%) of the total evaluation criteria to maintain the integrity of a qualifications-based selections:
 - i. A local presence may be used as a nominal evaluation factor where appropriate. This criterion shall not be based on political or jurisdictional boundaries and may be applied on a project-by-project basis for contracts where a need has been established for a consultant to provide a local presence. A local presence will add value to the quality and efficiency of the project, and application of this criteria leaves an appropriate number of qualified consultants, given the nature and size of the project. If a consultant outside of the locality area indicates as part of a proposal that it will satisfy the criteria in some manner, such as establishing a local project office, that commitment shall be considered to have satisfied the local presence criteria.
 - ii. The participation of qualified and certified Disadvantaged Business Enterprise (DBE) sub-consultants may be used as a nominal evaluation criterion where appropriate in accordance with 49 CFR Part 26 and Pierce County's FHWA-approved DBE program.

25.6.4 Evaluation, Ranking, and Selection

- a. Consultant Proposal shall be evaluated by Pierce County based on the criteria established and published within the public solicitation.
- b. While the contract will be with the prime consultant, proposal evaluations shall consider the qualifications of the prime consultant and any sub-consultants identified within the proposal with respect to the scope of work and established criteria.
- c. Following submission and evaluation of proposals, Pierce County shall conduct interviews or other types of discussions determined to be the three of the most highly qualified consultants to clarify the technical approach, qualifications, and capabilities provided in response to the RFP. Discussion requirements shall be specified within the RFP and shall be based on the size and complexity of the project as defined in Pierce County's written policies and procedures (as

specified in 23 CFR §172.5 (c)). Discussions following proposal submission are not required, provided proposals contain sufficient information for evaluation of technical approach and qualifications to perform the specific project, task, or service with respect to established criteria.

- d. From the proposal evaluation and any subsequent discussions which have been conducted, Pierce County shall rank, in order of preference, at least three consultants determined most highly qualified to perform the solicited services based on the established and published criteria.
- e. Notification must be provided to responding consultants of the final ranking of the three most highly qualified consultants.
- f. Pierce County shall retain acceptable documentation of the solicitation, proposal, evaluation, and selection of the consultant in accordance with the provisions of 49 CFR § 18.42.

25.6.5 Negotiation:

- a. Independent estimate: Prior to receipt or review of the most highly qualified consultant's cost proposal, Pierce County shall prepare a detailed independent estimate with an appropriate breakdown of the work or labor hours, types or classifications of labor required, other direct costs, and consultant's fixed fee for the defined scope of work. The independent estimate shall serve as the basis for negotiation and ensuring the consultant services are obtained at a fair and reasonable cost.
- b. Elements of contract costs (e.g., indirect cost rates, direct salary or wage rates, fixed fee, and other direct costs) shall be established in accordance with 23 CFR § 172.11.
- c. If concealed cost proposals were submitted in conjunction with technical/qualifications proposals, only the cost of the consultant with which negotiations are initiated may be considered. Concealed cost proposals of consultants with which negotiations are not initiated should be returned to the respective consultant due to the confidential nature of this data (as specified in 23 U.S.C. 112(b)(2)(e)).
- d. Pierce County shall retain documentation of negotiation activities and resources used in accordance with the provisions of 49 CFR 18.42. This documentation shall include the consultant cost certification and documentation supporting the acceptance of the indirect cost rate to be applied to the contract as specified in 23 CFR § 172.11(c).

25.6.6 Small Purchases

The small purchases method involves procurement of engineering and design related services where an adequate number of qualified sources are reviewed and the total contract costs do not exceed an established simplified acquisition threshold. Pierce County may use the State's small purchase procedures which reflect applicable State laws and regulations for the procurement of engineering and design related services provided to the total contract costs do not exceed the Federal simplified acquisition threshold (as specified in 48 CFR 2.101). When a lower threshold for use of small purchase procedures is established in State law, regulations, or policy, the lower threshold shall apply to the use of FAHP funds. The

following additional requirements shall apply to the small purchase's procurement method:

- a. The scope of work, project phases, and contract requirements shall not be broken down into smaller components merely to permit the use of small purchase procedures.
- b. A minimum of three consultants are required to satisfy the adequate number of qualified sources reviewed.
- c. Contract costs may be negotiated in accordance with State small purchase procedures; however, the allowed ability of costs shall be determined in accordance with the Federal cost principles.
- d. The full amount of any contract modification or amendment that would cause the total contract amount to exceed the established simplified acquisition threshold would be ineligible for Federal-aid funding. The FHWA may withdraw all Federal-aid from a contract if it is modified or amended above the applicable established simplified acquisition threshold.

25.6.7 Noncompetitive Method

The noncompetitive method involves procurement of engineering and design related services when it is not feasible to award the contract using competitive negotiation or small purchase procurement methods. The following requirements shall apply to the noncompetitive procurement method:

- a. Pierce County may use their own noncompetitive procedures which reflect applicable State and local laws and regulations and conform to applicable Federal requirements.
- b. Pierce County shall establish a process to determine when noncompetitive procedures will be used and shall submit justification to, and receive approval from, the FHWA before using this form of contracting.
- c. Circumstances under which a contract may be awarded by Noncompetitive procedures are limited to the following:
 - 1) The service is available only from a single source;
 - 2) There is an emergency which will not permit the time necessary to conduct competitive negotiations; or
 - 3) After solicitation of a number of sources, competition is determined to be inadequate;
 - 4) Contract costs may be negotiated in accordance with Pierce County's noncompetitive procedures; however, the allowed ability of costs shall be determined in accordance with the Federal cost principles.

25.6.8 Additional Procurement Requirements:

- a. Common Grant Rule
 - Pierce County must comply with procurement requirements established in State and local laws, regulations, policies, and procedures which are not addressed by or in conflict with applicable Federal laws and regulations (as specified in 49 CFR 18.36).
 - When State and local procurement laws, regulation, policies, or procedures are in conflict with applicable Federal laws and regulations, Pierce County must comply with Federal requirements

to be eligible for Federal-aid reimbursement of the associated costs of the services incurred following FHWA authorization (as specified in 49 CFR 18.4).

- b. Disadvantaged Business Enterprise (DBE) Program:
Pierce County shall give consideration to DBE consultants in the procurement of engineering and design related service contracts subject to 23 U.S.C. 112 (b) (2) in accordance with 49 CFR part 26. When DBE program participation goals cannot be met through race-neutral measures, additional DBE participation on engineering and design related services contracts may be achieved in accordance with Pierce County's FHWA approved DBE program through either:
 - 1) Use of an evaluation criterion in the qualifications-based selection of consultants (as specified in 23 CFR §172.7 (a) (1) (iii) (D)); or
 - 2) Establishment of a contract participation goal.
 - 3) The use of quotas or exclusive set-asides for DBE consultants is prohibited (as specified in 49 CFR 18.35 and 2 CFR part 180.
- c. Suspension and Debarment:
Pierce County must verify suspension and debarment actions and eligibility status of consultants and sub-consultants prior to entering into an agreement or contract in accordance with 49 CFR 18.35 and 2 CFR part 180.

25.7 VENDORS

- 25.7.1** Any vendor or contractor that defaults on their quoted price (sealed, written, or oral) without just cause shall be considered an irresponsible bidder and will be disqualified from doing business with the County for a length of time to be determined by the County Manager. (NIGP Section C, 17q)
- 25.7.2** A record of the Vendor's/Contractor's performance in fulfilling the terms of the contract, will be kept on file in the Finance/Purchasing Department. A poor performance record may cause a Vendor/Contractor to be banned from doing business with the County for an indefinite period of time at the discretion of the County Manager. (NIGP Section C, 17z)
- 25.7.3** To stimulate business and economic activity within the County area, as well as, for convenience, purchases may be made from local County Vendors whenever their quotes are as low or lower than the other quotes received. Travel, time, and shipping charges, etc. may be taken into account in determining the lowest cost. The chosen local Vendor's qualifications and requirements of the contract must be the same as other Vendors, unless otherwise deemed advantageous by the County Manager.
- 25.7.4** Local Vendor Preference—see Chapter 5(2)(i).
- 25.7.5** The County shall not engage in purchasing from any Vendor(s)/Contractor(s) that have failed to secure, renew, or pay any fees or taxes required by Pierce County.
- 25.7.6** State Contracts—When available, the use of State contracts is encouraged. State contracts may not be the most advantageous for the County, therefore appropriate quotes will still be required.
- 25.7.7** Single Source Items—Items that have only ONE distributor in the area for the requested item, Single Source shall be noted on the purchase order/requisition.

25.7.8 Sole Source Items (No other items known to exist)—Any item to be purchased from a sole source vendor must be done in writing from the department stating that there is only a sole source vendor for the particular item or service. The reasons that the “sole source” status must be supplied and will be kept on file in the Finance/Purchasing Department. The reason(s) should also be kept in the initiating department. (NIGP Section C, 17j)

25.7.9 Conflict of Interest—Any elected official, appointed official, employee or relative of any of these, who is in the position to influence the procurement process whether directly or indirectly, shall not do any business with the County except in accordance with O.C.G.A. § 16-10-2 and any other Georgia Law(s) that may apply in the future. Any such transaction(s) that is in violation, unless approved in advance by the Board of Commissioners, shall make any contract or other transaction(s) null and void. Officials or employees of the County shall remove themselves from the decision-making process when there is an apparent or actual conflict of interest.

**No violation exists if:

- a. Sale/Purchase of property is less than \$200 per calendar quarter
- b. Sale/Purchase of property is done in accordance with the competitive sealed bid process
- d. E-Verify Requirements—The Georgia E-Verify law requires contractors and all sub-contractors on Georgia public contracts for services over \$2,499.99 in value, to enroll in E-Verify, regardless of the number of employees. A contractor or sub-contractor may be exempt from this requirement if the contractor or sub-contractor has no employees and does not hire or intend to hire employees for the purpose of completing any part of the public contract. Certain professions are also exempt.

For a public contract, contractors must sign the [Contractor E-Verify Affidavit](#), (Section 25.10) all subcontractors must sign the [Subcontractor E-Verify Affidavit](#) (Section 25.11) and all Sub-subcontractors must sign the [Sub-Subcontractor Affidavit](#) (Section 25.12). The government agency is required to ensure that the Contractor E-Verify Affidavit is part of the contract; however, the contractor is responsible for all subcontractor affidavits and the subcontractors are responsible for the sub-subcontractors affidavits. E-Verify is not required for contracts solely involving the purchase of goods by a government agency.

25.8 DISPOSAL OF OBSOLETE, SURPLUS, OR SCRAP PROPERTY (NIGP Section I)

Whenever departments have obsolete supplies, material or equipment that are surplus to their needs, these items shall be disposed of by the Accounts Payable Clerk in compliance with this policy. (NIGP Section I, 58)

Departments will complete and forward to Purchasing a Surplus Notice Form (available from the Accounts Payable Clerk), providing detailed information on the item surplus, (i.e. does it still work, description of the problem or reason for surplus, etc.). The Accounts Payable Clerk will dispose of surplus property in the manner that is deemed the most appropriate and that will provide the County with the greatest benefit. (NIGP Section C, 17c) This may be accomplished in any one or more of the following ways:

1. Redistribution to another County department.

2. Public auction (Internet or local).
3. Donation—The Finance/Purchasing Department; with approval from the County Manager; may donate surplus property to a requesting government, or properly documented not-for profit agency.
4. Scrap—In the event that none of the above methods is appropriate and the Accounts Payable Clerk deems the item to have no monetary value, it may be disposed of as scrap.

Proceeds from the sale of surplus property will be accounted for by fund and submitted to the County Manager for processing and application to the respective department or the general fund as deemed in the best interest of the County.

25.9 ETHICS (NIGP Section C, 15)

The Purchasing Department subscribes to the Code of Ethics of the National Institute of Governmental Purchasing (NIGP) and believes that the following ethical principles should govern the conduct of every person employed by a public sector procurement or materials management organization.

1. Seeks or accepts a position as an employee only when fully in accord with the professional principles applicable thereto and when confident of possessing the qualifications to serve under those principles to the advantage of the Pierce County Board of Commissioners.
2. Believes in the dignity and worth of the service rendered by the organization, and the societal responsibilities assumed as a trusted public servant.
3. Is governed by the highest ideal of honor and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the organization and the public being served.
4. Believes that personal aggrandizement or personal profit obtained through misuse of public or personal relationships is dishonest and not tolerable.
5. Identifies and eliminates participation of any individual in operational situations where a conflict of interest may be involved.
6. Believes that members of the Board and its staff should at no time or under any circumstances accept, directly or indirectly, gifts, gratuities, or other things of value from suppliers, which might influence or “appear” to influence purchasing decisions.
7. Keeps the governmental organization informed, through appropriate channels, on problems and progress of applicable operations by emphasizing the importance of the facts.
8. Resists encroachment on control of personnel in order to preserve integrity as a professional manager. Handles all personnel matters on a merit basis, and in compliance with applicable laws prohibiting discrimination on the basis of politics, religion, color, national origin, disability, gender, age, pregnancy and other protected characteristics.
9. Seeks or dispenses no personal favors. Handles each administrative problem objectively and emphatically, without discrimination.
10. Subscribes to and supports the professional aims and objects of the National Institute of Governmental Purchasing, Inc.

25.10 Contactor Affidavit under O.C.G.A. §13-10-91(b)(1)

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. §13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services on behalf of (*name of public employer*) has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. §13-10-91. Furthermore, the undersigned contractor will continue to use the federal work authorization program throughout the contract period and the undersigned contractor will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the contractor with the information required by O.C.G.A. §13-10-91(b). Contractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

Federal Work Authorization User Identification Number

Date of Authorization

Name of Contractor

Name of Project

Name of Public Employer

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, _____, 202__ in _____(city), _____(state).

Signature of Authorized Officer or Agent

Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME
ON THIS THE _ DAY OF _____, 202__.

NOTARY PUBLIC

My Commission Expires:

25.11 Subcontractor Affidavit under O.C.G.A. §13-10-91(b)(3)

By executing this affidavit, the undersigned subcontractor verifies its compliance with O.C.G.A. §13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services under a contract with (*name of contractor*) on behalf of (*name of public employer*) has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. §13-10-91. Furthermore, the undersigned subcontractor will continue to use the federal work authorization program throughout the contract period and the undersigned subcontractor will contract for the physical performance of services in satisfaction of such contract only with sub-subcontractors who present an affidavit to the subcontractor with the information required by O.C.G.A. §13-10-91(b). Additionally, the undersigned subcontractor will forward notice of the receipt of an affidavit from a sub-subcontractor to the contractor within five business days of receipt. If the undersigned subcontractor receives notice that a sub-subcontractor has received an affidavit from any other contracted sub-subcontractor, the undersigned subcontractor must forward, within five business days of receipt, a copy of the notice to the contractor. Subcontractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

Federal Work Authorization User Identification Number

Date of Authorization

Name of Contractor

Name of Project

Name of Public Employer

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, _____, 202__ in _____(city), _____(state).

Signature of Authorized Officer or Agent

Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME
ON THIS THE _ DAY OF _____, 202__.

NOTARY PUBLIC

My Commission Expires:

25.12 Subcontractor Affidavit under O.C.G.A. §13-10-91(b)(4)

By executing this affidavit, the undersigned sub-subcontractor verifies its compliance with O.C.G.A. §13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services under a contract for (name of subcontractor or sub-subcontractor with whom such sub-subcontractor has privity of contract) and (name of contractor) on behalf of (name of public employer) has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. §13-10-91. Furthermore, the undersigned sub-subcontractor will continue to use the federal work authorization program throughout the contract period and the undersigned sub-subcontractor will contract for the physical performance of services in satisfaction of such contract only with sub-subcontractors who present an affidavit to the sub-subcontractor with the information required by O.C.G.A. §13-10-91(b). The undersigned sub-subcontractor shall submit, at the time of such contact, this affidavit to (name of subcontractor or sub-subcontractor with whom such sub-contractor has privity of contract). Additionally, the undersigned sub-subcontractor will forward notice of the receipt of any affidavit from a sub-subcontractor to (name of subcontractor or sub-subcontractor with whom such sub-subcontractor has privity of contract). Sub-subcontractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

Federal Work Authorization User Identification Number

Date of Authorization

Name of Contractor

Name of Project

Name of Public Employer

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, _____, 202__ in _____(city), _____(state).

Signature of Authorized Officer or Agent

Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME

ON THIS THE _ DAY OF _____, 202__.

NOTARY PUBLIC

My Commission Expires:

Section 26 – Purchasing Card

26.1 PURCHASING CARD PROGRAM OVERVIEW

Purchasing Cards will be issued to Pierce County employees only.

Employee's Department Head must approve the request for a card.

Department Heads or employee must immediately report the loss of a card as well as any unauthorized use.

26.2 PURCHASING CARD ADMINISTRATOR RESPONSIBILITIES

The County Clerk will be assigned as the Purchasing Card Administrator or will designate another in the finance department and will be responsible for the over-all Purchasing Card program. Responsibilities include:

- Organization liaison with Bank of America
- Reviewing Department Head request for use of Purchasing Card.
- Training new employees on the proper use of the cards before releasing a Purchase Card.
- Having cardholder sign Cardholder Agreement (Attachment 1), signifying agreement with the terms of the Purchasing Card program.
- Submitting new applications to Bank of America and receiving purchasing cards from Bank of America.
- Closing a card when an employee is no longer employed with the county.
- Handling disputed charges/discrepancies with Bank of America.
- Receiving and reviewing Bank of American bill.
- Liaison with the fraud department of Bank of American for any fraudulent charges.
- Preparing bill for payment and submitting to Finance for payment.
- Reviewing usage of Purchasing Card for appropriateness.
- Ensuring that lost/stolen cards have been blocked by Bank of America.
- Assisting the Department Heads/Elected Officials with emergency transactions.

26.3 CARDHOLDER ELIGIBILITY

Criteria to receive a Purchasing Card is as follows:

- Applicant must be an employee of Pierce County.
- Applicant's request for a Purchasing card must be approved by his/her Department Head.
- Employees must be trained by the Purchasing Card Administrator as to the requirements for using a card before they receive a Purchasing card.
- Employees must turn in a Travel Expense Voucher with **ALL** receipts attached to the form. If a receipt is lost, a written and signed explanation must be attached to the form. The form must be signed by the department head.
- An employee may be subject to disciplinary action and/or termination for causes such as:
 - ❖ The Purchasing Card is used for personal or unauthorized purposes.
 - ❖ The Purchasing Card is used to purchase alcoholic beverages or any substance, material, or service which violates policy, law or regulation pertaining to Pierce County.

- ❖ The cardholder allows the card to be used by another individual while in their possession.
- ❖ The cardholder splits a purchase to circumvent the limitations of the Purchasing Card.
- ❖ The cardholder fails to provide their department head or the County Clerk with required receipts.
- ❖ The cardholder does not adhere to all the Purchasing Card policies and procedures.
- Employees must sign a Cardholder Agreement in the presence of the Purchasing Card Administrator.

26.4 LOST, MISPLACED OR STOLEN PURCHASING CARDS

Cardholders are required to immediately report any lost or stolen Purchasing Card to their department head and/or the County Clerk at the first opportunity possible.

26.5 ERRONEOUS DECLINES

Should the Purchasing Card be erroneously declined by a vendor, the card holder should immediately notify the County Clerk for assistance. If the purchase is being made outside of normal business hours, the employee may contact the County Clerk or the employee must find an alternate payment method or terminate the purchase. Cardholders will be reimbursed for any purchases that they may have to pay for.

26.6 SECURITY AND STORAGE

26.6.1 Purchasing Cards - Cardholders should always treat the Purchasing Cards with at least the same level of protection as one does their own personal credit cards. The cards should be maintained in a secure location and the card account number should be carefully guarded. The only person entitled to use the card is the one who has been issued the card by the County Clerk or Finance Department representative. The card may not be lent to another person for any reason.

26.6.2 Program Documentation - The County Clerk will maintain the cardholder information and other correspondence with Bank of America. This correspondence may include, but is not limited to, applications, Cardholder Agreements, bill statements, reconciliation of statements and copies of transmittals and correspondence with Bank of America. The Finance Department will maintain all billing payments to include statements and all vendor receipts/packing slips/charge slips. All other documentation concerning the Purchasing Card program will be maintained by the Purchasing Card Administrator located in the County Commission office.

26.7 PURCHASING CARD SET UP, MAINTENANCE, AND CLOSURE

All contact with Bank of America for Purchasing Card set up, maintenance and closure (except for stolen or lost cards) will be handled by the Purchasing Card Administrator.

26.8 Card Set Up

The Program Administrator will submit a Cardholder Information Form to the Bank of American liaison assigned to the Pierce County Board of Commissioners to request a new card. The form must be signed by the County Chairman.

26.9 Card Maintenance

The Purchasing Card Administrator will submit all maintenance requests to Bank of America.

26.10 Closure-Lost or Stolen Cards

The cardholder must immediately report lost/stolen cards to their department head or to the Purchasing Card Administrator.

The Purchasing Card Administrator must immediately report lost/stolen cards to Bank of America.

26.11 RECONCILIATION, APPROVAL & AUDIT OF BILLING

26.11.1 Receipt and Payment of Bank of America Billing

- At the close of the monthly billing cycle, Bank of America will send a paper billing statement to Pierce County.
- Purchasing Card Administrator will review bill and payment in full will be made to Bank of America.
- Purchasing Card Administrator will make sure that all receipts are attached to each individual statement received.
- Purchasing Card Administrator will prepare payment voucher and submit to finance department for payment to be issued to Bank of America. Voucher will be prepared within 5 days after the receipt of the bill and processed so that payment will reach Bank of American on or before the due date.

26.11.2 Audit

Pierce County's internal control policies and procedures will be followed. The Purchasing Card Administrator will retain all receipts and vouchers for audit by internal and external auditors. Receipts for purchases are to be maintained by Open Records Act for retention of public records.