# Montgomery County Tennessee Employee Personnel Policy Manual




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This policy manual supersedes and replaces any and all previous Policy manuals published prior to May 13, 2019.

# Table of Contents


Introduction 12

Purpose 12

Responsibility 12

Coverage 12

Severability 12

The Personnel Program 12

Administration of Policies and Procedures 13

Departmental Policy Handbooks 13

Elected Officials 14

Personnel Records 14

Open Door Policy 15

Section I: Employment 16

Equal Employment Opportunity 16

At Will Employment 16

Accommodating Disabilities 17

Recruitment 17

Internal Recruitment 17

Employee Responsibilities 17

Department Head/Elected Officials’ Responsibilities 17

Human Resources' Responsibilities 18

Recruitment Process 18

Verification of Information 19

Reference Request 19

Pre-employment Screening 20

Background Investigations 20

Drug Screening 21

Substances Covered by Drug/Alcohol Testing 21

Testing Methods and Procedure 21

Medical Screening 22

Employment Eligibility Verification 23

Emergency Appointment 23

Reinstatement 23

Definition of Employment Status 24

Introductory Period 24
Time Period 24
Conditions 25
Evaluation 25
Extensions 25
Completion of Introductory Period 25
Workweek 25
Transfers 25
Promotions 26
Reemployment after Termination 26
Employment of Relatives 26
Definition of Relative 27
Employment of Minors 27
Personal Relationships 27
Outside/Off Duty Employment 28
Section II: Standards of Conduct 30
Equal Employment Opportunity (EEO) Procedures 30
Discrimination/Harassment 30
Discrimination/Harassment Procedures 31
Sexual Harassment 32
Discrimination/Sexual Harassment Complaint Procedures 33
Violence and Bullying 34
Definitions 34
Standards of Behavior 35
Honesty and Fairness 35
County Records 35
County Funds 35
Use of Montgomery County Government Resources 36
Gifts, Gratuities, and Favors 36
Entertainment and Hospitality 36
Violations 36
Conflict of Interest 36
Conflict Prohibitions 36
Code of Ethics 37
Section 1. Definitions 37

Section 2. Disclosure of Personal Interest in Voting Matters 37
Section 3. Disclosure of Personal Interest in Non-Voting Matters 38
Section 4. Acceptance of Gifts and Other Things of Value 38
Section 5. Ethics Complaints 38
Section 6. Applicable State Laws 39
Political Activity 42
Federal Hatch Act 42
Soliciting and Distribution of Literature 42
Distribution by Non-Employees 43
Distribution by Employees 43
Electronic Communications 44
Business/Personal Use 44
Use of Internet 45
E-Mail and Voice Mail 45
Authorized Access/Security/Privacy 46
Use of Copyright Protected Material 46
System Security after Termination of Employment 47
Drug-Free Workplace 47
Conviction for Workplace Drug Offenses 48
Drug-Free Workplace Procedures 49
Responsibility 49
Exceptions — Medically Prescribed Drugs 49
Drug and Alcohol Testing 49
Opportunity to Contest or Explain Test Results 50
Searches and Inspections 51
Off the Job 51
Consequence of Violation of This Policy 51
Disciplinary Recourse 51
Employment at Will 52
Weapons in the Workplace 52
Tobacco Free Workplace 53
Employee’s Responsibility 53
Employer’s Responsibility 54
Cellular Telephone Usage 54
Personal Cellular Telephones 54

Camera Phones 54
Cellular Telephones Issued by Montgomery County Government 55
Cellular Phone Use 55
Special Responsibilities for Managerial Staff 56
Cell Phone Mismanagement 56
Personal Web Sites and Web Logs 56
Section III: Compensation 56
Wage and Salary Administration 57
Exemption Determination 57
Position Evaluation 57
Position Descriptions 57
Adding Classifications or Individual New Positions 58
Reclassifications 58
Pay Procedures 58
Paydays 58
Pay Periods 58
Pay Deductions 58
Mistakes on Paychecks 59
Direct Deposit 59
Overtime Compensation (General County) 59
Overtime Computation 59
Compensatory Time 59
Compensatory Leave 60
Overtime Compensation (Law Enforcement) 60
Overtime Computation (Law Enforcement) 60
Wage Garnishment 61
Summary of Act 61
Employee Responsibility 61
Employer Responsibility 61
Limitations on Deductions 62
Exemptions from Restrictions on Garnishments 62
Deductions from Pay 62
Business Travel 63
Pay Exceptions 63
Special Pay 63

Section IV: Work Schedules 64
Work Schedules 64
Work Hours and Work Week 64
Deviation From Hours 65
Flexible Hours 65
Section V: Attendance 65
Absenteeism and Tardiness 65
Excused Absences 67
Employee's Responsibility 67
Immediate Supervisor’s Responsibility 68
Discipline/Corrective Action for Attendance/Tardiness 68
Unexcused Absences 68
Tardiness or Early Departure 68
Recurrent Attendance Problem 69
No Call/No Show Occurrence 69
Job Abandonment 69
Section VI: Leave and Time Off 69
Holidays (Updated 7/1/2026) 69
Eligibility (Updated 7/1/2026) 70
Holiday Falling during Annual Leave 70
Saturday/Sunday Holiday 70
Holidays Occurring during Leaves of Absence 70
Holidays Worked (Updated 7/1/2026) 70
Annual Leave (Updated 7/1/2026) 71
Accrual (Updated 7/1/2026) 71
Accumulation of Annual Leave (Updated 7/1/2026) 72
Annual Leave Planning (Updated 7/1/2026) 73
Holiday Falling during Annual Leave 73
Illness during Annual Leave 73
Annual Leave Pay 73
Terminal Annual Leave Pay (Updated 7/1/2026) 74
Supervisor’s Responsibility 74
Sick Leave 74
Accrual 74
Pay Status 75

Coverage 75
Limitations or Exclusions 75
Sick Leave Notification 75
Sick Leave Planning 75
Verification 76
Holiday Falling during Sick Leave 76
Sick Leave Pay 76
Sick Leave Abuse 76
Disposition of Unused Sick Leave 77
Sick Leave Sharing 77
Coverage 78
Parameters for Leave Sharing Program 78
Exclusions 79
Limitations 79
Returning to Work 79
Tennessee Parental Leave Act 80
Family/Medical Leave (FMLA) 82
Eligibility 82
Types of Leaves 82
Military Caregiver Leave 82
Married Couples Who Work for Montgomery County Government 83
Leave Duration 83
Intermittent Leave 83
Concurrent Leave 84
Responsibility and Notification Procedure 84
Employee Responsibility 84
Management's Responsibility 85
Human Resources' Responsibility 85
Medical Certification 86
Pay during Leave 87
Accrual of Sick and Annual Leave 87
Benefits Coverage 87
Return to Work 88
Leave beyond Twelve Weeks 90
FMLA Definitions 90

Types of Qualifying Duty 92
Bereavement Leave (Updated 7/1/2026) 96
Bereavement Pay 97
Definition 97
Military Leave 97
Jury and Witness Duty 98
Jury Duty 98
Wages 98
Witness Duty 99
Voting Leave 99
Administrative Leave 100
Leave of Absence Without Pay 100
Section VII: Employee Benefit Programs 100
Benefit Plans 100
Administrative Responsibilities 101
Programs 101
Employer Contribution to Employee Benefits 101
Qualified Status Events 101
Legally Mandated Benefits 102
Non-mandated County Sponsored Benefits 102
Employee Insurance 103
Coverage Effective Date 103
Insurance Deductions 103
Flexible Spending Accounts 103
Benefits Continuation—COBRA 103
Eligibility for COBRA 103
Qualifying Events 104
Coverage 104
Coverage Period 104
Notice 105
Election of Coverage 105
Premium Payments 106
Terminating COBRA 106
Retirement Program 106
Tennessee Consolidated Retirement System (TCRS) 106

Montgomery County Government Retirement Incentive Program 107
Employee Assistance Program (EAP) 107
Self-Referral 108
Mandatory Referrals 108
Child Care 109
Elder Care 109
Employee Wellness 110
A Healthy Working Environment 110
Disability 110
Stress and Mental Health 110
The Sensible Limits to Privacy 111
Protection from Injury and Exposure to Infection 111
Protecting Colleagues from Exposure to Infection 111
Section VIII: Work Rules and Discipline 111
Work Rules 111
Car Pool Usage 113
Insurability 113
Dress and Personal Appearance 114
Standard of Dress 114
Employee Responsibility 115
Inclement Weather Conditions 115
Examples of Dress Standards 116
Discipline and Corrective Action 117
Corrective Counseling 118
Step One: Verbal Warning 118
Step Two: Written Warning 119
Step Three: Second (Final) Written Warning 119
Suspension 119
When to Suspend an Employee 120
Step Four: Termination 120
Documentation and Record 121
Immediate Termination 122
Active Status of Warnings 123
Retaliation 123
Guide to Disciplinary Action 123

Dismissals 128
Investigations 128
Cooperation with Investigation 128
Applicability to Public Safety Officers 128
Section IX: Termination of Employment 128
Termination of Employment 129
Notice of Resignation 129
Termination Pay Allowance 129
Voluntary Resignation with Notice 129
Revocation of Voluntary Resignation 130
Exit Interview 130
Resignation without Notice Procedure 131
Job Abandonment 131
Failure to Call In 132
Failure to Return from Leave of Absence 132
Supervisor's Responsibility 132
Medical Termination 133
Involuntary Terminations 133
Worker Adjustment and Retraining Notification Act of 1989 133
Layoff 133
Termination Payment 134
Death of an Active Employee 134
Department Head or Elected Official's Responsibility 134
Human Resources' Responsibility 134
Section X: Safety and Health 135
Safety Program 135
Safety Procedures 135
Emergency Situations 135
Threats or Acts of Violence 136
Individual Situations 136
Reporting Procedures 136
Dangerous/Emergency Situations 137
Media Relations 137
Specific Hazards 137
Workplace Violence (Employee or Non-employee) 137

Definitions 139
Bomb Threat 139
Bomb Threat: Call Received 139
Basic Security Guidelines 140
Weather Emergencies 141
Early Closing or Delayed Opening 141
Weather Emergency Operations 141
Accounting for Time Due to Official Delays, Early Closing or Full Day Weather Closing 141
Definitions 142
Tobacco Free Workplace 142
On-the-Job Injury (OJI) 143
Reporting Injuries and Illnesses 143
Payment of Medical Expenses 143
Follow-up of Injury/Illness 143
Return to Work 143
Definitions 144
Modified (Light/Restricted) Duty 144
Return to Work 145
Section XI: Communications 145
Public Information 145
Media Relations 146
Production and Dissemination of Press Releases 146
Commission and Other Public or Governmental Meetings, Hearings, and Events 146
Exceptions 147
Role and Responsibilities 147
Glossary 148
Receipt and Acknowledgement 172
Computer Access Security Agreement 173
Employee Acknowledgment 174
Conflict of Interest Disclosure Statement 175

# Introduction

## Purpose

To provide uniform policies, guidelines and procedures for employment; standards of conduct; compensation; employee benefit programs; job performance; discipline and rules; attendance and time off; termination of employment; safety and health; communications; and other Montgomery County Government employee programs.

## Responsibility

It is the joint responsibility of each employee's immediate supervisor, Department Head, Elected Official, Human Resources and County Mayor or designated representative to administer these policies fairly and consistently. It is also the responsibility of the employee to abide by these policies.

## Coverage

These policies and procedures apply to all employees in departments under the jurisdiction of the County Mayor and participating Elected Officials, unless otherwise specifically stated. Departments under the jurisdiction of the County Mayor include: Accounts and Budgets; Adult Probation; Ag Extension; Animal Control; Archives; Bi-County Landfill; Building & Codes; Building Maintenance; Chancery Courts; Community Corrections; Courts Complex; Maintenance & Facilities; E-911; EMA; EMS; Election Commission; Health Department; Human Resources; Information Systems; Judicial Commission; Juvenile Court; Purchasing; and Veterans Administration.

## Severability

It is understood and agreed that if any part, term or provision of this handbook be declared in conflict with any law, the validity of the remaining portions shall not be affected and shall be enforced as if the handbook did not contain the particular part, term or provision held to be invalid.

## The Personnel Program

The objectives and goals of the Montgomery County Government Personnel program are:

1. The role of personnel management is to develop and administer personnel policies, procedures, and techniques, which consist of the entire, broad course of action governing all employees of the organization. The personnel program as developed, is to be implemented by the Human Resources Department.
2. The personnel program is both a management control and a service to the County Mayor and participating Elected Officials. Continuous contact and communication with other

Montgomery County Government offices will assure proper coordination and cooperation.

3. Appointment, promotions, retention, and all personnel activities will be administered in accordance with applicable legal guidelines and the Montgomery County Government policy manual.

**Administration of Policies and Procedures**

Certain officials and employees who are responsible for administering the Personnel program:

a. The County Mayor, with the assistance of the Human Resources Director, shall determine the major personnel policies for all Montgomery County Government employees under their supervision.

b. The Human Resources Director shall administer the personnel program, which will include the following:

   - maintain a position classification and salary and wage plan;
   - supervise and maintain the Montgomery County Government Payroll System;
   - develop a continuous recruitment program;
   - administer the system of employment and determine eligibility of individuals for entrance into service and for promotions;
   - administer the Performance Evaluation system;
   - assist in programs of employee training;
   - administer programs of accident prevention and employee safety;
   - maintain personnel records;
   - administer and coordinate employee benefits and TCRS program.

c. All Department Heads are expected to give efficient supervision to their employees and maintain proper working relationships.

## Departmental Policy Handbooks

Because of the nature of the operations of the various departments, separate rules and regulations to fit special departmental conditions may be necessary. In such cases, approved supplementary rules and regulations may be considered a part of this Handbook.

In the event of any conflicting policies, rules, or regulations, those that shall apply shall be based on the following descending order of documents:

- Tennessee Code Annotated (TCA);
- then Montgomery County Government Resolutions; then the Montgomery County Government Policies and Procedure manual, including any supplemental personnel directives or policies; and
- finally any departmental policy and procedures handbook or written directives.

Pursuant to policies contained herein and previously approved by the Board of Commissioners, the County Mayor may issue new policies as deemed necessary for the operation of Montgomery County Government. The Director of Human Resources may issue additional written clarifying procedures to explain policies and how they are to be followed. Such directives shall be considered a part of this manual.

## Elected Officials

Elected Officials may opt to prepare and maintain their own Personnel Policy Handbook or by written acknowledgement, agree to abide by this policy Handbook. Should an elected official agree to abide by this policy Handbook, this Handbook shall serve as the policy Handbook for that department's personnel until such time as revoked by the Elected Official. All Elected Officials' handbooks should be reviewed by Human Resources and the County Attorney to ensure that the policies meet the minimum requirements of state and federal employment laws. A copy of the Elected Officials' handbook will be placed on file in Human Resources.

## Personnel Records

Personnel records of Montgomery County Government employees, with the exception of those required by the County Mayor to be confidential for reasons of public policy, shall be public records and open to inspection during the normal operating hours of the Department of Human Resources. Personnel records maintained by other Montgomery County Government departments will not be considered a matter of record unless all original documents are maintained within Montgomery County Government's Human Resources Department.

An individualized personnel file will be maintained on each employee in the Human Resources Department. It is the responsibility of each employee to provide accurate information to Montgomery County Government. Employees are also responsible for reporting to Human Resources any change in the information which they have previously provided. Providing false information is a misdemeanor under T.C.A. 39-16-504.

The Human Resources Department will only collect personal information that is required to pursue County business operations and to comply with government reporting and disclosure requirements. Personal information collected by Human Resources may include employee name, address, telephone numbers, e-mail addresses, emergency contact information, EEO data, social security numbers, date of birth, employment eligibility data, benefits plan enrollment information, which may include dependent personal information, and school/college or certification credentials. All pre-employment inquiry information, to include but are not limited to physicals, background screening and reference checking records conducted on employees and former employees’ files shall be maintained in secured and segregated areas and are not used by the County in the course of business operations.

Personal employee information will be considered confidential and as such will be shared only as required and with those who have a need to have access to such information. All hard copy records will be maintained in locked, secure areas with access limited to those who have a need for such access. Personal employee information used in business system applications will be

safeguarded under proprietary electronic transmission and intranet policies and security systems. Participants in County benefit plans shall be made aware that personal information will be shared with plan providers as required for claims handling or record keeping needs.

County assigned information, which may include organizational charts, department titles and staff charts, job titles, department budgets, County coding and recording systems, telephone directories, e-mail lists, County facilities or location information and addresses, is considered to be proprietary County information to be used for internal purposes only. The County maintains the right to communicate and distribute such information as deemed by public record access.

If an employee becomes aware of a material breach in maintaining the confidentiality of his/her personal information, the employee should report the incident to Human Resources. Human Resources have the responsibility to investigate the incident and take corrective action. Employees should be aware that a standard of reasonableness will apply in these circumstances. An example of the release of personal employee information that is not considered a breach includes, but is not limited to:

- Release of partial employee birth dates (e.g., day and month), is not considered confidential and may be shared with department heads that elect to recognize employees on such date.
- Personal telephone numbers or e-mail addresses may be distributed to department heads in order to facilitate County work schedules or business operations.
- Employee identifier information used in salary or budget planning, review processes and for timekeeping purposes may be shared with department heads.
- Employee's employment anniversary date or service recognition information may be distributed to appropriate department heads.
- Employee and dependent information may be distributed in accordance with open enrollment processes for periodic benefit plan changes or periodic benefit statement updates.

Personnel files shall be reviewed in Human Resources and shall not be removed from the Human Resources by the employee, Department Head or Elected Official, outside agency or Human Resources staff member. Representatives of government or law enforcement agencies, in the course of their business, may be allowed access to file information. The decision will be made at the discretion of Human Resources in response to the request, a legal subpoena, or court order.

An employee may request to review his/her official personnel file by appointment with advance written notice. The official personnel file maintained by Human Resources typically includes information such as employment documentation, training records, and pay provisions.

## Open Door Policy

We recognize the meaningful value and importance of full discussion in resolving misunderstandings and preserving good relations between management and our employees. Accordingly, the County believes that the following procedure will ensure that complaints and concerns receive full consideration.

Employees, who have a problem, complaint, or suggestion relating to their employment, employment conditions, relationship between an employee and supervisor; relationship with other employees; application or interpretation of policies; employee safety; physical facilities; equipment or material use; or other related items, should speak to their immediate supervisor/manager.

- If an employee's supervisor/manager seems unwilling or unable to address the matter, employees have the option to discuss their concerns with their Department Head or Elected Official.

If an employee's problem or complaint is a situation that constitutes a violation of Federal, State or local laws and the Department Head or Elected Official seems unwilling or unable to address the matter, employees have the right to discuss their concerns with the Director of Human Resources.

# Section I: Employment

## Equal Employment Opportunity

Montgomery County Government will recruit, hire, train, and promote all persons without regard to race, color, religion, gender (except where gender is a bona fide occupational qualification), age, national origin, marital status, Vietnam era or qualified special disabled veterans, recently separated veterans, and other protected veterans and physical or mental disability (except where physical or mental abilities are a bona fide occupational qualification).

Montgomery County Government will ensure that all hiring decisions are in accordance with the principle of equal employment opportunity by imposing only valid selection requirements. This shall include, but not be limited to, the following areas: work assignments, employment, placement, promotion, demotion, or transfer; recruitment and recruitment advertising, referrals; layoff, recall, termination, training, educational and tuition assistance, social and recreational programs, wages, other forms of compensation and job requirements.

## At Will Employment

Employment with Montgomery County Government is employment at will and is based on mutual consent. This manual only outlines the relationship between Montgomery County Government and the employee. That relationship is dynamic and changing. Thus Montgomery County Government may change this manual and/or any of the written or unwritten policies and procedures from time to time. Nothing contained in this manual, or the written or unwritten policies and procedures, is intended to create a contractual commitment between Montgomery County Government and its employees, or to limit the right of either to terminate the employment relationship at any time.

All employment with Montgomery County Government is “at-will.” What this means is that either the employee or Montgomery County Government may terminate the employment relationship at any time for any reason, but shall not be terminated for an illegal purpose.

## Accommodating Disabilities

Montgomery County Government recognizes and supports federal and state laws concerning the employment of individuals who have a disability with respect to selection and hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

Montgomery County Government will make every effort to reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job. Employees in need of accommodation because of a disability should make the need known to their immediate supervisor, Department Head, Elected Official or Human Resources. Montgomery County Government will treat all employee accommodation requests and related information confidentially.

## Recruitment

Montgomery County Government’s employment practices are designed to provide for qualified personnel in all positions, maximum use of individual talents and capabilities, and an adequate reserve of replacement personnel for managerial and supervisory positions. Applicants for employment are considered without regard to race, color, gender, age, sexual orientation, national origin, disability, medical condition or ancestry. Selection is based on individual qualifications for the job. Selection criteria include work experience, education and training, special knowledge and abilities, other job-related factors, and potential for development.

### Internal Recruitment

Montgomery County Government employees will normally be given first consideration (hiring manager review of bids and applications) for vacancies; External recruiting may be undertaken concurrently. The purpose is to ensure consideration is given to qualified and interested employees who are able to meet basic performance standards of an open position. Internal recruitment is intended to be cost effective, enhance morale, recognize professional development, and motivate individuals to excel.

### Employee Responsibilities

- Maintain awareness of and respond to announcements of positions for which they are qualified and for which they want to be considered as candidates.
- Seek advice and counsel from appropriate resources relative to their career plans and goals.

### Department Head/Elected Officials’ Responsibilities

- Inform employees of the sourcing and selection process and encourage them to take responsibility of managing their own careers.
- Conduct interviews with candidates for open positions under their supervision.
- Respond to candidates not selected for open positions under their supervision.
- Respond to employees under their supervision when guidance and counsel is sought.

**Human Resources' Responsibilities**

- Administer the policy in a consistent manner.
- Assist department heads and elected officials to prepare accurate position descriptions and to develop job related criteria for use in making objective selection decisions.
- Provide department heads and elected officials with materials and training that enable them to conduct effective selection interviews.
- Accept applications for employment.
- Screen applicants’ applications to ensure minimum qualifications.

**Recruitment Process**

Appointment to a position with Montgomery County Government shall be made after said person has been certified by the Human Resources Department to the operating department. The eligible person must meet the minimum qualifications prescribed for a particular class of position. This shall include employees who have requested transfer or promotion to a vacant position as well as new applicants for employment or reemployment.

Montgomery County Government's employment practices are designed to provide for qualified personnel in all positions, maximum use of individual talents and capabilities, and an adequate reserve of replacement personnel for all internal positions.

The following steps are to be utilized for the employment of personnel for full- and part-time positions:

- Upon receiving an open position within a department, the Human Resources Department will be notified as to the position vacancy and will post the position.
- All applications for employment will be processed through the Human Resources Department's office.
    - The Sheriff's Department will process their own applications.
- Once the closing date for receiving applications has been reached, all applications meeting the minimum job qualifications will be forwarded to the hiring manager.
    - In order to qualify for a position, applicants must meet the minimum education and experience requirements.
- The requesting department will review applications and proceed with interview scheduling.
- After the interviews are completed, the requesting department selects a candidate for the position.
- The requesting department notifies best candidate to request/contact applicant's professional references.

- The requesting supervisor offers position to successful candidate contingent upon successful background verification, pre-employment physical and drug screening.
- Human Resources sends successful candidate for drug screening and verifies that applicant has completed background verification paperwork.
- Human Resources receive notification of "pass or fail" drug screen.
- Human Resources processes background verification after drug screen "pass."
- Based on the outcome of the background screening, Human Resources notifies requesting supervisor of "go or no go" to hire.
- Successful candidate's first day of employment is determined.
- After the interview process has been completed and a potential applicant has been selected and offered employment, the following documentation must be completed within the first three (3) days of employment:

    - Original Application
    - Personnel Action Form
    - Completed I-9 Form
    - Completed W-4 Form
    - Copy of Driver's License
    - Copy of Social Security Card

The same procedure for the employment of temporary employees shall be utilized. Should a temporary position become a part-time or full-time position, the person occupying the temporary position must reapply for the reclassified position. There is no guarantee that a person filling a temporary position will be placed in that position should its classification be changed to part-time or full-time.

## Verification of Information

To ensure that individuals who join Montgomery County Government are well-qualified and have a strong potential to be productive and successful, verification of work experience and education is made on final candidates prior to making an offer of employment.

References concerning a candidate's work background, education, qualifications, and other appropriate information are to be obtained before an employment offer is extended. A minimum of two references from former employers and one personal reference should be obtained. Contacting either two references from the same employer or one reference from two different employers may satisfy the former employer requirement.

## Reference Request

The Human Resource Department is designated to respond to reference check inquiries from other employers. All calls, contacts and written inquiries concerning current or former employees should be referred to the Human Resources Department. It is the policy of Montgomery County Government to provide neutral references concerning former employees. Responses to such inquiries will confirm dates of employment, wage rates and the title of position held.

## Pre-employment Screening

Montgomery County Government requires a criminal check for all full-time and part-time internal employees upon hire once a conditional offer of employment has been extended by the hiring manager. Applicants for the Sheriff's Department will follow separate departmental procedures for pre-employment and background screening.

Although a disqualification is possible, in accordance with federal and state laws, a previous conviction does not automatically disqualify an applicant from consideration for employment with the County. Depending on a variety of factors (for example, the nature of the position, the nature of the conviction, age of the candidate when the illegal activity occurred), the candidate may still be eligible for employment with the County.

If an applicant attempts to withhold information or falsify information pertaining to previous convictions, the employee will be disqualified from further employment consideration in any position with the company due to falsification of an application. If after employment any employee is discovered to have lied regarding his/her criminal history, that individual is subject to immediate discharge.

An offer of employment may be extended to an applicant prior to the completion of the criminal conviction check. However, the applicant's first day of work in the position must not be prior to the satisfactory completion of the criminal conviction check.

### Background Investigations

It is our policy to conduct thorough background investigations on all new hires. At a minimum, the following checks are completed:

- Education Verification – The County will verify all post-secondary degrees or high school diploma, if there is no post-secondary degree.
- Employment Verification – The County will document up to ten (10) years of prior employment and verify all prior employment within the past five (5) years. We verify all gaps in employment within the past five (5) years that are greater than twelve (12) months in length by contacting professional references.
- Criminal Records Search – The County will conduct a criminal records search at the highest court in all counties where the person has resided, worked, or attended school in the past seven (7) years. Any misdemeanor convictions, felony convictions, open arrest warrants, and/or related activities are reported.
- Social Security Number Trace – The County will conduct a search of an individual's connection to his or her social security number to determine if there is any background information that was not reported by that individual.
- Global Watch Alert – The County will search a variety of government "watch lists" that include individuals, organizations, or companies that have been placed on "watch status" by the U.S. Government or European Union.

The following factors will be considered in whether to hire an individual with a criminal record:

- The frequency and severity of the violation;
- Nature of the offense;
- Time elapsed since conviction;
- Time between convictions;
- The nature of the work;
- Access to private homes;
- Interaction with minors or others unable to care for themselves;
- The qualifications of the individual for the job;
- The maturity of the individual;
- Evidence the individual has successfully rehabilitated self; or
- The geographic location of the criminal act.

All such records shall be treated as confidential information. If any inaccurate information is provided by an applicant, that person will not be considered further for the position. All criminal history record information shall be maintained in confidence in files separate from the personnel records.

**Drug Screening**

Submission to drug testing for commonly-abused controlled substances is required prior to a new employee's first day of employment. All offers to a successful candidate are contingent upon successful drug screening "pass." All such records shall be treated as confidential information and maintained in files separate from the personnel records.

**Substances Covered by Drug/Alcohol Testing**

Applicants will be tested for their use of commonly-abused controlled substances, including, but not limited to: Amphetamines, Barbiturates, Benzodiazepines, Opiates, Cannabinoids, Cocaine, Methadone, Methaqualone, Phencyclidine (PCP), Propoxyphene, Oxycodone, and chemical derivatives of these substances.

Applicants must advise the testing lab of all prescription drugs taken in the past month before the test, and to be prepared to show proof of such prescription to testing lab personnel.

**Testing Methods and Procedure**

All testing will be conducted by a licensed independent medical facility which will follow established testing standards. Testing will be conducted on a urine sample provided by the applicant to the testing laboratory under procedures established by the laboratory to insure privacy of the employee, while protecting against tampering/alteration of the test results.

Montgomery County Government will pay for the cost of the testing, including the confirmation of any positive test result by gas chromatography. The testing lab will retain samples in accordance with State law, so that an applicant may request a retest of the sample at his/her own expense if he or she disagrees with the test result.

Refusal to Undergo Testing – Applicants who refuse to submit to a drug test or who fail to show up for a drug test will no longer be considered for employment.

Positive Test – If an applicant tests positive on an initial screening test, the test will be confirmed through a Medical Review Officer. On receipt of a positive confirmation test, the employment offer will be formally withdrawn and the applicant will be provided with a copy of the test results and the reason why he/she is no longer being considered for employment.

Right to Explain Test Results – All applicants have the right to meet with the testing laboratory personnel, and with the County, to explain their test results. These discussions shall be considered confidential except that information disclosed in such tests will be communicated to personnel within Human Resources or within the Lab who need to know such information in order to make proper decisions regarding the test results or regarding the employment of the individual.

Right to Review Records – The County will only provide a copy of test results to applicants who test positive.

Confidentiality Requirements – All records concerning test results will be kept in medical files which are maintained separately from the County's personnel files. Testing laboratories may conduct testing only for substances included on the disclosure list provided to the individual, and may not conduct general testing related to the medical conditions of the individual which are unrelated to drug usage.

Retesting – Applicants may request a retest of their positive test results, within five (5) working days after notification of a positive test result. This retest is at the expense of the individual, unless the original test result is called into question by the retest.

Re-Application and Rehire – The County understands that individuals who are rehabilitated drug users or engaged in a supervised drug rehabilitation program and are no longer using drugs are protected under the Americans with Disabilities Act. Therefore, the County will consider the applications of candidates who formerly tested positive for drugs if candidates can subsequently show evidence of rehabilitation.

## Medical Screening

Successful applicants for employment may be required, as a condition of employment, to take a medical examination to establish their fitness to perform the jobs for which they have applied without endangering the health and safety of themselves or others.

1. Employees may be required to have a medical examination on other occasions when the examination is job-related and consistent with business necessity. For example, a medical examination may be required when an employee is exposed to toxic or unhealthful conditions, requests accommodation for a particular disability, or has a questionable ability to perform essential job functions due to a medical condition.

2. Employees are encouraged, but not required, unless it is determined to be a condition of employment, to have physical examinations periodically during their employment. Employees are encouraged, but not required, to participate in wellness programs.
3. Medical examinations required by the County will be paid for by the County and will be performed by a physician or licensed medical facility designated or approved by the County. Medical examinations paid for by the County are the property of the County, and the examination records will be treated as confidential and kept in separate medical files. However, records of specific examinations, if required by law or regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies or the employee's doctor.
4. Employees who need to use prescription or nonprescription legal drugs while at work must report this requirement to their supervisor if the use might impair their ability to perform the job safely. Depending on the circumstances, employees may be reassigned, prohibited from performing certain tasks or prohibited from working if they are determined to be unable to perform their jobs safely while taking prescription or nonprescription legal drugs.

## Employment Eligibility Verification

To comply with the Immigration Reform and Control Act of 1986, Montgomery County Government requires each person hired to sign a Federal I-9 "Employment Eligibility Verification" form and to produce certain documents evidencing citizenship or right-to-work status.

Human Resources must examine the documentation and sign the employer review and verification portion of the form within three working days. Copies of the documentation must be maintained in a file separate from the employee's personnel file. Verification forms shall be retained for three years after the date of hire or one year after separation of employment, whichever is later.

## Emergency Appointment

An emergency appointment is an appointment created due to an unusual and urgent situation (e.g. manager is placed in an interim director position due to vacancy). The appointment may last up to 90 working days and is not renewable. Persons appointed must meet minimum qualifications for the position and will receive 10% increase during the emergency appointment. A Personnel Action Form shall be completed and sent to Human Resources establishing the emergency position (with justification) and appointing the individual.

## Reinstatement

Reinstated employees are former employees with one (1) or more years of employment and who are approved to return to work within one (1) year after their last separation date. Reinstated employees will be eligible for an adjusted service date to reflect past service based upon the number of actual hours worked during their prior employment period. Terminated employees

will not be considered as "resigning in good standing" and are not eligible for reinstatement with adjusted service date to reflect past service.

A completed Personnel Action Form must be sent to Human Resources to reinstate an employee who previously held a position with Montgomery County Government.

## Definition of Employment Status

For payroll purposes, employees are classified as “exempt” or “non-exempt.” “Exempt” employees are those who hold managerial, administrative, or executive positions with Montgomery County Government and who are paid on a salary basis. “Non-exempt” or hourly employees are those whose positions do not meet FLSA exemption tests and are paid one and one-half times their regular rate of pay for hours worked in excess of 40 per week.

Employment classification is determined on the basis of comparing actual job duties with criteria established by the Department of Labor. A job title, for example, is not sufficient data to classify a job as exempt from overtime status. This classification is required by law and is based on the type of work performed. Human Resources has the sole responsibility for classifying Montgomery County Government positions as exempt or nonexempt.

Any appointment to a position with Montgomery County Government shall be classified as one of the following:

- Regular Full-time: An employee employed for 12 months on a regular basis, and works at least 30 hours per week.
- Temporary Full-time: Employed full-time, 30 or more hours per week, but employment does not exceed 12 consecutive months.
- Regular Part-time: Employed on a regular schedule but days and hours may vary as needed.
- Temporary Part-time: Employed to fill a position as needed for a limited amount of time, but employment does not exceed 12 consecutive months. Hours and days may vary.

## Introductory Period

Each new employee of Montgomery County Government shall be required to serve an introductory period. This period allows the supervisor time to observe, and evaluate the employee to determine that a proper adjustment to the position has been accomplished.

### Time Period

The introductory period shall be six (6) months in duration, but may be extended to one (1) year by the Department Head or Elected Official. Should there exist a requirement for a license of training for a job, the introductory period may be extended until this requirement is met. During the first six months of employment, an employee in introductory status may not request job reassignments.

### Conditions

Except in cases of discrimination relating to race, color, national origin, sex, age, handicap, religious or political retaliation, an employee may be terminated, demoted, or reassigned to another position at any time during their introductory period. It is recommended that Department Heads or Elected Officials review the termination with the Human Resources Department (prior to the termination) and submit a Personnel Action Form stating the reasons for this action.

### Evaluation

Upon completion of the Introductory Period, an evaluation shall be completed and forwarded to the Human Resources Department. Should an extension be required of the introductory period, another evaluation must be completed for the extended time period.

### Extensions

If unsatisfactory performance continues, the Department Head may recommend an extension of the introductory period rather than termination of the employee. The introductory period may be extended for any period up to six (6) months. The following steps should be taken to extend an introductory period:

- A record shall be made of the conditions of such an extension and that the employee has been counseled about the specific reasons for the extension of their introductory period.
- In completing the written record of the conditions of the extension, the employee shall sign a statement understanding that termination may occur if needed improvement is not made during the extension time.
- The Department Head or Elected Official shall submit a Personnel Action Form to Human Resources along with the above record, specifying its length and the date on which the extension shall expire.

### Completion of Introductory Period

The employee shall be notified in writing when they have satisfactorily completed the introductory period.

## Workweek

The normal workweek for Montgomery County Government employees shall be established on a departmental basis but at a fixed and regularly recurring period of 168 hours or seven (7) consecutive 24-hour periods, unless otherwise excepted. Employees who are paid on an hourly basis will receive compensation at their regular rate of pay for all hours worked up to and including 40 hours in the workweek. The salary paid to salaried employees is compensation for all hours worked, up to and including 40 hours in the workweek.

## Transfers

Employees may request a transfer to another department at any time or may be transferred based on the needs of Montgomery County Government. A transfer occurs when you move from one position to another at the same rate of pay. When an employee is reassigned from one County department to another, all unused annual and sick leave will be transferred. Retirement and any other fringe benefits also will be transferred with the employee. Any compensatory time shall be used or paid out before transfer.

## Promotions

Qualifications have been established for each position in the County, and are on file in the Human Resources Office. Whenever possible, vacancies within a department will be filled by qualified employees of that department. If the employee is promoted, the employee will receive a new title and a higher wage. It shall be the Department Head or Elected Official's decision to promote qualified employees within their department or request acceptance of applications for any vacant positions. During the first six months of employment, an employee in introductory status may not request job reassignments.

## Reemployment after Termination

An employee who has been terminated, will not be considered for reemployment if the termination was due to discharge for cause, leaving without giving proper notice, or failure to meet satisfactory standards.

## Employment of Relatives

It is generally accepted that employment of relatives in the same area of an organization can cause, or create the perception of causing, serious conflicts and problems with favoritism and employee morale. In these circumstances, both the employee and the supervisors, leave themselves open to charges of inequitable consideration in all decisions concerning their work. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

At the same time, Montgomery County Government recognizes we often find highly qualified candidates among the family members of its current employees. Not to take advantage of this source of skill would be negligent, therefore, Montgomery County Government will permit the employment of relatives so long as the safety, efficiency, morale or other activities of County operations will not be adversely affected.

The purpose of this policy is to describe in general the circumstances under which the County will permit the employment of relatives, and to define other reasonable limits that will be applied when the employment of relatives occurs.

- Relatives of persons currently employed by Montgomery County Government will not be hired into a position that results in them working directly for or supervising a relative.
- If the relative relationship is established after employment, the individuals concerned will be given the opportunity to decide who is transferred on a competitive basis. If the

affected individuals do not make a decision, the Department Head and/or Elected Official, in consultation with Human Resources, will decide. The time limit for this decision, and subsequent action, will be established by the Department Head and/or Elected Official. It is recommended that the transfer generally takes place no later than 30 days following the establishment of the relationship.

- In other cases, where a conflict or the potential for conflict arises resulting from the employment of relatives, even though a supervisory relationship does not exist, Montgomery County Government reserves the right at its sole discretion to separate, reassign or terminate employment of either individual. In like fashion, Montgomery County Government reserves the right to address any personal relationship that interferes with or otherwise damages the maintenance of smooth operations.
- In the course of normal operations, there may occasionally occur a circumstance that, while not of a supervisory nature, places one relative in the position of approving the work, activity or recommendations of another or authorizing expenses incurred by or due to another. In those circumstances, it is required in all cases that an appropriate countersignature, or otherwise objective review, be obtained in order to avoid the potential for, or accusations of, any impropriety.

Montgomery County Government has the right to determine, on an individual basis, whether any other relationship between employees warrant applying this policy.

**Definition of Relative**

For the purposes of this policy, a relative is defined to include spouses, parents, grandparents, grandchildren, children, in-laws, brothers, sisters, cousins, nieces, nephews, aunts or uncles whether the relationship is as a result of natural birth, adoption, and marriage or as a result of other legal processes.

## Employment of Minors

Employment at Montgomery County Government is available to an individual who is age 18 and older. In certain situations, minors between 16 and 18 years of age may be employed but only according to the federal and state guidelines. A person under 16 years of age is not permitted to work for Montgomery County Government under any circumstances. For the purpose of this policy, a minor is defined as anyone between their 16$^{th}$ and 18$^{th}$ birthdays.

## Personal Relationships

Consenting romantic or intimate relationships between a supervisor and an employee may at some point lead to unhappy complications and significant difficulties for all concerned; the employee, the supervisor and the County. The County strongly discourages such relationships and any conduct (such as dating between a supervisor and an employee) that may reasonably be expected to lead to the formation of a romantic or intimate relationship.

By its discouragement of romantic and intimate relationships, Montgomery County Government does not intend to inhibit the social interaction (such as lunches or dinners or attendance at

entertainment events) that are or should be an important part or extension of the working environment; and this is not to be relied upon as justification or excuse for a supervisor's refusal to engage in such social interaction with employees.

Montgomery County Government does not want to interfere unnecessarily with employees' activities away from the workplace. However, these kinds of relationships can jeopardize the supervisor's effectiveness, be seen as unfair by other employees, and generally complicate working relationships.

If a supervisor/employee relationship occurs, Montgomery County Government expects employees to act responsibly by disclosing the relationship to their Department Head, Elected Official or Human Resources Director.

- It shall be the responsibility and obligation of the supervisor to promptly disclose the existence of the relationship to the Department Head or Elected Official and Director of Human Resources. The employee may make the disclosure as well, but the burden of doing so shall be upon the supervisor.
- Upon being informed or learning of the existence of such a relationship, the Department Head, Elected Official or Director of Human Resources may take all steps that it, in its discretion, deems appropriate.
    - At a minimum, the employee and supervisor will not be permitted to work together on the same matters (including matters pending at the time disclosure of the relationship is made), and
    - the supervisor must withdraw from participation in activities or decisions (including, but not limited to, hiring, evaluations, promotions, compensation, work assignments and discipline) that may reward or disadvantage any employee with whom the supervisor has or has had such a relationship.

Should an intimate relationship negatively impact job performance or business, the County will take necessary disciplinary action. This could even cause the individuals involved to lose their job.

## Outside/Off Duty Employment

It is the policy of Montgomery County Government to permit its employees to work a second job as long as it does not interfere with performance of their duties. The purpose of this policy is to define the guidelines associated with an employee’s second employment.

The County concurs that if an employee takes outside employment with another employer, the employee should be allowed to do so. This is contingent upon that person first meeting the demands of the position at the County, which includes availability for evenings, weekends, emergency response and overtime when necessary. The outside position must in no way be detrimental to the reputation of the County. Real or perceived conflicts of interest will be reviewed on a case-by-case basis. Should a conflict of interest situation occur, the employee will be requested to discontinue one of the jobs.

Montgomery County Government will allow its employees to engage in outside work or hold other jobs, subject to certain restrictions.

- Outside work will be regarded as secondary to regular County employment. Montgomery County Government requires that employees' activities and conduct away from the job must not compete, conflict with, compromise its interests, or adversely affect job performance and the ability to fulfill all responsibilities to Montgomery County Government (See Conflict of Interest).
- This requirement, for example, prohibits employees from performing any services for customers on non-working time that are normally performed by Montgomery County Government personnel.
- This prohibition also extends to the unauthorized use of any Montgomery County Government tools or equipment and the unauthorized use or application of any confidential information.
- In addition, employees are not to solicit or conduct any outside business during paid working time.

If at the time an employee is offered a position with the County, he or she has another job, the employee must provide written notice of the job, the name of the employer and the hours required for it. If an employee obtains a second job while working for the County the employee's immediate supervisor must be notified and the employee must provide written notice of the job, the name of the employer and the hours required for it. Any restrictions upon the employee's availability to work for the County must be stated by the employee.

The employee's Department Head and/or Elected Official will evaluate the request and will consult with Human Resources, if necessary. In evaluating outside work, Department Head and/or Elected Official and Human Resources will consider whether the proposed employment:

- May reduce the employee's efficiency in working for Montgomery County Government.
- Involves working for an organization that does a significant amount of business with Montgomery County Government, such as major contractors, suppliers, and customers; or
- May adversely affect Montgomery County Government's image.

If an employee's outside employment job duties are similar or related to their Montgomery County Government service, or if they cause the employee to interact with people or entities whom the employee interacts with for the County's duties, the employee must be prepared to explain why no potential conflict exists between the outside employment and the official duties of Montgomery County Government.

Employees are cautioned to consider carefully the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems, it must be discontinued; and, if necessary, normal disciplinary procedures will be followed to deal with the specific problems.

The County may concur that the demands of an employee's work schedule are such that it is extremely difficult for the employee to perform a second job without serious impairment of his or her work performance. Should such a situation occur, and should the employee's performance decline, the employee will be requested to discontinue one of the jobs.

Employees who have accepted outside employment may not use paid sick leave and/or On-the-Job Injury to work on the outside job. Fraudulent use of sick leave and/or On-the-Job Injury will result in disciplinary action.

# Section II: Standards of Conduct

## Equal Employment Opportunity (EEO) Procedures

Any person who believes he or she has been the victim of unlawful discrimination, harassment or retaliation should report the incident immediately to his or her supervisor, manager, Department Head, Elected Official, or the Director of Human Resources. All allegations will be investigated promptly. Complaints will be kept as confidential as possible. If the allegation is substantiated, prompt appropriate remedial action shall be taken.

## Discrimination/Harassment

It is the policy of Montgomery County Government to maintain a respectful work and public service environment. Montgomery County Government prohibits and will not tolerate any form of unlawful discrimination or harassment. Unlawful discrimination or harassment undermines the integrity of the employment relationship, compromises equal employment opportunity, debilitates morale and interferes with work productivity. The County will not tolerate harassment or discrimination by anyone in the workplace including officials, managers, supervisors, co-workers, or non-employees. This policy applies to conduct which occurs in the workplace and also extends to conduct which occurs at any location that can be reasonably regarded as an extension of the workplace, such as any field location, or any facility where County business is being conducted and discussed.

This policy also applies to third party harassment. Third party harassment is unwelcome behavior of a sexual, racial or derogatory nature regarding any protected category that is not directed at an individual but is a part of that individual's work environment. Third party harassment based upon any of the aforementioned protected categories is prohibited by this policy.

This policy pertains to all employment practices such as recruitment, selection, hiring, training, promotion, demotion, transfer, assignment, layoff, return from layoff, termination, compensation, fringe benefits, working conditions and career development.

Prohibited employment discrimination includes, but is not limited to racial, gender, national origin or ancestry, age, religion, disability, affectional or sexual orientation, marital status, familial status, atypical hereditary cellular or blood trait, genetic information, liability for service in the armed forces of the United States, whistle blowing discrimination or harassment.

It is a violation of this policy to engage in any employment practice or procedure, which refers to one or more of the above characteristics. It is also a violation of this policy to use derogatory or demeaning slurs to refer to a person's race, gender, age, religion, disability, affectional or sexual orientation, or ethnic background, which have the effect of harassing an employee or creating a hostile work environment.

Examples of behaviors that may constitute prohibited workplace discrimination or harassment include, but are not limited to:

- Discriminating against an individual with regard to terms and conditions of employment because of that individual's race, gender, age, religion, disability, affectional or sexual orientation, place or origin, or his/her ancestor's place of origin.
- Treating an individual differently because of marriage to or association with persons of a racial, religious or national origin group; or due to membership in or association with an organization identified with the interests of a racial, religious or national origin group; or because an individual's name or spouse's name is associated with a racial, religious or national origin group.
- Calling another by an unwanted nickname, which refers to one or more of the above characteristics, or telling ethnic jokes, which create a hostile work environment.
- Using derogatory references regarding any of the above characteristics in any job-related communication.
- Engaging in threatening, intimidating, or hostile acts, in the workplace, based on the foregoing classifications.

## Discrimination/Harassment Procedures

Any person who believes he or she has been the victim of unlawful discrimination, harassment or retaliation should report the incident immediately to his or her supervisor, manager, Department Head, Elected Official, the Department of Human Resources staff or the Director of Human Resources. All allegations will be investigated promptly. Complaints will be kept as confidential as possible. All employees are expected to cooperate with investigations. Failure to cooperate in an investigation may result in disciplinary action.

Supervisors should make every effort to maintain a work environment that is free from any form of prohibited discrimination/harassment. Supervisors are expected to take all allegations of discrimination/harassment, including sexual harassment, seriously, and to immediately refer the matter to the individual(s) responsible for receiving such complaints (i.e. Supervisor, Manager, Department Head, Elected Official or Human Resources). All complaints will be reviewed and prompt and appropriate remedial action will be taken to address any substantial claim. All supervisors receiving complaints of unlawful discrimination/harassment must immediately advise the Department Head or Elected Official and the Director of Human Resources. In the event that the supervisor, Department Head or Elected Official is the subject of a concern of discrimination/harassment, the complaint should be sent directly to the Director of Human Resources.

All investigations of discrimination/harassment claims will be conducted in a way that respects, to the extent possible, the privacy of all persons involved. The investigations will be conducted in a prompt, thorough and impartial manner. The results of the investigation will be forwarded to the Human Resources Director. The results will be forwarded from the Human Resources Director with a recommendation to the County Attorney, Elected Official and/or County Mayor to make a final decision as to whether a violation of the policy has been substantiated.

Where discrimination/harassment is found to have occurred, the County will take prompt and appropriate remedial action to stop the discrimination/harassment and deter its reoccurrence.

The remedial action taken may include counseling, training, intervention, mediation, and/or the initiation of disciplinary action up to and including termination of employment.

Retaliation against any employee who alleges that she/he was the victim of discrimination/harassment, or against any employee who provides information in the course of an investigation into claims of unlawful discrimination/harassment in the workplace is prohibited by this policy. Any employee bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy will not be subject to adverse employment consequences based upon such involvement or be the subject of retaliation.

If any employee knowingly makes a false accusation of unlawful discrimination/harassment or knowingly provided false information in the course of an investigation of a complaint, such conduct may be grounds of discipline up to and including termination. Complaints made in good faith, however, even if found to be unsubstantiated, will not be considered a false accusation.

All complaints and investigations shall be handled, to the extent possible, in a manner that will protect the privacy interests of those involved.

## Sexual Harassment

It is the policy of Montgomery County Government to prohibit all forms of unlawful discrimination and harassment, including sexual harassment. Sexual harassment is a form of misconduct, which undermines the integrity of the employment relationship. Sexual harassment can be defined as the attempt to control, influence or affect the career, salary or job of an individual in exchange for sexual favors or the creation of an intimidating, hostile or offensive working environment based on unsolicited and unwelcome sexual overtures or conduct either verbal or physical.

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964 as amended and is defined by the U.S. Equal Employment Opportunity Commission as:

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature when:
    - Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior, which is not welcomed, which is personally offensive, which damages morale, and which therefore interferes with our work effectiveness. Such conduct, whether committed by supervisors, non-supervisory personnel, clientele or vendors, is specifically prohibited.

Examples of sexual harassment include but are not limited to:

- Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions;
- Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references;
- Demeaning, insulting, intimidating, or sexually suggestive comments about an individual;
- The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, photographs, or persons; or
- Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages.

In addition, no one should suggest, imply or threaten that an applicant or employee's "cooperation" of a sexual nature (or refusal thereof) will have any effect on the individual's employment, assignment, compensation, advancement, career development, or any other condition of employment.

## Discrimination/Sexual Harassment Complaint Procedures

If an employee believes that he/she has been subjected to discrimination or harassment related to employment with Montgomery County Government, the employee shall follow the following procedure:

1. The incident should be discussed informally between the grievant and the immediate supervisor (should the immediate supervisor be a party to this complaint, then the next line of supervision will be utilized).

    a. All supervisors receiving complaints must immediately advise the Elected Official or Department Head. The Department Head or it's designee in coordination with Human Resources will then conduct an investigation and determining the validity of the complaint. In the case of a complaint under the authority of an Elected Official, the Elected Official will be the point of contact to coordinate the engagement of Human Resources.

b. Within five working days, the individual conducting the investigation will make a written response to the Elected Official or Department Head and the Human Resources Director. The Elected Official, Department Head or Human Resources Director will prepare a written response to the grievant.

2. If still dissatisfied, the grievant has five working days from receipt of the response from his/her supervisor, to appeal the decision, in writing, to the Elected Official or Department Head. The appeal shall include the following:

    - The date, time, and place of the alleged act of discrimination/harassment;
    - The person or persons alleged to have discriminated/harassed the employee or applicant;
    - The basis of the discrimination/harassment: race, color, religion, national origin, sex, age, or handicap; and
    - All other circumstances surrounding the alleged act of discrimination/harassment, with documentation.

The Elected Official or Department Head, upon reviewing the charges, may schedule a hearing with the supervisor and the grievant within ten working days from receipt of charges. A written report of the findings or recommendations of the Elected Official or Department Head will be forwarded to the grievant, the supervisor, and the Director of Human Resources within five working days after the hearing. The results will be forwarded from the Human Resources Director with a recommendation to the County Attorney, Elected Official and/or County Mayor to make a final decision as to whether a violation of the policy has been substantiated.

**Violence and Bullying**

Montgomery County Government operates a policy of zero tolerance towards any form of physical or mental violence between co-workers, supervisors or any individual employed by the County or an elected official of the County. This includes abuse, intimidation, obscene gestures and bullying behavior.

**Definitions**

“Abusive conduct,” means acts or omission that would cause a reasonable person, based on the severity, nature, and frequency of the conduct, to believe that an employee was subject to an abusive work environment, such as:

- Repeated verbal abuse in the workplace, including derogatory remarks, insults, and epithets;
- Verbal, nonverbal, or physical conduct of a threatening, intimidating or humiliation nature in the workplace; or
- the sabotage or undermining of an employee’s work performance in the workplace.

If an employee believes that he/she has been subjected to bullying or violent behavior related to employment with Montgomery County Government, the employee shall follow the following procedure:

1. The bullying and/or violent behavior should be discussed between the employee and their immediate supervisor (should the immediate supervisor be a party to this complaint, then the next line of supervision will be utilized).
    - All supervisors receiving complaints must immediately advise the Elected Official or Department Head. The Department Head or it's designee in coordination with Human Resources will then conduct an investigation and determining the validity of the complaint. In the case of a complaint under the authority of an Elected Official, the Elected Official will be the point of contact to coordinate the engagement of Human Resources.
2. The investigations results will be discussed with the employee. If the investigation deems a violation of policy has occurred, the appropriate disciplinary action will be taken in accordance with the Discipline and Corrective Action Policy.

## Standards of Behavior

Each Montgomery County Government employee has an individual responsibility to deal ethically in all aspects of the County's business and to comply fully with all laws, regulations, and policies. Employees are expected to assume the responsibility for applying these standards of ethical conduct and for acquainting themselves with the various laws, regulations, and policies applicable to their assigned duties.

### Honesty and Fairness

As a fundamental standard, Montgomery County Government expects from each of its employees honesty and openness in dealing with others. All employees are expected to accept responsibility for their actions and to report information accurately to fellow employees and managers. Department Heads and Elected Officials have a responsibility to set examples of honesty and fairness in their relationships with employees.

### County Records

All County records and other essential data must be prepared accurately. Preparing an intentionally false or misleading report or record of measurement is considered a serious offense. Records containing personal data on employees are confidential. They are to be carefully safeguarded and kept current, relevant, and accurate. They should be disclosed only to authorized personnel having a "need to know" or pursuant to lawful process as approved by Human Resources.

### County Funds

Every employee who has control over Montgomery County Government funds (e.g., accounts payable, accounts receivable, grants, payroll, travel and entertainment, etc.) is accountable for

such funds. When spending Montgomery County Government money, or personal money that will be reimbursed, employees should make sure the expense is warranted and justifiable. Anyone approving or certifying the correctness of any voucher or bill should have reasonable knowledge that the expense and amounts involved are justifiable.

### Use of Montgomery County Government Resources

Each employee has a responsibility to use Montgomery County Government resources, including time, materials, and equipment for business purposes only. Montgomery County Government property (such as grounds, building or office equipment, tools, materials, assets and facilities) should not be used by employees for other than Montgomery County Government purposes, unless authorized by the County Mayor, or designee. Montgomery County Government property shall not be sold, loaned, given away, intentionally damaged, destroyed, or otherwise disposed of, regardless of condition or value, without proper authorization. Copyright material (including books, articles, computer software programs and tapes) should not be infringed.

### Gifts, Gratuities, and Favors

Montgomery County Government's business decisions should be made impartially and fairly, and not on the basis of gratuities. Employees should exercise good judgment in deciding whether a gift or entertainment is nominal value.

### Entertainment and Hospitality

Offers of entertainment, hospitality, business courtesies, or favors, no matter how innocent in appearance, may be a source of embarrassment to all concerned. Employees should exercise good judgment and moderation and should offer business courtesies to customers only to the extent that they are in accordance with reasonable practices in the marketplace.

### Violations

Any violation of the basic standards of business conduct will subject an employee to disciplinary action, up to and including dismissal, and criminal prosecution where appropriate.

## Conflict of Interest

It is the policy of Montgomery County to prohibit its employees from engaging in any activity, practice, conduct which appears to conflict with the interests of Montgomery County Government. Since it is impossible to describe all of the situations that may cause or give the appearance of a conflict of interest, the prohibitions included in this policy are not intended to be exhaustive and include only some of the more clear-cut examples.

### Conflict Prohibitions

Employees are expected to represent Montgomery County Government in a positive and ethical manner. Thus, employees have an obligation to avoid conflicts of interest and to refer questions and concerns about potential conflicts to their supervisor.

- Employees may not, directly or indirectly whether on or off the job, engage in any conduct that is disruptive or damaging to Montgomery County Government.
- An official or employee, or an official's or employee's spouse or child living in the same household may not accept gifts, except those of nominal (i.e. no more than $50.00) value, or any special discounts or loans from any person or firm doing, or seeking to do, business with Montgomery County Government. The meaning of gifts for purposes of this policy includes, as example, the acceptance of entertainment and free travel and lodging.
- Employees may not give, offer, or promise, directly or indirectly, anything of value to any representative of a financial institution in connection with any transaction or business that Montgomery County Government may have.

Any conflict or potential conflict of interest must be disclosed to Montgomery County Government. Failure to do so will result in discipline, up to and including termination.

# Code of Ethics
## Montgomery County, Tennessee

**Section 1. Definitions**

(1) County means Montgomery County, which includes all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by the County or an official of the County, and specifically including the County school board, the County election commission, the County health department, and utility districts in the County.

(2) Officials and employees mean and include any official, whether elected or appointed, officer, employee or servant, or any member of any board, agency, commission, authority or corporation (whether compensated or not), or any officer, employee or servant thereof, of the County.

(3) Personal interest means, for the purpose of disclosure of personal interests in accordance with this Code of Ethics, a financial interest of the official or employee, or a financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity.

**Section 2. Disclosure of Personal Interest in Voting Matters**

An official or employee with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and to be included in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's or employee's vote on the measure. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from voting on the measure.

**Section 3. Disclosure of Personal Interest in Non-Voting Matters**

An official or employee who must exercise discretion relative to any matter other than casting a vote and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on the attached disclosure form and file the disclosure form with the County Clerk. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in the matter.

**Section 4. Acceptance of Gifts and Other Things of Value**

An official or employee, or an official's or employee's spouse or child living in the same household, may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the County:

1. For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or
2. That a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing County business.

It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in connection with a conference sponsored by an established or recognized statewide association of county government officials or by an umbrella or affiliate organization of such statewide association of county government officials.

2a. It shall not be considered a violation of this policy for an official or employee or an official’s or employee’s spouse, or child living in the same household, to receive any item of value in an amount of Fifty Dollars ($50.00) or less, whether received, directly or indirectly, from anyone other than the County.

**Section 5. Ethics Complaints**

Originally the County Ethics Committee (the "Ethics Committee") was established by Resolution 07-3-7 and by Resolution 11-6-3 that "board" was abolished and the function of the County Ethics Committee was vested in the Personnel Advisory Board. When preforming the functions of the Ethics Policy, the Personnel Advisory Committee shall convene as soon as practicable after their appointment and elect a chair and a secretary. The records of the Personnel Advisory Committee when preforming the functions of the Ethics Policy shall be maintained by the secretary and shall be filed in the office of the County Clerk, where they shall be open to public inspection.

Questions and complaints regarding violations of this Code of Ethics or of any violation of state law governing ethical conduct should be directed to the chair of the Personnel Advisory

Committee (County Mayor). Complaints shall be in writing and signed by the person making the complaint, and shall set forth in reasonable detail the facts upon which the complaint is based.

The County Personnel Advisory Committee shall investigate any credible complaint against an official or employee charging any violation of this Code of Ethics, or may undertake an investigation on its own initiative when it acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the Committee's judgment, constitutes a violation of this Code of Ethics. If a member of the Committee is the subject of a complaint, such member shall recuse himself or herself from all proceedings involving such complaint.

The Committee may:

- refer the matter to the County Attorney for a legal opinion and/or recommendations for action;
- in the case of an official, refer the matter to the County legislative body for possible public censure if the County legislative body finds such action warranted;
- in the case of an employee, refer the matter to the official responsible for supervision of the employee for possible disciplinary action if the official finds discipline warranted;
- in a case involving possible violation of state statutes, refer the matter to the district attorney for possible ouster or criminal prosecution.

The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this Code of Ethics. When a violation of this Code of Ethics also constitutes a violation of a personnel policy or a civil service policy, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this Code of Ethics.

**Section 6. Applicable State Laws**

In addition to the ethical principles set out in this Code of Ethics, state laws also provide a framework for the ethical behavior of county officials and employees in the performance of their duties. Officials and employees should familiarize themselves with the state laws applicable to their office or position and the performance of their duties. To the extent that an issue is addressed by state law (law of general application, public law of local application, local option law, or private act), the provisions of that state law, to the extent they are more restrictive, shall control. Following is a brief summary of selected state laws concerning ethics in county government. For the full text of these statutes, see the Tennessee Code Annotated (T.C.A.) sections indicated.

Campaign Finance - T.C.A. Title 2, Chapter 10, Part One (campaign financial disclosure) requires candidates for public office to disclose contributions and contributors to their campaigns. Part Three (campaign contribution limits) limits the total amount of campaign contributions a candidate may receive from an individual and sets limits on the amount a candidate may receive in cash.

Conflict of Interest - T.C.A. § 12-4-101 is the general conflict of interest statute that applies in all counties. It prohibits anyone who votes for, lets out, or in any manner supervises any work or contract from having a direct financial interest in that contract, purchase or work, and it requires disclosure of indirect financial interests by public acknowledgment.

Conflict of Interest - T.C.A. § 49-6-2003 applies to the department of education in all counties and prohibits direct and indirect conflicts of interest in the sale of supplies for use in public schools.

Conflict of Interest - T.C.A. § 5-1-125 applies in all counties and prohibits county officials and employees from purchasing surplus county property except where it is sold by public bid.

Conflict of Interest - T.C.A. § 54-7-203 applies in all counties that are governed by the County Uniform Highway Law. It prohibits officials and employees in the highway department and members of the county legislative body from having any personal interest in purchases of supplies, materials, machinery, and equipment for the highway department.

Conflict of Interest - T.C.A. § 5-14-114 applies in counties that have adopted the County Purchasing Law of 1957. It prohibits the purchasing agent, members of the purchasing commission, and all county officials from having any financial or other personal beneficial interest in any contract or purchase of goods or services for any department or agency of the county.

Conflict of Interest - T.C.A. § 5-21-121 applies in counties that have adopted the County Financial Management System of 1981. It prohibits all county officials and employees from having any financial or other personal beneficial interest in the purchase of any supplies, materials or equipment for the county.

Conflict of Interest - T.C.A. §§ 5-5-102 and 12-4-101 govern disclosures and abstentions from voting due to conflicts of interest of members of county legislative bodies.

Conflict of Interest Disclosure Statements - T.C.A. § 8-50-501 and the following sections require candidates and appointees to local public offices to file a disclosure statement with the state ethics commission listing major sources of income, investments, lobbying activities, professional services provided, bankruptcies, certain loans, and other information, and to keep these statements up to date.

Gifts - T.C.A. § 5-14-114 applies in counties that have adopted the County Purchasing Law of 1957. It prohibits the purchasing agent, members of the purchasing commission, and all county officials from receiving anything of value, directly or indirectly, from anyone who may have or obtain a contract or purchase order with the county.

Gifts - T.C.A. § 5-21-121 applies in counties that have adopted the County Financial Management System of 1981. It prohibits the finance director, purchasing agent, and employees in those departments from accepting anything of value, directly or indirectly, from anyone who furnishes supplies, materials or equipment to the county.

Honoraria - T.C.A. § 2-10-116 prohibits elected officials from accepting an honorarium (including money or anything of value, but not including reimbursement for actual expenses) for an appearance, speech, or article in their official capacity.

Private Use of Public Property - T.C.A. § 54-7-202 applies in counties that are governed by the County Uniform Highway Law. It prohibits the private use of equipment, rock, and other highway materials.

Court Sales - T.C.A. § 39-16-405 prohibits judges, clerks of court, court officers, and employees of court, from bidding on or purchasing any property sold through the court for which such person discharges official duties.

Rules of the Supreme Court - Rule 10, Cannon 5 (Code of Judicial Conduct) establishes ethical rules for judges and other court personnel when exercising judicial functions.

Fee Statutes - T.C.A. §§ 8-21-101, 8-21-102, and 8-21-103 set out circumstances where fees are authorized, prohibit officials from requiring payment of fees in advance of performance of services except where specifically authorized, and set penalties for charging excessive or unauthorized fees.

Consulting Fee Prohibition for Elected County Officials - T.C.A. §§ 2-10-122 and 2-10-124 prohibit officials from receiving compensation for advising or assisting a person or entity in influencing county legislative or administrative action.

Crimes Involving Public Officials - T.C.A. § 39-16-101 and the following sections prohibit bribery, soliciting unlawful compensation, and buying and selling in regard to offices.

Official Misconduct - T.C.A. § 39-16-402 applies to public servants and candidates for office and prohibits unauthorized exercise of official power, acting in an official capacity exceeding the servant's power, refusal to perform a duty imposed by law, violating a law relating to the servant's office or employment, and receiving a benefit not provided by law.

Official Oppression - T.C.A. § 39-16-403 prohibits abuse of power by a public servant.

Bribery for Votes - T.C.A. §§ 2-19-121, 2-19-126, and 2-19-127 prohibit bribery of voters in elections.

Misuse of Official Information - T.C.A. § 39-16-404 prohibits a public servant from attaining a benefit or aiding another person in attaining a benefit from information which was obtained in an official capacity and is not available to the public.

Ouster Law - T.C.A. § 8-47-101 sets out conduct that is punishable by ouster from office, including misconduct in office and neglect of duty.

## Political Activity

It is Montgomery County Government's intent to promote more efficient public service by relieving public employees of political pressure and to protect against a clear, substantial, and direct threat to the efficiency, integrity, or morale of County employees by regulating the political activities of its employees.

The use of Montgomery County Government employee work time, equipment, supplies or funds to assist political parties or candidates for public offices is prohibited.

- No County employee shall use his/her official authority or influence for the purpose of endorsing, promoting, or interfering with an election or a nomination of office or coercing or influencing another person's vote or affecting the result thereof.
- No County employee shall directly or indirectly coerce or attempt to coerce, command, or advise any employee to pay, lend, or contribute any part of his salary, or any money or anything else of value to any party, committee, organization, agency or person for political purposes. Contributions, which are strictly voluntary in nature for political purposes, are permitted.
- No County employee shall directly or indirectly coerce or attempt to coerce, command or advise any such employee as to where he/she might purchase commodities or to interfere in any other way with the personal right of said employee.

All employees retain the right to vote as they may choose and to express their opinions on all political subjects and candidates.

Employees may express opinions on candidates or issues and participate in political campaigns only during off-duty hours. No employee can take part in any political campaign while on duty, in uniform, or while wearing Montgomery County Government insignia, or within any period of time during which the employee is expected to perform services for which the employee receives compensation from the County.

## Federal Hatch Act

The Federal Hatch Act may extend to County employees whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States. Such employees may not:

- Use his/her official authority or influence for the purpose of interfering with, or affecting the results of an election or nomination for office.
- Directly or indirectly coerce, command, or advise another employee to pay, lend or contribute to a party, committee, organization, agency or person for political purposes.
- Be a candidate for public elective office in a partisan election (candidacy for political party office is not prohibited).

## Soliciting and Distribution of Literature

In order to prevent disruption in the operation of Montgomery County Government, interference with work and inconvenience to other employees; employees shall not engage in solicitation or distribution of literature of any kind during working time. Unrestricted solicitation on County premises interferes with the normal operations of the organization, is detrimental to discipline and efficiency on the part of employees, is annoying to the public and poses a threat to County security.

**Distribution by Non-Employees**

Non-employees of Montgomery County Government are prohibited from distributing literature of any kind on Montgomery County Government premises, including common areas, break rooms and bulletin boards. Persons who are not employed by the County are prohibited from soliciting funds or signatures, conducting membership drives, distributing gifts, offering to sell merchandise or services, or engaging in any other solicitation or similar activity without prior approval of the Department Head or Elected Official. If such sales interfere with work activities, they will be stopped.

**Distribution by Employees**

In order to prevent disruption in the operation of Montgomery County Government, interference with work and inconvenience to other employees; employees shall not engage in solicitation or distribution of literature of any kind during working time. The only exception to this rule pertains to children of employees who, within reason, sell fund raising items for school, athletics or leadership organizations (e.g. Boy Scouts, Girl Scouts, Cub Scouts, Sheriff's Reserve, etc.) such as candy, Christmas items, fruit, etc. within the employee's own department and with the approval of the Department Head or Elected Official. If such sales interfere with work activities, they will be stopped.

Working time does not include break time, meal periods, or other periods during which employees are not required to perform their job duties. Solicitations during non-work times such as scheduled coffee breaks or lunch period, and in non-work areas, although discouraged, may not be restricted. Employees who are not on working time, such as employees who are on a lunch or rest break, may not solicit any employee who is on working time for any cause or distribute literature of any kind to that person.

Montgomery County Government authorizes fund drives by a limited number of charitable organizations. Managers and employees may volunteer to assist these organizations by conducting their drives. Each employee may decide whether or not to contribute. Participation is strictly voluntary and there will be no discrimination against employees because of their willingness or unwillingness to participate.

Montgomery County Government maintains bulletin boards to communicate only official County information to employees and to post notices required by law. These bulletin boards are for the posting of County information and notices and only persons designated by the Department Head, Elected Official or the Human Resources Department may place notices on or take down material from the bulletin boards.

A violation of this policy shall be considered unacceptable and may be grounds for disciplinary action, up to and including termination.

Departmental collection of money for co-workers to be used for wedding gifts; baby showers; flowers for employee hospitalization, birthdays, or deaths; traumatic events; etc. is not considered a violation of this policy. Participation is strictly voluntary and there will be no discrimination against employees because of their willingness or unwillingness to participate. Employees shall not engage in this activity during work time and said collection is at the discretion of the Department Head or Elected Official. If such activity interferes with work activities, they will be stopped.

## Electronic Communications

It is the policy of Montgomery County Government to provide electronic communication tools to help improve productivity and enable employees to provide efficient, high quality work.

Electronic communications should be used only to conduct Montgomery County Government business; it should not be used for personal or other non-business-related communications or activities. Montgomery County Government's electronic communications tools are considered Montgomery County Government assets. These systems are provided to assist in the conduct of business with Montgomery County Government.

While Montgomery County Government respects the privacy and security needs of all individuals, authorized Montgomery County Government representatives may access these assets, including but not limited to internal investigation, for legitimate business reasons. Electronic communications include all aspects of voice, video and data communications such as voice mail, e-mail, EDI (Electronic Data Interchange), fax, Internet, etc.

**Business/Personal Use**

All electronic and telephonic systems and communications transmitted by, received from, or stored in the systems are the property of Montgomery County Government. Montgomery County Government reserves the right to inspect or monitor messages and materials transmitted over all communications media. In the course of normal business, this would only occur when there is a legitimate business need to do so.

Internal staff members are not authorized to access, open or delete individual files, mailboxes, messages or other electronic transactions unless authorized by a director-level employee or the individual owner of the file.

All communications tools are to be used primarily for business purposes. Employees must use these in accordance with their access privileges. Personal use of these tools is allowed only if it:

- Is incidental in nature

- Does not interfere with Montgomery County Government's business/is not detrimental to the agency
- Does not affect productivity, quality or customer service
- Does not create a conflict of interest, or
- Does not contribute to personal financial gain

**Use of Internet**

Employee-users are prohibited from accessing the Internet for any unethical purposes, including pornography, violence, gambling, racism, harassment, or any illegal activity. Employee-users are forbidden from using profanity or vulgarity when posting electronic mail via the Internet or posting to public forums (i.e., newsgroups). Any electronic mail sent through or postings to public newsgroups must fall within these ethical standards. The employee-user must abide by all federal and state laws with regard to information sent through the Internet.

**E-Mail and Voice Mail**

The content of e-mail sent and/or received by employees should be appropriate to the business-related nature of the service and should not include messages that a reasonable person would consider harassing, libelous, threatening, abusive or otherwise offensive. The e-mail systems covered by this policy include both the internal e-mail system and any e-mail systems operated by third parties, which are accessible to employees.

All data stored in the electronic mail and voice mail systems are and remain at all times, the property of Montgomery County Government. All electronic mail and voice mail messages composed, sent, and received are and remain the property of Montgomery County Government.

Montgomery County Government reserves the right to retrieve and read or listen to any message composed, sent, or received on the electronic mail and voice mail systems. Please note that even when a message is deleted, it may still be possible to recreate the message; therefore, ultimate privacy of message cannot be guaranteed to anyone.

Electronic mail and voice mail messages should be limited to conducting business for Montgomery County Government. Electronic mail and/or voice mail should not be used to conduct personal business.

Electronic and voice mail messages may not contain content that may be reasonably considered offensive or disruptive to any employee. Offensive content would include, but is not limited to, sexual comments or images, racial slurs, gender-specific comments, or any comments that would offend anyone on the basis of his or her age, sexual orientation, religious or political beliefs, national origin or disability.

The use of the Internet and e-mail provided by Montgomery County Government expressly prohibits the following:

- Dissemination or printing of copyrighted materials, including articles and software, in violation of copyright laws.
- Offensive or harassing statements or language including disparagement of others based on their race, national origin, gender, sexual orientation, age, disability, religious or political beliefs.
- Sending or soliciting sexually oriented messages or images.
- Operating a business, usurping business opportunities or soliciting money for personal gain, or searching for jobs outside Montgomery County Government.
- Sending chain letters.
- Engaging in any other activity in violation of local state or federal law.

**Authorized Access/Security/Privacy**

Generally, the internal safeguards established by Montgomery County Government and the use of passwords are designed to protect the confidentiality of information exchanged over these networks. These safeguards are not foolproof. Employees should be aware that there is no guarantee of confidentiality.

The primary responsibility for ensuring the confidentiality of personal communications lies with the employee. Employees should use passwords to prevent unauthorized access to files and should observe procedures that prevent others from viewing materials on screen.

Abuse of access privileges or passwords by unauthorized entry into another employee's system or files, or into Montgomery County Government's internal or external networks, or the distribution of messages or materials which are not consistent with the policies for appropriate workplace conduct, is subject to appropriate disciplinary action up to and including dismissal. In some cases, the abuse of access privileges may be illegal, and the violator may be subject to legal penalties.

Under no circumstances is an employee authorized to use the mailbox of another employee for transmitting a message that appears to be from that staff member. Likewise, attempting to access the voice mail or e-mail messages of another employee, without their consent or authorization is a violation of Montgomery County Government policy and subject to disciplinary action up to and including dismissal.

In the use of external communications, such as internet, employees need to be aware that information communicated may be intercepted and accessed illegally. Therefore, these users should take the following precautions to protect against security violations:

- Never transmit or discuss sensitive information; and
- Never give access or passwords to anyone unless required for fulfillment of job or outside the employment of Montgomery County Government.

**Use of Copyright Protected Material**

It is against Montgomery County Government policy to use copyright protected material unless written approval to use it has been acquired. Most text, photographic and graphic materials in books, magazines, external databases and other published sources, including electronic sources, are protected by copyright. The same rules apply to articles or other information that is obtained through e-mail.

Reproducing and/or distributing copyrighted material without obtaining the permission of, or purchasing reproduction rights from, the copyright holder is likely to be a copyright infringement. Reproduction and distribution include electronically scanning, or otherwise copying materials for inclusion in reports, brochures or other documents.

Unauthorized use of such protected materials is subject to disciplinary action up to and including dismissal.

**System Security after Termination of Employment**

When employees leave Montgomery County Government for any reason, the employee's supervisor is responsible for:

- Notifying the appropriate phone and system administrators in order for the employee's name and passwords to be deleted from the system. This should be done at the earliest possible time after the employee departs.
- Inventorying all software and hardware products to ensure that they have been returned and in proper order.

Violations and misuse of this policy as identified above (but not limited to) will be treated as a performance issue and may result in disciplinary action, up to and including termination of employment.

## Drug-Free Workplace

Montgomery County Government is committed to maintaining a safe and healthy workplace free from the influence of alcohol, drugs, and controlled substances. That commitment is jeopardized when any Montgomery County Government employee illegally uses drugs on or off the job, comes to work under their influence, possesses, distributes or sells drugs in the workplace, or abuses alcohol on the job. Such conduct is prohibited during non-working time to the extent that, in the County's opinion, it impairs an employee's ability to perform on the job or threatens the reputation of Montgomery County Government.

Therefore, Montgomery County Government has established the following policy, pursuant to T.C.A. Section 50-9-101 et. seq.:

1. It is a violation of County policy for any employee to use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job,

2. It a violation of County policy for any employee to report to work under the influence of or while possessing in his or her body, blood or urine, illegal drugs in any detectable amount.
3. It is a violation of County policy for any employee to report to work under the influence of or impaired by alcohol.
4. It is a violation of the County policy for any employee to use prescription drugs illegally, i.e., to use prescription drugs that have not been legally obtained or in a manner or for a purpose other than as prescribed. However, nothing in this policy precludes the appropriate use of legally prescribed medications.
5. Violations of this policy are subject to disciplinary action up to and including termination.

Montgomery County Government does not tolerate the misuse of controlled substances by employees under any circumstances. For the purposes of this policy, controlled substances include but is not limited to:

- Alcohol
- Illegal drugs such as marijuana, crack, meth, heroin and cocaine, and synthetic drugs.
- Prescription drugs, such as Valium, sleeping pills, amphetamines, pain killers, narcotics and tranquilizers used without a doctor's supervision, including but not limited to, over-the-counter drugs that are used in a way that compromises or impairs the employee.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive and drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message the illegal use of drugs and the abuse of alcohol are incompatible with employment at Montgomery County Government.

The County offers an Employee Assistance (EAP) benefit for employees and their dependents (as outlined in section VII). The EAP provides confidential assessment, referral and short-term counseling for employees who need or request it. If an EAP referral to a treatment provider outside the EAP is necessary, costs may be covered by the employee's medical insurance; but the cost of such outside services is the employee's responsibility.

Participation in the EAP will not affect an employee's career advancement or employment, nor will it protect an employee from disciplinary action if substandard job performance continues. The EAP is a process used in conjunction with discipline, not a substitute for discipline. The EAP can be accessed by an employee through self-referral or through referral by a supervisor.

**Conviction for Workplace Drug Offenses**

Pursuant to the Drug Free Workplace Act of 1988 (Public Laws 100-440 and 100-690), the County requires all employees to comply with the terms of this policy and as an ongoing condition of employment, employees are required to abide by this prohibition.

In addition, all employees are required to report to the County any criminal drug statute conviction entered against them for a violation occurring in the workplace, no later than five

days after such conviction has become final. If an employee receives a conviction, the County shall take appropriate disciplinary action against the employee, up to and including termination, or require the employee to participate satisfactorily in an approved drug-abuse assistance or treatment program.

## Drug-Free Workplace Procedures

Any employee reporting to work visibly impaired will be deemed unable to perform required duties and will not be allowed to work. If possible the employee's supervisor will first seek another supervisor's opinion to confirm the employee's status. Next the supervisor will consult privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. If, in the opinion of the supervisor, the employee is considered impaired, the employee will be sent home or to a medical facility by taxi or other safe transportation alternative (depending on the determination of the observed impairment) and accompanied by the supervisor or another employee if necessary. A drug or alcohol test may be in order. An impaired employee will not be allowed to drive.

### Responsibility

Everyone shares responsibility for maintaining a safe work environment, and co-workers should encourage anyone who has a drug problem to seek help.

Supervisors are responsible for determining satisfactory job performance and acceptable standards for working safely. It is not their role to diagnose medical conditions; the supervisor should encourage such employees to seek help and advise them about available resources for getting help. All management levels are responsible for ensuring that a consistent and fair application of the provisions of this policy is administered.

It is the responsibility of each employee to abide by the procedures outlined in this policy and to participate in creating a safe and substance abuse free environment. Individuals are responsible for their own behavior as well as seeking assistance with abuse problems when appropriate.

### Exceptions — Medically Prescribed Drugs

The proper use of medically prescribed or over-the-counter drugs during working hours is permissible, provided there is not a medically stated caution regarding the employee performing their job safely and adequately; for example, operating mechanical equipment.

Employees undergoing prescribed medical treatment for any drug that may affect their ability to perform their jobs must report this treatment to the supervisor who will determine whether Montgomery County Government should temporarily change the employee's job assignment for the period of treatment. Employees must keep all prescribed medicine in its original container, which identifies the drug, date of prescription, and the prescribing doctor.

### Drug and Alcohol Testing

Submission to drug and alcohol testing may be required under the following circumstances:

- Pre-employment examinations.
- When an employee's supervisor has reasonable suspicion that an employee on Montgomery County Government's property, is using or under the influence of prohibited drugs, alcohol, or substances, or that there has been a violation of this policy.
- When an employee is found in possession of suspected illegal or prohibited drugs, alcohol, or substances, or when any of these drugs and substances are found in an area controlled or used exclusively by said employee.
- When an employee returns to active employment after a leave of absence of thirty (30) or more days.
- Following an on-the-job injury requiring treatment from a physician, or, following a serious or potentially serious accident or incident, including near misses, in which safety precautions were violated, unsafe instructions or orders were given, vehicles/equipment/property was damaged, or unusually careless acts were performed.
    - All persons involved and within the immediate vicinity of the incident may have their urine and blood tested.
    - If it is impossible or impractical, because of the physical condition of the individual(s) involved in the accident, to give a urine and blood sample, and if in subsequent medical treatment of the person(s) blood will be drawn, then blood will be analyzed for drugs, alcohol and other prohibited substances.
- Reasonable Suspicion Testing. Montgomery County Government reserves the right to require that current employees take a urine and/or blood test for the presence of drugs, controlled substances and alcohol under the following circumstances:

    - Whenever Montgomery County Government has a reasonable suspicion that an employee's performance or on-the-job behavior may have been affected in any way by alcohol, drugs, controlled substances, or that an employee has otherwise violated this policy, the County may require the employee to submit a urine and/or blood sample for alcohol and drug testing. An employee who tests positive for alcohol, drugs or controlled substances as a result of such a test will be in violation of this policy.
    - Whenever an employee may have contributed to an accident on County owned or leased property or on work time, if the accident involves a fatality, bodily injury, or damage to property, the County may require the employee to submit a urine and/or blood sample for alcohol and drug testing. An employee who tests positive for alcohol and/or drugs as a result of such a test will be in violation of this policy.

**Opportunity to Contest or Explain Test Results**

Employees and job applicants who have a positive confirmed drug or alcohol test result may explain or contest the result to the medical review officer within five (5) working days after receiving written notification of the test result from the medical review officer; if an employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to the County; a person may contest the drug test result pursuant to rules adopted by the Tennessee Department of Labor.

The confidentiality of any information received by the employer through a substance abuse testing program shall be maintained, except as otherwise provided by law.

**Searches and Inspections**

The County reserves the right to conduct unannounced searches and inspections of County owned or leased property for alcohol, drugs and/or controlled substances. This includes County vehicles, lockers, storage areas, and rooms normally used to store employee personal property.

Additionally, whenever the County has reasonable suspicion that an employee has sold, purchased, used or possessed alcohol, drugs, or controlled substances on County premises, the County, with the presence of sworn officers, may inspect the employee's personal effects (including, but not limited to, parcels, purses, lunch boxes, and briefcases) or automobile on County property.

**Off the Job**

Illegal, off the job activities involving alcohol/drugs will be considered on a case-by-case basis for possible disciplinary action, including termination.

**Consequence of Violation of This Policy**

Compliance with this policy is a condition of employment. Failure or refusal of an employee to cooperate fully, sign any required document, submit to any inspection or test, abide by any provision of this policy, or follow any prescribed course of substance abuse treatment may result in severe disciplinary action, including discharge for a first offense, at the County’s sole discretion.

**Disciplinary Recourse**

Violation of the following will be grounds for disciplinary action up to and including termination:

- Unlawful manufacture, distribution, possession or use of drugs or drug paraphernalia on County owned or leased premises, in County supplied vehicles, or during working hours;
- Unlawful manufacture, distribution, possession or use of a controlled substance on County owned or leased, in County supplied vehicles, or during working hours;
- Unauthorized use, manufacture, distribution, dispensation or sale of alcohol on County owned or leased premises, in County supplied vehicles, or during working hours;
- Storing in a locker, desk, automobile, truck, toolbox or other repository on County owned or leased premises any drug, controlled substance or alcohol whose use is unauthorized or drug paraphernalia;
- Being under the influence of an unauthorized drug, controlled substance or alcohol on County owned or leased premises, in County owned or supplied vehicles, or during working hours;

- Switching or contaminating any urine or blood sample submitted for testing;
- Refusing to consent to testing or to submit a urine or blood sample for testing when requested by management;
- Refusing to submit to an inspection when requested by the County;
- Failing to adhere to the requirements of any drug or alcohol treatment or counseling program in which the employee is enrolled when required for continued employment;
- Conviction under any criminal drug statute for a violation occurring in the workplace;
- An employee's failure to report to the County that he or she has been convicted of a criminal drug statute for a violation occurring in the workplace;
- Failure to report to the appropriate supervisor the use of a prescribed drug which may alter the employee's behavior or physical or mental ability; and
- Failure to keep prescribed medicine in its original container.

**Employment at Will**

Like all other County policies, this policy does not alter the employment-at-will relationship. Any employee may terminate his or her employment at any time without cause and Montgomery County Government retains the same right.

## Weapons in the Workplace

It is the policy of Montgomery County Government to prohibit all employees, except sworn officers of the law, who enter County owned or leased property from carrying any concealed, dangerous weapon of any sort.

All employees of Montgomery County Government coming on the County's premises are prohibited from carrying any concealed, dangerous weapon of any sort while in one's personal motor vehicle, or in a motor vehicle owned by the County unless the employee has a valid handgun carry permit recognized in Tennessee and the weapon is kept from ordinary observation and locked within the trunk, glove box, or interior of the person's motor vehicle or a container securely affixed to such motor vehicle if the permit holder is not in the motor vehicle pursuant to T.C.A. § 39-17-1313. Otherwise, the only exception to this policy is sworn officers who have been given written consent by the County to carry a weapon on the property.

Montgomery County Government property covered by this policy includes, without limitation, all County owned or leased buildings and surrounding areas such as sidewalks, walkways, driveways, and parking lots under the County's ownership or control. County vehicles are covered by this policy at all times regardless of whether they are on County property at the time.

The County reserves the right to conduct searches of any person, vehicle, or object that enters onto County property with or without the employee being present if there is reasonable suspicion that a weapon is present. Searches may be conducted by County management or by local authorities. Any employee violating this policy shall be subject to immediate disciplinary action, up to and including termination of employment.

## Tobacco Free Workplace

The purpose of this policy is to provide a healthful work environment for all Montgomery County Government employees and to comply with the various laws and regulations governing workplace smoking and use of tobacco products. Tobacco is a known health risk that cannot be ignored and the County wishes to promote a healthy and comfortable working environment. Therefore, Montgomery County Government has developed a tobacco free policy that promotes wellness and protects our employees. The County does not wish to regulate employees' private lives, but it must take steps to protect employees from potential harmful substances.

All County Government locations will be tobacco-free environments. The policy applies to all employees, visitors and outside contractors performing work on any County Government site(s). Tobacco will be prohibited in all buildings or enclosed walkways at all times. This policy bans the use of products such as pipes, cigars, cigarettes, electronic cigarettes (e-cigs or e-cigarettes), personal vaporizer (PV), electronic nicotine delivery systems (ENDS), chew and snuff; spitless tobacco and clove cigarettes. Due to the potential infiltration of secondhand smoke, smoking is allowed outside all Montgomery County Government owned and leased facilities away from entrances and air intakes.

County property covered by this policy includes, without limitation, all County owned or leased buildings to any area enclosed by the perimeter (outermost) walls of the building, including restrooms, warehouses, storage spaces, garages, bay areas, atriums, balconies, stairwells and other similar building features considered "within a building" under the County's ownership or control. County vehicles are covered by this policy at all times regardless of whether they are on County property at the time. Employees are strictly prohibited from using any tobacco products while operating all County equipment, including but not limited to lawnmowers, tractors or any other combustible engines. An employee who violates this policy will be subject to disciplinary action up to and including termination.

Responsibility for compliance with this policy rests with all Department Heads and Elected Officials. Department Heads and Elected Officials will need to set department guidelines and procedures to govern the frequency and the length of time employees may be away from their work area.

**Employee’s Responsibility**

Montgomery County Government has a vital interest in promoting employee well-being and maintaining a safe, healthy and efficient work environment. It is expected that employees share the responsibility of promoting and maintaining such an environment. Individuals who use tobacco products will be responsible for their proper disposal. All employees are expected to comply with this policy and violations will subject the individual to appropriate management action. Employees who violate the tobacco-free policy will be subject to disciplinary action up to and including termination for repeated offenses.

All employees are authorized and encouraged to communicate this policy with courtesy, respect, and diplomacy, especially with regard to visitors.

An employee who does not comply with the policy will first be reminded of the policy through a documented verbal warning. The employee will be informed of the services offered through the Montgomery County Government and available smoking cessation programs. A second occurrence will result in suspension without pay and a third occurrence will be cause for termination.

**Employer's Responsibility**

Responsibility for compliance with this policy rests with all Department Heads, Elected Officials and their designated supervisors. Department Heads and Elected Officials will need to set independent guidelines and procedures to govern the frequency and the length of time employees may be away from their work area.

## Cellular Telephone Usage

The purpose of this policy is to outline the use of personal cell phones at work, the use of business cell phones and the safe use of cell phones by employees while driving. Cell phones may be provided to employees to improve customer service, enhance business efficiency, and provide safety and/or security while on required business travel. The phones are not a personal benefit and shall not be a primary mode of communication.

Use of cell phones (personal or issued by Montgomery County Government) is strictly prohibited in restrooms, changing rooms (any area where employees expect privacy), and other areas where credit cards or other sensitive personal information is kept.

**Personal Cellular Telephones**

Employees may carry personal cellular phones with them while on Montgomery County Government time but excessive use of personal cellular phones for personal business during duty hours is not allowed. While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of company phones.

The County does not encourage employees to use their personal cellular telephones for County business. Use of these telephones for County business is strictly voluntary on the part of the employee. The County is not liable for the loss of or damage to personal cellular phones brought into the workplace.

**Camera Phones**

Employees and visitors are strictly prohibited from using camera and video phones to take photos or videos in restrooms, changing rooms (any area where employees expect privacy), and other areas where credit cards or other sensitive personal information is kept. Employees will be disciplined on a case-by-case basis and appropriate disciplinary action will be taken for violation, up to and including termination.

**Cellular Telephones Issued by Montgomery County Government**

Cellular phones that are purchased by Montgomery County Government for an employee's use are the property of Montgomery County Government. The primary use of telephones is for Montgomery County Government related business; direct expenses related to personal use will be reimbursed to Montgomery County Government.

Employees in possession of Montgomery County Government equipment such as cellular phones are expected to protect the equipment from loss, damage or theft. The equipment shall be returned upon the employee's termination. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone in good working condition within the time period requested (i.e. 24 hours) may be expected to bear the cost of a replacement.

Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

**Cellular Phone Use**

Safety must come before all other concerns; employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business use are expected to refrain from using their phone while driving, except with speaker phone or hands-free device assistance.

- Employees must adhere to all federal, state or local rules and regulations regarding the use of cell phones while driving. Accordingly, employees must not use cell phones if such conduct is prohibited by law, regulation or other ordinance.
- Employees are not allowed to use electronic devices for non-business purposes or in an illegal, illicit or offensive manner.
- Use of cellular telephones or any other hand-held device, pagers, digital assistants, laptops, or any other electronic communicative devices is not authorized while operating a vehicle.
- Should an employee need to make a business call while driving, he should locate a lawfully designated area to park and make the call or use a hands-free speaking device such as a speakerphone/ earpiece.
- Employees are prohibited from using cell phones while operating a vehicle in adverse weather or difficult traffic situations.
- Cell phones may be used while driving only to report an accident, car trouble or if there is imminent danger.
- In situations where job responsibilities include regular driving and accepting of business calls, hands-free equipment (i.e. car mounts, headsets, and earpieces) will be provided to facilitate the provisions of this policy.
- Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use, are also expected to abide by

the provisions above. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs.
- Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for liabilities that result from such actions.

**Special Responsibilities for Managerial Staff**

As with any policy, management staff is expected to serve as role models for proper compliance with the provisions above and are encouraged to regularly remind employees of their responsibilities in complying with this policy.

**Cell Phone Mismanagement**

Determination of personal and County issued cell phone mismanagement and abuse is the responsibility of the Department Head and Elected Official. Employees will be disciplined on a case-by-case basis and appropriate disciplinary action will be taken for violation, up to and including termination.

## Personal Web Sites and Web Logs

The purpose of this policy is to provide County employees with guidelines regarding personal web sites and web logs. It is the policy of Montgomery County Government to respect the rights of employees' freedom of speech and use of personal web sites and web logs (blogs).

Personal web sites and web logs (blogs) have become methods of self-expression in our culture. The County respects the right of employees to use these mediums during their personal time. If an employee chooses to identify himself or herself as a Montgomery County Government employee on a web site or web log, he or she must adhere to the following guidelines:

- Make it clear to the readers that the views expressed are the employee’s alone and that they do not necessarily reflect the views of Montgomery County Government.
- Do not disclose any information that is confidential or proprietary to Montgomery County Government or to any third party that has disclosed information to the agency. Consult the County’s confidentiality policies for guidance about what constitutes confidential information.
- Uphold Montgomery County Government’s value of respect for the individual and avoid making defamatory statements about Montgomery County Government’s employees, Commissioners, Elected Officials, affiliates and others, including competitors.
- Be careful not to let blogging interfere with the employee’s job or commitments.

If blogging activity is seen as compromising the reputation of the department and/or the County, Montgomery County Government shall request a cessation of such commentary and the employee may be subject to counseling and, potentially, disciplinary action, up to and including termination.

# Section III: Compensation

## Wage and Salary Administration

It is the policy of Montgomery County Government to maintain salary ranges consistent with the economic requirements of the County and competitive with those of the industry and/or community in which the County operates. A sound salary administration program should result in the provision of appropriate salaries based upon accurate position evaluations and employee performance appraisals.

The compensation plan for Montgomery County Government employees is reviewed and approved by the Montgomery County Government Board of Commissioners upon completion of the budget process ending June 30 of each year. The compensation plan is developed and prepared by the Human Resources Director at the direction of the County Mayor and the Budget Committee.

A complete comprehensive compensation plan for all classes of positions shall be established and maintained on a current basis. The plan shall include salary schedules for the various classes with the salary of each class consistent with the functions outlined in the job specifications.

When preparing the plan, the following shall be considered:

- Prevailing rates of pay for similar types of work in public employment.
- The current competitive status of the Department's salary ranges.
- Budgetary limitations of the Department.

## Exemption Determination

The Human Resources Department has the final responsibility to determine exempt/non-exempt status. Supervisors and managers are responsible for notifying Human Resources whenever it appears that a position may be incorrectly classified under the Fair Labor Standards Act (FLSA).

## Position Evaluation

Human Resources will administer the job evaluation process. This process includes defining each position in Montgomery County Government through the means of a job description and if applicable, a work analysis. Each position will be evaluated and slotted into a salary grade based on appropriate survey data and relationship to other positions.

## Position Descriptions

The purpose of job descriptions is to provide a general overview of a position’s work activities; identify specific skills, abilities and knowledge that is required for each position, and to provide adequate information to establish where the position should be evaluated as compared to other positions in the County. Detailed job functions and duties are identified in an employee’s work standards.

### Adding Classifications or Individual New Positions

It is the County's intent to restrict the number of classifications and titles to as few as is appropriate. While formal (system) titles are limited, a Department Head or Elected Official may use titles (other than the formal title) in day-to-day activities, if these better identify an employee's role.

### Reclassifications

If an Elected Official/Department Head feels that a position in their agency is improperly classified, he/she may submit a written request for reclassification, including any documentation available, to the Director of Human Resources. The request should include position, title; pay grade, justification, position description and budget approval for the specific new position/individual being added.

The Human Resources Director will review the request and documentation along with the Montgomery County Government Classification/Compensation Plan, and assist the Elected Official/Department Head in identifying and implementing the proper classification. Should the reclassification require additional funding beyond their existing personnel budget, a request will be forwarded to the Budget Committee for review and recommendation and then forwarded to the County Commission for approval.

## Pay Procedures

The purpose of this policy is to establish an equitable, controllable, and consistent approach to the pay administration. It is the policy of Montgomery County Government for employees to receive their pay by direct deposit on a regular basis and in a manner so that the amount, method and timing of such payments comply with any applicable laws or regulations.

### Paydays

Employees normally are paid every other Friday. If the regular payday occurs on a non-work day, employees are paid on the last working day prior to the regular payday.

### Pay Periods

Montgomery County Government's payroll is processed according to established pay periods. All salary actions, personnel changes, etc. are effective at the beginning date of the pay period in which they are processed. All salary actions, personnel changes, time reports, etc. received after the published payroll cut-off dates will be processed in the following pay period.

### Pay Deductions

On each payday, employees receive a statement through the on-line employee self-service program showing gross pay, deductions and net pay. Federal, State (depending upon the employee's state residence) and Social Security taxes are deducted automatically. No other

deductions are made unless required or allowed by law or employee obligation. Additional voluntary deductions may be taken from an employee's pay if authorized in writing.

### Mistakes on Paychecks

Employees who discover a mistake in their paycheck should notify their supervisor immediately. In the case of a mistake, the error will be remedied promptly.

### Direct Deposit

To ensure employees receive their paycheck on a timely basis; reduce the cost of stop payment for lost or stolen checks, the County requires that all payroll checks be directly deposited into a bank account. Through this plan, the net pay of employees is deposited to a checking and/or savings accounts. The employee designates the account(s) the paycheck is sent electronically and the funds are available on the morning of the pay day.

Records of net pay will be sent to banks and other financial institutions for posting. Employees will receive an "advice of deposit" indicating their name, department, employee number, and net pay, along with a stub reflecting the usual payroll information.

## Overtime Compensation (General County)

The Fair Labor Standards Act (FLSA) authorizes the establishment of different work periods for different types of employees. The general rule applies to all groups of covered Montgomery County Government employees, with exceptions for law enforcement and Emergency Medical Services. The general rule shall be followed unless there is a written exception in this Handbook or with the affected Department.

### Overtime Computation

For non-exempt employees, the maximum number of allowable hours that may be worked before overtime must be compensated is 40 hours per work week. The work week as defined by the FLSA, is a fixed and regularly recurring period of 168 hours or seven (7) consecutive 24 hour periods. The work week need not coincide with the calendar week, but may begin on any day and at any hour of the day. A single work week may be established for different employees or groups of employees. Once the beginning time of an employee's work week is established it remains fixed, but may be changed if the change is intended to be on-going, and is not designed to evade the overtime requirements of the FLSA. Single work week is the standard and does not permit averaging of hours over two (2) or more weeks.

### Compensatory Time

It is the policy of Montgomery County Government that employees may receive compensatory time at a rate of not less than one and one half (12) times their regular hourly rate for which overtime compensation is required under the FLSA. The FLSA allows an employee, with the approval of the employer, to select compensatory time for a portion of any overtime which is

worked. The election of compensatory time is voluntary and offered during the initial orientation process conducted at the Human Resources Department and is not a condition of employment. Employees may change their voluntary election each June, prior to the beginning of a new fiscal year. Employees may accrue not more than two hundred and forty (240) hours of compensatory time for overtime worked.

Montgomery County Government reserves the right to pay an employee for any or all accrued compensatory time when deemed necessary.

**Compensatory Leave**

Employees requesting to use accrued compensatory time must make a specific request in writing to their immediate supervisor. Use of such time will be allowed within a reasonable period following the request as long as the use does not unduly disrupt the operations of Montgomery County Government. Under limited circumstances, employees of Montgomery County Government who work in the same capacity, may, at their option, substitute work hours (swap time) as long as such substitute has prior approval by the immediate supervisor of each employee involved. It is understood that overtime hours generated as a result of such substitutions shall be excluded from the calculation of hours worked for overtime purposes.

Montgomery County Government does not include in the computation of hours worked, those hours when an employee is off work on sick leave, holiday, annual leave or compensatory time off as allowed under the provisions of this policy. Such time shall not be counted as time worked for purposes of Fair Labor Standards Act computation.

**Overtime Compensation (Law Enforcement)**

The maximum number of allowable hours that may be worked before overtime must be compensated is 43 hours per workweek. The work week is defined by the FLSA, is a fixed and regularly recurring period of 168 hours or seven (7) consecutive 24-hour periods. Qualified Law Enforcement personnel, as identified by the FLSA, shall receive time and one half (1½) consideration for hours worked over 43 hours in a seven-day tour of duty.

**Overtime Computation (Law Enforcement)**

Qualified law enforcement personnel may receive overtime in one of two ways:

- Employee may be paid one and one half (1½) times his/her normal rate or,
- Employee may receive compensatory time off at a rate of one and one half (1½) hours for each hour of overtime worked (with prior written agreement, which is offered at initial employee orientation, between the employer and employee, and not as a condition of employment). The compensatory time off will be scheduled by the Sheriff, or his delegate, taking into consideration the operational requirements of the Sheriff's Department.

## Wage Garnishment

It is the policy of Montgomery County Government as required by law to recognize certain court orders, liens, and wage assignments. The purpose of this policy is to outline guidelines relating to wage garnishments and similar proceedings.

Title III of the Consumer Credit Protection Act (CCPA) protects employees from discharge by their employers because their wages have been garnished for any one debt, and it limits the amount of an employee's earnings that may be garnished in any one week. Title III applies to all employers and individuals who receive earnings for personal services (including wages, salaries, commissions, bonuses and income from a pension or retirement program, but ordinarily not including tips).

**Summary of Act**

No employer may discharge any employee because of the fact that earnings have been subjected to garnishment for any one indebtedness.

- Any one indebtedness means a single debt, regardless of the number of time garnishment proceedings are filed to collect it.

There are no exemptions from this prohibition. For example, if a taxing authority has levied on a tax debt which is first indebtedness, the employee may not be discharged.

No County representative should make any threat of discharge for garnishments connected with any debt. In a situation where discipline is contemplated (e.g. garnishment on a second debt), the Accounts and Budget Director is to ensure that the garnishment is truly a separate and distinct debt from the first and not another filing on the original debt.

The Child Support Enforcement Program requires that beginning January 1, 1994, employers withhold for child support orders immediately, even if there is no arrearage. The law allows for an exception to immediate wage withholding if the court finds good cause, or if both parents agree to another arrangement. The County will receive a notice from the state child support enforcement agency that tells us when to begin to withhold, how much to deduct and where to send the money.

**Employee Responsibility**

All employees are expected to carry out their financial obligations promptly so that creditors will not have to ask for the County’s assistance in collecting amounts owed to them.

**Employer Responsibility**

If the County is served with a writ of garnishment, or any other similar order requiring payment of a portion of an employee's compensation to someone other than the employee, the recipient

must immediately refer the order to Human Resources. Failure to act promptly may expose the County to legal liability.

If garnishments or similar proceedings are instituted against an employee, the County will deduct the required amount from the employee's paycheck. The amount deducted will not exceed that permitted by law. Garnishments or similar orders will be administered by the Human Resources and Payroll.

**Limitations on Deductions**

The federal law establishes a maximum deduction on garnishment of 25 percent of disposable earnings or the amount by which disposable earnings for that week exceed thirty (30) times the federal minimum hourly wage prescribed by the Fair Labor Standards Act in effect at the time earnings are payable, whichever is lower. In court orders for child support or alimony, Title III allows up to 50 percent of an employee's disposable earnings to be garnished if the employee is supporting a current spouse or child, and up to 60 percent if the employee is not doing so. An additional five percent may be garnished for support payments over 12 weeks in arrears.

- Disposable earnings are defined as that part of the employee’s earnings after the deduction of any amount(s) required by law to be withheld.

**Exemptions from Restrictions on Garnishments**

The restrictions on the amount of disposable earnings which may be subjected to garnishment do not apply in the cases of:

- Any order of any court of bankruptcy under Chapter XIII of the Bankruptcy Act.
- Any order of any court for the support of any person.
- Any debt due for any state or federal tax.

Repeated garnishments are indications of financial irresponsibility and may be referred to Human Resources for possible disciplinary action, up to and including termination.

## Deductions from Pay

All deductions from an employee’s wages shall be in accordance with applicable law and, when required, the employee’s consent. The purpose of this policy is to provide an overview of Montgomery County Government’s authorized payroll deductions.

The County will deduct from the employee's payroll check only those deductions required or authorized by law or authorized by the employee. Mandated deductions will be made from employees’ wages in the following order:

- Social Security taxes
- Federal and state (if applicable) income taxes
- Amounts owed to the County

- Child support
- Garnishment
- Assignment of wages
- Voluntary deductions include deductions for credit union, health insurance, tax sheltered annuities, life insurance, and any other benefits for which there is an employee contribution will be made after all mandated deductions.

Signed authorization is required for a voluntary deduction. Voluntary deductions are continued until the employee cancels them in writing.

No deduction from an employee's wages for any period shall cause the employee's wages for any such period to be less than the wages required to be paid by the County pursuant to applicable law.

Deductions not taken for any pay period may be carried over to succeeding pay periods and deducted from the wages due to the succeeding pay period to the extent allowed by law.

Employees must consent in writing to the following deductions:

- Payment of group health insurance.
- Contributions to a retirement plan.

Employees shall be required to complete all applicable forms necessary for deductions as may be required by law; such forms include the federal W-4.

**Business Travel**

Montgomery County Government follows the Tennessee State Travel guidelines. Further information regarding business travel is located in the Travel and Purchasing policies.

**Pay Exceptions**

The purpose of this policy is to provide guidelines for awarding special pay to employees who are assigned duties and responsibilities that are beyond the scope of the employee's regular position.

**Special Pay**

The County will pay an amount equal to 5% of an employee's regular pay to an employee who is assigned to:

- Serve on an interim basis in a position which is an equal grade and skill set of the employee's regular position but is in a different department for a period of at least 30 calendar days but not more than 2 years.

The County will pay an amount equal to 10% of an employee's regular pay to an employee who is assigned to:

- Act on the manager's behalf during an absence of 30 or more calendar days,
- Serve on an interim basis in a position which is a higher grade and skill set than the employee's regular position for a period of at least 30 calendar days but not more than 2 years.

# Section IV: Work Schedules

## Work Schedules

The purpose of this policy and procedure is to establish and define employee work schedules. Montgomery County Government provides services to the community in a variety of settings and times. These include various field and office locations, days, evenings, nights, holidays and weekends. In order to provide these services at different times and locations, Department Heads and Elected Officials will establish work schedules for its employees.

All staff shall have a work schedule identifying the time and location of work activity. The schedule must equal the amount of hours an employee is budgeted to be paid. Schedules may be established the time of employment with little or no variation or vary on a monthly, or weekly basis depending on the work to be performed. Routine schedules will cover at least a one (1) week period and begin and mirror the pay period.

The written work schedule will be developed and approved by the employee's immediate supervisor or designee. If the schedule varies on a monthly or weekly basis, the supervisor or designee shall complete the schedule no later than 5:00 p.m. the Thursday before the schedule period is to begin. In certain situations, a supervisor may establish a daily work schedule for an employee. In these situations the employee shall be given the schedule no later than one hour before the end or his/her work day. Changes to the schedule should be made as far in advance as possible.

The schedule should include such information as established start and end time(s), lunch time, breaks, field time, office time, clinic time, trainings, off site meetings, on-call time, and leave.

In order to maintain or provide needed services to the community, Department Heads and Elected Officials can require one or more employees to work a time they were not originally scheduled, schedule additional hours beyond originally scheduled workday/week (overtime) or revoke prior approved leave.

## Work Hours and Work Week

It is the policy of Montgomery County Government to establish hours of work in accordance with community needs and current regulations governing the County's staffing requirements which may include overtime. The purpose of this policy is to establish the time and duration of working hours as required by community and department needs.

Montgomery County Government complies with all State and Federal laws applicable to work schedules. Employees are not guaranteed a specific shift or work schedule.

- The regular work week, which begins on Monday and ends on the following Sunday, is defined as seven (7) consecutive days beginning at 12:01 a.m. on Monday morning and ending at 12:00 p.m. (midnight) on the following Sunday night. Due to service requirements, employees may be assigned to shift work.
- Break periods are considered paid time. The meal period is not considered paid time.
- Any work time over 40 (43 in some instances) hours in a workweek for non-exempt employees will be paid at time and one half (1½) the regular rate of pay.
- The Department Head or Elected Official, in accordance with the needs of the County, establishes departmental work schedules.
- Department work schedules may be changed when deemed necessary by the Mayor or designee, Department Head, or Elected Official. When practical, advance notice will be given to such changes taking effect.
- Employees are expected and required to work their scheduled shifts. Failure to report to work, as outlined within these policies, may result in disciplinary action.

**Deviation From Hours**

Daily and weekly work schedules may be changed at the discretion of Montgomery County Government to meet varying conditions of the business. Department Heads and Elected Officials are encouraged to announce changes in work schedules as far in advance as practicable and whenever possible.

**Flexible Hours**

It is the policy of Montgomery County Government to offer special flexible hours to employees if feasible to the business operations of the department. Flexible hours are at the sole discretion of the County Mayor, Department Head or Elected Official. Upon approval from the County Mayor, Department Head or Elected Official, an employee may, within specific limits dictated by the needs of the jobs, start work at an agreed upon time. Adequate staff coverage, sufficient to meet the daily operation requirements of the department, is required at all times. Each area must provide coverage during core office hours (8:00 a.m. – 4:30 p.m.) or as required.

# Section V: Attendance

## Absenteeism and Tardiness

The successful and efficient functioning of Montgomery County Government is dependent upon the regular attendance of all employees. It is the policy of the County to require regular attendance, punctuality and promote communication and interaction between management and employees to ensure that resources are available for meeting daily obligations.

Each supervisor and managerial employee have operational day-to-day responsibility for administering this policy. Employees are expected to report for work and be at their work station/place prepared to work at the start of the shift. Any employee who is absent from work and fails to call in may be subject to corrective action, up to and including termination.

Absence—An employee's failure to be at work during the hours the employee is normally scheduled to work. Employees are considered absent from work when not available for the assigned work schedule regardless of the reason.

Scheduled absences—A preapproved arrangement between employee and supervisor to be away from work.

- Employees are to notify their supervisor (or designee) as early as possible about scheduling time off from work (e.g. annual leave, doctor's appointments, personal days, etc.), whether paid or unpaid.
- Scheduled absences are arranged at the mutual convenience of the department and the employee based on the operational needs of the department.
- Absences can be considered scheduled if a 24-hour advance notice is given, or notice in accordance with the guidelines established in the Annual Leave policy, and the absence is approved by the supervisor or designee. Exceptions may be considered on a case-by-case basis as determined by the Department Head or Elected Official.

Unscheduled absences—An employee misses work due to an unscheduled absence (e.g. calling in sick).

- Employees must follow department procedure for call in; failure to follow established departmental procedures may result in corrective action up to and including termination.

Excessive unscheduled absences—Multiple unscheduled absences.

- Excessive unscheduled absences may result in staff being placed in disciplinary action up to and including termination. Supervisors will notify employees when patterns or concerns develop that may place them at risk for disciplinary action or discharge.

The following factors should be considered in determining if unscheduled absences are excessive:

- Patterns of absence—A pattern of absence demonstrates a predictable routine. For example, the employee is consistently absent the day after payday, or a particular day (e.g. Monday or Friday) or always on the day before or after a holiday, etc.

- Frequency of absence—How often does the staff member have an unscheduled absence? Repeated instances of unscheduled absences, such as call-ins, early departures, not reporting for on-call, etc. should be considered. Even though the absences may not constitute a predictable pattern, is the staff member often absent?

Occurrence—The time from the first day of absence to the day returned to work for the same illness or injury.

- For example, one day of personal sick leave equals one occurrence. Two consecutive days of personal or family sick for the same illness equals one occurrence. However, one day of personal sick followed by one day of family sick will equal two occurrences.

Tardy/Early Departure—Employees are considered tardy if they are not at their work station/place ready to work at his/her scheduled work time such as the beginning of the shift, returning late from breaks/meals, or early departure from work.

Job Abandonment—Employees shall have abandoned their job when they have failed to call in and directly notify the supervisor of the reason for absence from work for three consecutive work days; also occurs when an employee fails to return to work or directly notify the supervisor of the reason for absence within three consecutive working days after any approved leave of absence, disciplinary suspension, or recall from layoff status.

**Excused Absences**

Absenteeism will be considered as any instance of missed work time, full or partial days, excused or unexcused, including tardiness and early departures. The following are not considered to be absenteeism:

- Paid holidays
- Preapproved paid annual leave
- Paid sick leave
- Exceptions may be considered on a case-by-case basis following 12 weeks of FMLA as determined by the Commissioner or designee.
- Preapproved paid compensatory leave
- Approved military service
- Approved FMLA
- Paid bereavement time
- Jury or subpoenaed witness duty

**Employee's Responsibility**

- If an employee cannot work as scheduled, he or she is required to notify their immediate supervisor/coordinator as soon as possible, at least 30 minutes before and not later than 15 minutes after the start of work on the first day of absence.
- Voice messages and/or messages left with co-workers are prohibited. Calls from relatives on the employee’s behalf are unacceptable unless the employee is physically unable to call.
- Staff members are expected to complete their scheduled work shift. Failure to complete a scheduled work shift without permission may result in disciplinary action.

- Staff members are expected to leave for and return from breaks and lunch within a specified time schedule. Exceeding the time schedule set for lunch and breaks may result in disciplinary action.

**Immediate Supervisor's Responsibility**

- Communicate to employees the required work schedule and acceptable standards of attendance and punctuality.
- Let employees know why regular attendance is important and how poor attendance affects co-workers and customers.
- Make sure employees know when and how to notify you in case of absence.
- Supervisor must designate a coordinator or other supervisory staff to accept messages in their absence and communicate designee to staff.
- Monitor employees' attendance and document any incidence of absenteeism or tardiness.
- Identify and take appropriate action in instances of excessive absenteeism and tardiness.
- When an employee's absences exceed the accrued sick leave balances, uses sick leave as soon as it accrues, or exceeds the department norm; the supervisor should immediately investigate and identify the cause of the problem.
- If an employee is absent for reasons other than sickness, the absence must be closely monitored. The supervisor's judgment as to whether the absence is excused or unexcused will determine whether disciplinary action is warranted.
- Once an attendance problem is identified, an employee should receive counseling (i.e. a verbal warning). A supervisor should keep a written record of action taken in case further disciplinary action becomes necessary. All official forms of disciplinary documentation should be forwarded to Human Resources for inclusion in the employee's records.
- Be consistent in counseling employees and addressing attendance issues.

## Discipline/Corrective Action for Attendance/Tardiness

Progressive discipline will be used in relation to absentee problems as outlined in Section VIII: Work Rules and Discipline. It may be necessary to terminate the employment of employees who have been absent because of continuing instances of illness or injury; such terminations are made necessary because of the need to plan and complete the work of the department or section.

**Unexcused Absences**

If an employee has two or more unexcused absences in a thirty-day period or, three or more unexcused absences in a sixty-day period, the supervisor shall issue a written warning to the employee.

**Tardiness or Early Departure**

If an employee has three or more unexcused late arrivals/early departures in a thirty-day period, or four or more unexcused late arrivals/early departures in a sixty-day period, the supervisor shall issue a written warning to the employee.

**Recurrent Attendance Problem**

In addition to other attendance problems mentioned, employees may be disciplined for any other recurrent attendance problems, including patterns of absences, frequency of absences, and excessive use of sick leave. They should be reviewed and evaluated regardless of the amount of total time missed. Human Resources and the supervisor will decide the most appropriate response.

**No Call/No Show Occurrence**

An employee who has not reported to work as scheduled and has not informed the department of his/her absence within fifteen (15) minutes of shift time is in serious violation of this policy and will receive a written warning for the first occurrence. The second occurrence of no call/no show without a valid excuse will result in further disciplinary action up to and including termination of employment.

**Job Abandonment**

Employees who do not come to work, have not or do not obtain approval to be absent for three consecutive work days are considered to have abandoned their jobs and considered a self-termination. When employees abandon their jobs, they will be terminated immediately, will not be considered as resigning in good standing and not eligible for reemployment as outlined in Section IX: Termination of Employment.

# Section VI: Leave and Time Off

## Holidays (Updated 7/1/2026)

It is the policy of Montgomery County Government to provide time, where reasonable and practical, away from work in order to celebrate certain days of significance and remembrances based upon custom, history, and local tradition. The purpose is to establish the County's policy on paid holidays and the guidelines for fair and consistent interpretation of this employee benefit.

The County recognizes the importance of leisure time in achieving greater productivity and provides certain paid holidays each year.

Montgomery County Government will observe the following holidays:

| | |
|---|---|
| New Year’s Day | January 1 |
| Dr Martin Luther King, Jr. Day | Third Monday in January |
| Presidents’ Day | Third Monday in February |
| Good Friday (effective 2009) | Friday before Easter |
| Memorial Day | Last Monday in May |
| Juneteenth (effective 2021) | June 19 |
| Independence Day | July 4 |
| Labor Day | First Monday in September |

| | |
|---|---|
| Veterans Day | November 11 |
| Thanksgiving | Fourth Thursday in November |
| Day after Thanksgiving | Day after Thanksgiving |
| Christmas Eve | December 24 |
| Christmas Day | December 25 |

**Eligibility (Updated 7/1/2026)**

In order to qualify for pay on any of the above holidays, the holiday must be a day that the employee would have normally been scheduled to work and the employee must have worked the scheduled workdays immediately preceding and following the holiday (excluding the use of vacation or sick time). Should an employee have to work on a designated holiday, the employee will be entitled to another day off within the same pay period or another day's pay as compensation. Employees who are on modified schedules are excluded from this policy at the discretion of the elected official.

If an employee is off sick the day before and/or the day after a holiday, the employee's immediate supervisor may request a doctor's certificate in order for the employee to be eligible for holiday pay.

Each employee who meets the eligibility of this policy shall receive holiday pay through the payroll check. The appropriate number of hours that qualify for holiday pay should be recorded under "Holiday" on the employee's time record.

Note: EMS employees should refer to their department specific policies for holidays.

**Holiday Falling during Annual Leave**

If a holiday falls during an employee's annual leave, the day will be charged as a holiday and not as an annual leave.

**Saturday/Sunday Holiday**

When a County-observed holiday falls on a Saturday or Sunday, either the preceding Friday or following Monday will be observed as the holiday, at the discretion of Montgomery County Government.

**Holidays Occurring during Leaves of Absence**

None of the provisions of this policy apply to unpaid leaves of absence.

**Holidays Worked (Updated 7/1/2026)**

An overtime-eligible employee who is required to work on a designated holiday will be paid the straight-time rate for those hours worked in addition to the holiday pay for which qualifications are met.

Overtime is paid on time worked, not time compensated. Time spent on holidays will not be counted as hours worked for the purpose of computing overtime pay in any given workweek.

Should an employee have to work on a designated holiday, the employee will be entitled to another day off within the same pay period or another day's pay as compensation. If an employee is scheduled to work on a holiday and does not report for work, the employee will receive a pay reduction for the Holiday and be subject to disciplinary action, unless excused by the Mayor or designee, Department Head or Elected Official.

## Annual Leave (Updated 7/1/2026)

The purpose of this policy is to provide eligible employees with a time for rest, relaxation, and self-renewal, while still receiving full compensation from Montgomery County Government. The County encourages employees to take all the annual leave for which they are eligible.

### Accrual (Updated 7/1/2026)

Montgomery County Government employees shall accrue paid annual leave and may utilize such as it is accrued; however, supervisors will consider scheduling needs and County operations when deciding such requests. The leave accrual schedule is as follows:

### Accrual Rate for 37.5 Hour Work Week

| Bands (Years of Service) | Hours (Accrued Monthly) | Full Year | Days (per Year) | Limit |
|---|---|---|---|---|
| 0 to 3 | 7.50 | 90 | 12 | 240 |
| Over 3 to 5 | 9.38 | 113 | 15 | 240 |
| Over 5 to 10 | 11.25 | 135 | 18 | 240 |
| Over 10 to 15 | 13.13 | 158 | 21 | 240 |
| Over 15 to 20 | 15.00 | 180 | 24 | 240 |
| 20+ | 16.88 | 203 | 27 | 240 |

### Accrual Rate for 40 Hour Work Week

| Bands (Years of Service) | Hours (Accrued Monthly) | Full Year | Days (per Year) | Limit |
|---|---|---|---|---|
| 0 to 3 | 8.00 | 96 | 12 | 240 |
| Over 3 to 5 | 10.00 | 120 | 15 | 240 |
| Over 5 to 10 | 12.00 | 144 | 18 | 240 |
| Over 10 to 15 | 14.00 | 168 | 21 | 240 |
| Over 15 to 20 | 16.00 | 192 | 24 | 240 |
| 20+ | 18.00 | 216 | 27 | 240 |

### Accrual Rate for Sworn Officers and Fire Service (12-hour base)

| Bands (Years of Service) | Hours (Accrued Monthly) | Full Year | Days (per Year) | Limit |
|---|---|---|---|---|
| 0 to 3 | 12.00 | 144 | 12 | 258 |
| Over 3 to 5 | 15.00 | 180 | 15 | 258 |
| Over 5 to 10 | 18.00 | 216 | 18 | 258 |
| Over 10 to 15 | 21.00 | 252 | 21 | 258 |
| Over 15 to 20 | 24.00 | 288 | 24 | 258 |
| 20+ | 27.00 | 324 | 27 | 258 |

**Accrual Rate for EMS (12-hour employees)**

| Bands (Years of Service) | Hours (Accrued Monthly) | Full Year | Days (per Year) | Limit |
|---|---|---|---|---|
| 0 to 3 | 18.00 | 216 | 9 | 258 |
| Over 3 to 5 | 21.00 | 252 | 11 | 258 |
| Over 5 to 10 | 24.00 | 288 | 12 | 258 |
| Over 10 to 15 | 27.00 | 324 | 14 | 258 |
| Over 15 to 20 | 30.00 | 360 | 15 | 258 |
| 20+ | 33.00 | 396 | 17 | 258 |

**Accrual Rate for EMS (24-hour employees)**

| Bands (Years of Service) | Hours (Accrued Monthly) | Full Year | Days (per Year) | Limit |
|---|---|---|---|---|
| 0 to 3 | 25.00 | 300 | 13 | 300 |
| Over 3 to 5 | 29.00 | 348 | 15 | 300 |
| Over 5 to 10 | 33.00 | 396 | 17 | 300 |
| Over 10 to 15 | 37.00 | 444 | 19 | 300 |
| Over 15 to 20 | 41.00 | 492 | 21 | 300 |
| 20+ | 45.00 | 540 | 23 | 300 |

**Accrual Rate for Fire Service (17-hour base [24-hour employees])**

| Bands (Years of Service) | Hours (Accrued Monthly) | Full Year | Days (per Year) | Limit |
|---|---|---|---|---|
| 0 to 3 | 17.00 | 204 | 9 | 300 |
| Over 3 to 5 | 21.25 | 255 | 11 | 300 |
| Over 5 to 10 | 25.50 | 306 | 13 | 300 |
| Over 10 to 15 | 29.75 | 357 | 15 | 300 |
| Over 15 to 20 | 34.00 | 408 | 17 | 300 |
| 20+ | 38.25 | 459 | 19 | 300 |

**Accumulation of Annual Leave (Updated 7/1/2026)**

Employees are permitted to accrue annual leave above the limit set for their job classification during the fiscal year. This practice will allow additional time for employees to use their annual

leave before it is rolled into their sick leave balance. Annual leave over the limit will be rolled into the employee's sick leave balance at the end of the fiscal year.

**Annual Leave Planning (Updated 7/1/2026)**

Annual leave must be scheduled to meet the work requirements of the County, although all efforts will be made to accommodate the employee's request. Subject to the supervisor's approval, earned annual leave may be taken at any time during the calendar year as long as the employee schedules in advance.

- Leave accrual changes effective 7/1/2026, do not supersede any departmental procedures related to employees' requests for or use of annual leave.
- Annual leave may only be taken after it has been earned and with the immediate supervisor's approval.
- Accrued annual leave shall be granted upon employee's request in accordance with operating requirements and as staffing and service demands permit.
- Annual leave shall not be granted in excess of the amount accrued.
- Accrued annual leave shall be granted for purposes of sick leave when an employee has exhausted sick leave accruals.
- Employees are encouraged to schedule at least five (5) days of the annual leave allowance in succession, thereby resulting in at least one full week of meaningful time off.
- Requests for annual leave of one week or more must be scheduled and approved at least two (2) weeks in advance. Exceptions may be considered on a case-by-case basis as determined by the Department Head or Elected Official.
- Requests for annual leave less than one week must be scheduled and approved at least two (2) days in advance. Exceptions may be considered on a case-by-case basis as determined by the Department Head or Elected Official.
- Approved annual leave may be rescinded and/or rescheduled to meet department needs.
- An employee can be recalled to work while on annual leave. Failure to return to work when recalled may result in disciplinary action up to and including termination.

**Holiday Falling during Annual Leave**

Should a County recognized holiday occur during an employee's annual leave period, the day will be charged as a holiday and not as an annual leave day.

**Illness during Annual Leave**

Illness occurring during scheduled annual leave will not result in sick leave time replacing annual leave.

**Annual Leave Pay**

Eligible personnel will be paid for earned annual leave for each hour they are in a pay status and at the rate authorized for their employee classification up to the maximum allowed.

Overtime is paid on time worked, not time compensated. Time spent on annual leave will not be counted as hours worked for the purpose of computing overtime pay in any given workweek.

### Terminal Annual Leave Pay (Updated 7/1/2026)

Any annual leave-eligible employee, separating or retiring from employment with Montgomery County Government shall receive pay for any unused accumulated annual leave up to the limit set by their job classification.

- Annual leave may be used to extend the period of employment beyond the last day of work.
- The date of separation is the last day the employee is on payroll, even if terminal annual leave pay is granted.

The employee's estate will be paid an amount equivalent to pay in lieu of annual leave for all accrued annual leave not taken by the employee prior to death (Refer to Death of an Active Employee).

### Supervisor’s Responsibility

It is the employee’s immediate supervisor’s responsibility to maintain a record of annual leave used for all staff and to approve leave in a timely manner. Large accrued annual leave balances are indicative that annual leave is not being taken as the benefit is designed to provide. Department Heads, Elected Officials and supervisors are to ensure that their employees are avoiding large accrual balances.

## Sick Leave

The purpose of this policy is to provide income protection for employees who, because of non-work-related illness or injury, are absent from work for limited periods. To avoid a loss of income during a temporary illness, Montgomery County Government provides paid sick days to eligible employees. Montgomery County will not transfer sick leave in from any other employer.

### Accrual

Eligible employees will earn sick leave time for each hour they are in pay status and at the rate authorized for their employee classification. Employees begin accruing sick time immediately and time accrued is available immediately.

- Full-time employees shall accrue sick leave at the rate of one (1) day for each month of employment, or major fraction thereof, with unlimited accumulation.
- Part-time employees hired after July 1, 2015 are not entitled to sick leave accrual. Regular part-time employees hired prior to July 1, 2015, shall accumulate sick leave at the rate of one (1) day for each 174 hours of employment with unlimited accumulation.

- 24-hour shift employees shall accumulate 12 hours of sick leave for each month of employment with unlimited accumulation.

**Pay Status**

Employees are considered to be in a pay status any time the County is paying their salary/wages. Employees are also in pay status when being paid by OJI and leave granted for FMLA which constitutes the use of accrued sick and annual leave.

**Coverage**

An employee may qualify for sick leave pay when unable to perform assigned work due to the following:

- An employee's own illness
- An employee's medical or dental appointment which cannot be accomplished during off-duty hours
- To care for an employee's child, spouse, parent or a relative residing in employee's home as a result of an illness
- To accompany a spouse, child or parent to medical/dental appointments
- Enforced quarantine of the employee in accordance with community health regulations
- Childbirth, adoption or foster care placement
- Maternity leave of an employee, because of pregnancy, childbirth, or related medical condition, may use up to 4 months of accrued sick leave
- On-the-job injury

For absences more than three (3) days to care for a sick or injured member of the employee's family must be a Family and Medical Leave eligible event (refer to Family and Medical Leave).

**Limitations or Exclusions**

An employee will not qualify for paid sick leave when the illness or injury results from any of the following:

- Engaging in a criminal act
- Self-inflicted, intentional injury
- Working for another employer

**Sick Leave Notification**

Eligible employees are required to notify their immediate supervisor as soon as possible, at least 30 minutes before and not later than 15 minutes after the start of work on the first day of absence. Employees should have a continued line of communication with their supervisor regarding extended sick leave absences.

**Sick Leave Planning**

Regardless if the appointment is scheduled with a provider inside or outside the County, absences for medical and dental appointments must be scheduled at the convenience of the County as interpreted and approved by the employee's supervisor.

- Sick days are not to be used as an additional vacation day.
- Sick leave may only be taken after it has been earned and with the immediate supervisor’s approval.
- Sick leave absences shall be approved and charged in no less than one-half hour increments.

**Verification**

Eligible employees shall be required to provide a doctor's written verification of illness/injury if absent three (3) consecutive workdays or absences are excessive as defined in Sick Leave Abuse and Section V: Absenteeism and Tardiness, Patterns of Absence and Frequency of Absence.

- An extended sick leave is a period of absence of three (3) or more consecutive work days due to illness.
- An employee who is granted an extended sick leave with or without pay is required to furnish a physician’s statement or other administratively acceptable evidence of the employee’s illness.
- The physician’s statement must include the dates of absence due to illness, job restrictions (if any), expected prognosis, and projected return to work date.
- If the employee is unable to return to work on the estimated date, another statement must be obtained with another estimated or firm date of return. Employees who do not furnish this statement may be subject to disciplinary action up to and including discharge.

**Holiday Falling during Sick Leave**

Should a County recognized holiday occur during an employee's absence due to covered disabling illness or injury, the day will be charged as a holiday and not as a sick day.

**Sick Leave Pay**

Eligible personnel will be paid for sick leave for each hour while in pay status up to the accrued amount. Cash payment will not be made for unused sick leave.

Overtime is paid on time worked, not time compensated. Time spent on sick leave will not be counted as hours worked for the purpose of computing overtime pay in any given workweek.

**Sick Leave Abuse**

Excessive abuse of sick leave or claiming sick leave when physically and mentally fit may be cause for disciplinary action. The term "excessive" shall be interpreted as:

- Two (2) or more occurrences in a consecutive five (5) day period;
- Three (3) or more non-consecutive occurrences in a calendar month; or
- Five (5) or more non-consecutive occurrences in a six (6) month period.

An occurrence is defined as leaving early, being tardy, or absent the whole day.

Nothing in this section shall reduce the rights of a Department Head or Elected Official from requesting the presentation of a physician's statement from one of their employees who is requesting sick leave. Sick leave will not be denied to any eligible employee who presents a valid statement from a doctor certifying the employee's health requires him/her to be absent from work.

**Disposition of Unused Sick Leave**

**Sick Leave Rights upon Retirement/Termination:** A retiring/terminating employee will not receive any sick leave benefits earned but unused at time of retirement. At the time of retirement, employees will receive service time credit for unused sick leave.

**Sick Leave Disposition upon Death:** The employee's estate will not be paid an amount equivalent to pay in lieu of sick leave time for earned sick leave not taken by the employee prior to death (Refer to Death of an Active Employee).

## Sick Leave Sharing

The purpose of this policy is to establish guidelines and procedures for transferring sick leave to employees who experience a continuing disability due to illness or injury.

Employees are encouraged to save as much sick leave as possible for emergencies, illnesses and/or injuries or other unexpected situations. Every employee should seek to accrue a minimum of 200 sick hours to ensure pay during the time not covered by the long term disability coverage provided or made available to all employees.

The County realizes that this can be a difficult goal to accomplish. In recognition of the fact that unavoidable extended absences can cause financial hardship for an employee and their family, the County has a leave sharing program to help alleviate the effects of extended absences without pay. This program allows an employee to donate some of their accrued paid time off to another employee who has a verifiable need. The intent of this program is for employees to assist each other in a time of need.

Leave sharing is available for employees who are in a "leave without pay" status and have an FMLA qualifying event, which precludes them from working. Employees who wish to participate in the program must complete a Leave Sharing Program Request Form and forward to Human Resources. In addition, the request form must be accompanied by verifiable written evidence of need. Human Resources will verify that the employee's request meets the participation requirement as indicated in the Coverage Section. Human Resources will forward

the name of the requesting employee to receive donated leave to the appropriate Department Head/Elected Official for posting at departmental employee information locations.

**Coverage**

- Leave sharing hours will be granted only for a disabling illness to an employee, or a member of an employee's immediate family who has a disabling illness which requires the employee's care, preventing the employee from performing job duties for five (5) or more consecutive workdays. Requests for less than five (5) days will be considered on a case-by-case basis.
- Leave is used exclusively for a medical condition of an employee or an employee's family member, as defined by FMLA policy that is a qualifying event as defined under The Family and Medical Leave Act (FMLA).
- The employee's or family member's health care practitioner, as defined under The Family and Medical Leave Act (FMLA), must document the condition resulting in the leave prior to approval of the donation.
- Employee must exhaust all available and accrued paid leave, including sick, annual and compensatory leave before requesting and receiving leave sharing.
- Employee must not be receiving any other form of compensation including social security disability benefits, long term disability benefits or compensation through the State Retirement Plan.
- Regular part-time employees shall receive sick leave on a prorated basis equal to the percentage of their employment to full-time employment.
- Recipients shall continue to accrue leave and service in accordance with the provisions of the appropriate policies and guidelines.
- Recipients must not have been disciplined for abuse of sick leave or excessive absences within the past 12 months.

**Parameters for Leave Sharing Program**

- Leave sharing transfers will first be provided through the employee's home department.
- If extenuating circumstances prevail (e.g. small department, departments with new employees and low sick leave balances), leave sharing transfers outside the employee's home department will be reviewed on a case-by-case basis by receiving and donating Department Heads or Elected Officials.
- Full-time employees with one or more years of full-time service may participate as a donor.
- Employees may donate, in one-hour increments, up to 40 hours of sick leave at one time.
- Employees donating time must have accrued sick leave in excess of 40 hours in order to be eligible to donate leave.
- An employee may donate more than one time to a single individual; however, donations may not reduce a donor's accrued sick leave to less than 40 hours.
- An employee cannot donate hours that surpass the donor's active employment.
- Hours will be donated on a one-for-one basis, regardless of pay or salary, to be paid at the recipient's rate of pay.
- Sick leave hours may not be donated retroactively.

- Human Resources will maintain the donor's confidentiality unless: (a) the donor agrees to release the information; and (b) the recipient requests such information.
- Donors must complete a leave donation form. If the donor terminates employment, retires, dies, or has an insufficient leave balance to meet the eligibility criteria, all responsibility to donate this leave is voided.
- Any donated leave which is not used will be credited back to the donor.
- A holiday which falls during the recipient's leave will be paid according to the rules for holiday pay and will be counted toward the 400 hours maximum.
- Donated leave will cover only the recipient's normal salary/wages. Employees using donated leave will be fully responsible for their cost share of all benefits, unless otherwise provided by law or these policies.
- Leave that is donated but not used will be credited back to the donor. Leave is used on a "first in, first out" basis when there are multiple donors.
- The decision to donate sick leave to another individual should be a choice made freely by each employee. Any person attempting to unduly influence another employee to donate leave or directly solicit leave donation either for themselves or other employees shall be subject to disciplinary action, up to and including termination and any prior agreement made to donate leave under these conditions shall be voided.

**Exclusions**

Leave sharing will not be approved for the following instances:

- For elective or cosmetic surgery, unless required as a result of injury or disease.
- Retroactively to dates prior to request or approval.

Leave sharing will not be approved when the illness or injury results from any of the following:

- Engaging in a criminal act
- Self-inflicted, intentional injury
- Working for another employer

**Limitations**

- Employees may receive a maximum of 80 (112 EMS) hours of donated leave per pay period.
- The maximum number of hours an employee may be granted during a 12-month period is 400 hours and is calculated using the employee's regular scheduled weekly hours.
- The maximum number of hours an employee may receive during their lifetime is 1000 hours and is calculated using the employee's regular scheduled weekly hours.

**Returning to Work**

When an employee is due to return to work from extended sick leave due to a personal illness or injury, the employee must present a fitness for duty certificate that the employee is able to resume work.

A fitness for duty certification from an employee's health care provider that the employee is able to resume work shall be in accordance with the County's customary and uniformly applied procedures.

If the employee is unable to return to work on the estimated date, the employee must notify Human Resources prior to the return date and must obtain another statement with another estimated or firm date of return. Employees who fail to notify the County or furnish this statement may be subject to disciplinary action up to and including discharge.

## Tennessee Parental Leave Act

Pregnancy, childbirth and related conditions will be treated the same as any other temporary medical disability with regard to leave policies. Montgomery County Government abides by Tennessee Parental Leave Act.

T.C.A. Section 4-21-408.

(a) Employees who have been employed by the same employer for at least twelve (12) consecutive months as full-time employees, as determined by the employer at the job site or location, may be absent from such employment for a period not to exceed four (4) months for adoption, pregnancy, childbirth and nursing the infant, where applicable (such period to be hereinafter referred to as "leave"). With regard to adoption, the four (4) month period shall begin at the time an employee receives custody of the child.

(b)(1) Employees who give at least three (3) months' advance notice to their employer of their anticipated date of departure for such leave, their length of leave, and their intention to return to full-time employment after leave, shall be restored to their previous or similar positions with the same status, pay, length of service credit and seniority, wherever applicable, as of the date of their leave.

(b)(2) Employees who are prevented from giving three (3) months' advance notice because of a medical emergency which necessitates that leave begin earlier than originally anticipated shall not forfeit their rights and benefits under this section solely because of their failure to give three (3) months' advance notice.

(b)(3) Employees who are prevented from giving three (3) months' advance notice because the notice of adoption was received less than three (3) months in advance shall not forfeit their rights and benefits under this section solely because of their failure to give three (3) month's advance notice.

(c)(1) Leave may be with or without pay at the discretion of the employer. Such leave shall not affect the employees' right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which the employees were eligible at the date of their leave, and any other benefits or rights of their employment incident to the employees' employment position; provided, that the employer need not provide for the cost of

any benefits, plans or programs during the period of such leave unless such employer so provides for all employees on leaves of absence.

(c)(2) If an employee's job position is so unique that the employer cannot, after reasonable efforts, fill that position temporarily, then the employer shall not be liable under this section for failure to reinstate the employee at the end of such leave period.

(c)(3) The purpose of this section is to provide leave time to employees for adoption, pregnancy, childbirth and nursing the infant, where applicable; therefore, if an employer finds that the employee has utilized the period of leave to actively pursue other employment opportunities or if the employer finds that the employee has worked part time or full time for another employer during the period of leave, then the employer shall not be liable under this section for failure to reinstate the employee at the end of such leave.

(c)(4) Whenever the employer shall determine that the employee will not be reinstated at the end of such leave because the employee's position cannot be filled temporarily or because the employee has used such leave to pursue employment opportunities or to work for another employer, the employer shall so notify the employee.

(d) Nothing contained within the provisions of this section shall be construed to:

1. Affect any bargaining agreement or company policy which provides for greater or additional benefits than those required under this section;
2. Apply to any employer who employs fewer than one hundred (100) full-time employees on a permanent basis at the job site or location; or
3. Diminish or restrict the rights of teachers to leave pursuant to title 49, chapter 5, part 7, or to return or reinstatement after leave.

(e) The provisions of this section shall be included in the next employee handbook published by the employer after passage of this section.

**Section 2.** This act shall take effect upon becoming a law, the public welfare requiring it.

Pregnancy disability leave or maternity leave for the birth of a child would be considered qualifying FMLA leave for a serious health condition and may be counted in the 12 weeks of leave so long Montgomery County Government property notifies the employee in writing of the designation.

Pregnancy disability leave or parental leave for the birth of a child would be considered qualifying FMLA leave for a serious health condition and may be counted in the 12 weeks of leave so long Montgomery County Government property notifies the employee in writing of the designation.

Employees may be granted parental leave by utilizing any combination of annual, sick, compensatory or unpaid leave. Employees utilizing annual, sick or compensatory leave will continue to receive all normal employee benefits including accumulation of sick and annual

leave. Once an employee utilizes leave without pay, there will be no accumulation of sick and annual leave. It is the employee's responsibility to give written notification as to the leave time requested with the projected starting date and return date.

## Family/Medical Leave (FMLA)

The purpose of this policy is to establish guidelines governing FMLA. It is the policy of Montgomery County Government to comply with the requirements of the Family and Medical Leave Act of 1993 (FMLA) which entitles employees to time away from work due to the birth or care of a newborn, the placement of a child through adoption or foster care, the care of a spouse, child, or parent with a serious health condition, or due to a serious health condition of the employee.

### Eligibility

To be eligible for a Family Medical Leave Act absence, employees must (a) have worked for the County for at least 12 months prior to the date upon which the leave is to commence; and (b) have worked at least 1,250 hours in the 12 months preceding the date upon which the requested leave commences.

### Types of Leaves

Family and Medical Leaves of Absence may be requested for any of the following situations:

- The birth of an employee's child within the first 12 months after birth;
- The placement of a child with the employee for adoption or foster care and to bond with and care for the child (within the first 12 months after placement);
- The serious health condition of an employee's child, spouse, or parent, or
- An employee's own serious health condition.
- Maternity Leave—Employees who are disabled because of pregnancy, childbirth, or related medical conditions may also be entitled to take a Family and Medical Leave of Absence.
- The employee experiences a qualifying exigency that arises out of the fact that a spouse, parent, or child has been called to or is on active duty as a member of the National Guard or military reserves. It does not apply to active duty served by a member of the regular armed forces.

**Note**: When leave is needed to care for a member of the employee’s family or the employee’s own illness for three (3) or more days, it must be a Family and Medical Leave eligible event.

### Military Caregiver Leave

An employee who is the spouse, parent, child or next of kin of a current member of the armed forces (including the regular armed forces) who was injured while on active duty may be eligible for up to 26 weeks of FMLA leave in a 12-month period, including the types of leave listed above.

**Married Couples Who Work for Montgomery County Government**

If an employee and his/her spouse both work for Montgomery County Government, they are both eligible for leave. The employee and employee spouse may be limited to a combined total of 12 weeks of FMLA leave in a 12-month period if the leave is taken for:

- The birth, adoption, or foster placement of a child;
- To care for and bond with such child who does not suffer from a serious health condition;
- To care for a parent with a serious health condition; or
- A combination of the above.

For military caregiver leave, the employee and employee spouse may be limited to a combined total of 26 weeks of leave in a 12-month period, including the types of leave listed above in this paragraph.

**Leave Duration**

An eligible employee is entitled to take a total of twelve (12) weeks of unpaid leave under this policy during a twelve (12) month period; the twelve (12) month period begins on the first day of the first approved FMLA leave. A rolling twelve (12) month period, measured backward from the date the leave commences, will be used to determine the amount of FMLA leave available to an employee. For example:

- An employee who becomes eligible for Family and Medical leave on September 1, 2006, does not have the established twelve (12) month period until the employee requests this leave for a particular purpose.
- Pursuant to an appropriate first request, the above employee goes on a Family Medical Leave on January 15, 2007. This employee’s twelve (12) month leave period runs from January 15, 2007 to January 14, 2008. On January 15, 2008, or any date thereafter, the employee is eligible for a second twelve (12) weeks of Family Medical Leave, provided that the employee has worked 1250 hours during the previous twelve (12) months.

An employee's entitlement to an FMLA leave for the birth or placement of a child expires twelve (12) months after the birth or placement.

**Intermittent Leave**

Leave taken for childbirth or placement (adoption or foster care) may not be taken on an intermittent or reduced schedule. This leave may be taken only within twelve (12) months of the date of the birth or placement of the child.

- A pregnant employee may take intermittent leave for prenatal examinations or for her own condition, such as for periods of severe morning sickness.

Leave taken to care for a spouse, child or parent of for the serious health condition of the employee, or for military caregiver leave may be taken on an intermittent or reduced schedule when medically necessary. Taking leave on an intermittent or reduced schedule under this paragraph shall not result in a reduction in the total amount of leave to which an employee is entitled.

- For example, one who takes intermittent leave under this policy, who normally works a five-day week and who takes one day of leave under this policy will use one-fifth of one week of leave available. With this intermittent schedule, the employee could take one day (one-fifth of a week) for up to fifty-two (52) weeks (or one year) to get the full twelve (12) weeks of Family Medical Leave.
- Under a reduced schedule for FMLA, if a full-time employee who regularly works five days a week must take off one half of the workweek, one half week (or two and one half days) of leave under this Policy is used each week. Thus it could take the employee up to twenty-four (24) weeks to use the entire entitlement of FMLA.

**Note**: An exempt employee's taking Family Medical Leave by the hour is not a violation of the employee's exempt status under the Fair Labor Standards Act.

If leave is taken on an intermittent or reduced work schedule, the County retains the discretion to transfer the employee temporarily to an alternative position with equivalent pay and benefits that better accommodates the employee's leave schedule.

### Concurrent Leave

Employees must use any accumulated sick leave or compensatory leave to the extent available during FMLA leave unless such leave is covered under OJI, in which case the employee may use accumulated leave time only for the purpose of satisfying any waiting period. Absences in excess of these accumulated days will be treated as FMLA leave without pay.

## Responsibility and Notification Procedure

### Employee Responsibility

The employee is responsible for notifying his/her immediate supervisor, in writing, that a leave will be required, the reason for the leave as well as the anticipated duration of the leave.

- An employee shall give the County thirty (30) days advanced notice of the need to take leave under Family Medical Leave Act (FMLA) when it is foreseeable for the birth or placement of a child for adoption of foster care, or for planned medical treatment.
- When advanced notice is not practicable (e.g., premature birth, emergency injury, etc.), notice shall be given as soon as practicable, ordinarily within one (1) or two (2) work days of the emergency need for the leave.
- An employee shall follow standard department notice for an absence in the case of an emergency need for this leave.

- If the leave is because of a serious health condition, the employee must provide Medical Certification from the physician.

**Management's Responsibility**

The employee's immediate supervisor is responsible for discussing the leave with the employee, informing Human Resources of the leave, and ensuring that the employee is aware of his/her rights and obligations under this policy.

- The employee's immediate supervisor will notify Human Resources, which will provide the employee with a FMLA Notice.
- The Elected Official/Department Head may require an employee who is using leave under these provisions to report periodically (typically every two weeks) on the status of the situation and the intention of the employee to return to work.

**Human Resources' Responsibility**

Human Resources is responsible for compliance with this policy and ensuring that all employees eligible for Family Medical Leave Act are granted time off in a non-discriminatory manner.

Human Resources is responsible for ensuring that the employee is provided with a written notice detailing the specific expectations and obligations of the employee and explaining the consequences of a failure to meet these obligations. The written notice information shall include the following, as appropriate:

- The leave will be counted against the employee's annual FMLA entitlement;
- Any requirement/request that the employee furnish medical certification of a serious health condition, and the consequences of failure to do so;
- The requirement that the employee substitute paid leave(s);
- The requirement that the employee make any premium payments to the Human Resources Office to maintain such benefits, the arrangements by which the payments could be made, and consequences of failure to make such payments;
- Any requirement for the employee to present a fitness-for-duty certification to be restored to employment in the department upon return;
- If the employee is a highly paid "key" employee and potential consequences that restoration to an equivalent job may be denied;
- The employee's right to restoration to the same or an equivalent position upon return from leave if employee has returned within or before the twelve-week period; and
- The employee's potential liability to pay health insurance premiums which were paid by the County during the employee's unpaid FMLA, if the employee fails to return to work after taking leave.

Under specified and limited circumstances, the County may deny reinstatement to work, but not the use of FMLA leave, to certain highly-paid, salaried (key) employees. In order to do so, Human Resources will:

- Notify the employee of his/her status as a **key** employee in response to the employee's notice of intent to take FMLA leave.
- Notify the employee as soon as the County decides to deny job restoration and explain the reasons for this decision.
- Offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice.

**Note**: A **key** employee is a salaried **eligible** employee who is among the highest paid 10% of employees within 75 miles of the worksite.

**Medical Certification**

All requests for Family Medical Leave Act in connection with an employee's own serious health condition or to care for a child, spouse, or parent with a serious health condition, or military caregiver leave must be supported by medical certification from a health care provider. Employees must provide the required medical certification usually within 15 calendar days of the County's request for certification, unless it is not practicable under the circumstances to do so. Failure to provide the certification may result in the denial of the leave until such certification is provided. If an employee refuses to provide certification, his/her leave request may be denied and the employee may be disciplined.

Such a certificate from the health care provider shall state the following:

- The date on which the serious health condition commenced;
- The probable duration of the condition;
- For purposes of leave to care for a child, spouse, or parent with a serious health condition, including certifications for military leave, a statement that the eligible employee is needed to care for individual and an estimate of the amount of time that such employee is needed to care for child, spouse, or parent; and
- For purposes of leave for an employee's serious health condition, a statement that the employee is unable to perform the essential functions of the position at Montgomery County Government;
- In the case of certification for intermittent leave, for leave on a reduced leave schedule, or for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment;
- In the case of certification for intermittent leave, or for leave on a reduced leave schedule, a statement of the medical necessity for the intermittent leave or for leave on a reduced leave schedule and the expected duration of the intermittent leave or reduced leave schedule; and
- In the case of certification for intermittent leave or for leave on a reduced leave schedule, a statement that the employee's intermittent leave or leave on a reduced schedule (a) is necessary for the care of the child, parent, or spouse who has a serious health condition or (b) will assist in their recovery, and a statement as to the expected duration and schedule of the intermittent leave or reduced leave schedule.

Montgomery County Government may require the employee to obtain a second opinion from a doctor of the County's choosing at the County's expense if it has a reasonable question regarding the medical certification provided by the employee. In lieu of a second opinion Montgomery County Government may contact the health care provider directly to clarify or authenticate a medical certification, including certifications for military caregiver leaves. Second opinions may not be required for military caregiver leave.

Separate certification may also be required regarding the nature of the family member's military service and/or the existence of qualifying exigency.

**Pay during Leave**

Time used for Family Medical Leave will be on an unpaid basis except for that portion, if any, of the Family Medical Leave which constitutes the use of accrued sick time and/or annual leave.

An employee taking leave under this policy shall first take any paid leave available under the provisions and limitations of Sick Leave; then exhaust all accrued compensatory time under the provisions of Compensatory Leave, then must exhaust any paid Annual Leave available under the provisions of Annual Leave and then shall be in a leave without pay status for the balance of the twelve (12) week leave period. Any sick, compensatory and/or annual leave time taken will be regarded as part of FMLA.

- For example, if an employee qualifies for six (6) weeks of Family Medical Leave because of the employee's own serious health condition, that leave would be with pay to the extent that the employee has accrued leave.

**Pay Status**—Employees are considered to be in a pay status any time the County is paying their salary/wages.

**Accrual of Sick and Annual Leave**

An employee will continue to accrue sick leave and annual leave while taking leave under FMLA. Also, during any period of leave approved under FMLA, the employee's original date of employment (service date) shall be retained.

**Benefits Coverage**

During Family Medical Leave, the status of an employee's benefits are as follows:

- During any period that an employee takes leave under this Policy, the County shall continue the employee's health plan for the duration of the leave at the same level and conditions of coverage as if the employee had been in employment continuously for the duration of the leave.
- During any period of leave approved under this Policy, the County shall continue to contribute the employer's credit portion toward the employee's health insurance plan. Employees will be eligible to continue their Group Insurance coverage provided they pay

the related premiums equal to the employee contribution rates in effect at the time and any subsequent increase that may occur during the leave.
- During any period of leave approved under this Policy, the County shall continue to cover the cost of the employee's basic life insurance.
- During any period of paid leave approved under this policy or during a period of six (6) months or less of unpaid leave approved under this policy, the County shall continue to cover the cost of the employee's enrollment in the long-term disability plan.

During any period of leave approved under this Policy, the employee shall make arrangements with Human Resources to pay the cost of other benefits for which the employee would ordinarily be responsible during any period of unpaid leave.

- Payment will be required in advance of the leave date or as soon as practicable after the start of the leave date and will cover the anticipated duration of the leave.
- Human Resources shall terminate any benefits for which the employee has not made appropriate payment after such payment is past due for thirty (30) days.
- Human Resources shall mail to the employee notice that the coverage will cease at least fifteen (15) days before coverage is ceased. The letter will advise the employee that the coverage will cease retroactively on a specific date which is the date the premium was due.

The employee shall be obligated to repay to Montgomery County Government any health insurance premium which the County paid on behalf of the employee, if the employee fails to return to Montgomery County Government employment after an approved period of leave under this Policy, and if the employee fails to return to work for a reason other than the following:

- The continuation, recurrence or onset of a serious health condition that entitled the employee to leave under this policy, or
- Other circumstance beyond the control of the employee.

**Return to Work**

When an employee is due to return to work from a FMLA, the employee must present a fitness for duty certificate that the employee is able to resume work. The County may delay reinstatement of an employee who fails to provide the certification until the certification is submitted.

- A fitness for duty certification from an employee's health care provider that the employee is able to resume work shall be in accordance with Montgomery County Government's customary and uniformly applied procedures.
- Fitness for duty certificate must be completed by the same health care provider that attended the illness that necessitated the FMLA absence.

If the employee is unable to return to work on the estimated date, employees must notify Human Resources prior to the return date and must obtain another statement with another estimated or

firm date of return. Employees who fail to notify Montgomery County Government or furnish this statement may be subject to disciplinary action up to and including termination.

An employee who takes leave under this Policy shall be entitled, upon return from such leave (within or at the conclusion of 12 weeks):

- to be restored by the department to the position of employment held by the employee when the leave commenced; or
- to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

If the employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition, the employee has no right to restoration to another County position under this Policy; however, the County's obligation to the employee shall then be determined by the Americans with Disabilities Act.

An equivalent position is one that is virtually identical to the employee's former position in terms of pay, benefits, and working conditions, including privileges, prerequisites, and status as were provided when the leave began without added requirements such as a new qualification period. It must involve the same or substantially similar duties and responsibilities which must entail substantially equivalent skill, effort, responsibility, and authority.

Any increases in pay or changes in benefits that are not dependent upon seniority or performance accrual which change during the leave period will also be reflected upon the employee's return to work.

With the approval of the Department Head or Elected Official, the position of an employee taking leave under this Policy may be filled by a temporary employee during the period of approved leave.

If an employee is a qualified individual with a disability under the Rehabilitation Act, the County shall make reasonable accommodation(s), etc., barring undue hardship. The Equal Employment Opportunity Commission advises that employers may consider FMLA leave already taken when deciding whether granting leave in excess of 12 weeks as an accommodation under the Rehabilitation Act poses an undue hardship. This does not mean, however, that more than 12 weeks of leave automatically poses an undue hardship under the Rehabilitation Act. Agencies must apply the full undue hardship analysis under the Rehabilitation Act to each individual case to determine whether leave in excess of 12 weeks poses an undue hardship.

An employee’s right to be returned to the same or equivalent position under the FMLA applies to the position held at the time the employee commences FMLA leave. If an employee is unable to perform the essential functions of the same or equivalent position because of a disability, even with reasonable accommodation, the Rehabilitation Act may require the agency to make a reasonable accommodation when the employee returns. An agency may not change the essential functions of an employee’s position in order to deny an employee’s rights under the FMLA.

However, an employee may voluntarily accept an alternative position (e.g., "light-duty" position) rather than use leave under FMLA.

**Leave beyond Twelve Weeks**

Employees who are unable to return to work and have exhausted their 12 weeks of FMLA leave in the designated "12-month period" no longer have FMLA protections of leave or job restoration. If an employee's absence exceeds the FMLA period of 12 weeks, upon the employee's return, the department may:

- Place the employee in same position;
- Offer the employee a different position he/she most qualified; or
- Terminate employment.

**FMLA Definitions**

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

The term **parent** means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child (minor). This definition does not include parent-in-law.

The term **serious health condition** means an illness, injury, impairment, or physical or mental condition that involves the following:

1. Inpatient care in a hospital, hospice, or residential medical care facility; or
2. Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider may include any one or more of the following:

    a. A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment thereof, or recover thereafter) exists if:
        i. duration of incapacity lasts more than 3 full consecutive calendar days;
        ii. is an in-person treatment at least once within 7 days of first day of incapacity; and
        iii. either is a regimen of continuing treatment initiated by HCP during first treatment or is a second in-person visit for treatment (the necessity of which is determined by HCP) within 30 days of first day of incapacity.
    b. Any period of incapacity due to pregnancy or for prenatal care.
    c. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
        i. Requires periodic visits for treatment by a health care provider or by a nurse or physician's assistant under the direct supervision of a health care provider;

ii. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
iii. May cause episodic rather than continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.)

d. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider. Examples include Alzheimer's, severe stroke or terminal stages of a disease.
e. Any period of absence to receive multiple treatments by a health care provider or by the provider of healthcare services under orders of or on referral by a health care provider, either for restorative surgery after an accident or other injury, for a condition that would likely result in a period of incapacity for more than three (3) full consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis) or chronic conditions, such as asthma, diabetes, and epilepsy, that continue over an extended period of time (i.e., from several months to several years), often without affecting day-to-day activities, but may cause episodic periods of incapacity of less than 3 days.

**Note:**

- A serious health condition is not intended to cover short-term conditions for which treatment and recovery are very brief; for those purposes, employees should refer to the Sick Leave Policy.
- The statute does not provide for placing an employee in an alternative or light-duty position in lieu of his or her entitlement under the FMLA. While the County cannot require an employee to accept an alternative position offer, an employee continues to maintain the right to request light duty assignment in lieu of unpaid leave under the FMLA.
- For purposes of FMLA, continuing treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does NOT include routine physical examinations, eye examinations or dental examinations.
- A regimen of continuing treatment includes a course of prescription medication (e.g., antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regiment of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves, or bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider is not, by itself, sufficient to constitute a regiment of continuing treatment for purpose of FMLA.
- Serious health condition means that absences are necessary on a recurring basis and for more than a few days and includes heart attacks, cancers, strokes, severe respiratory conditions, spine injuries, injuries caused by serious accidents on or off the job, etc. Generally, absences from work or the incapacity to perform other daily activities, in the case of a family member, must be for a period of more than three (3) days.

The term **child** means a biological, adopted, or foster son or daughter, a stepson or stepdaughter, a legal ward, or a son or daughter of a person standing in loco parentis, who is:

- Under eighteen (18) years of age, or
- Eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.

The term **spouse** means a husband or wife, as the case may be. Unmarried domestic partners do not qualify for leave of absence to care for their partners.

The term **health care provider** means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices, podiatrist, dentist, clinical psychologist, optometrist, chiropractor, nurse practitioner, nurse-midwife, Christian Science practitioners and clinical social workers, or other persons determined by the United States Secretary of Labor to be capable of providing health care services. The federal law places restrictions on specific purposes under which chiropractors and Christian Science practitioners may be health care providers; an employee shall check with Human Resources for an interpretation before relying that these persons are health care providers.

**Intermittent Leave or Reduced Schedule Leave** is leave taken in a manner other than in a single block of several weeks.

**The 12 Month FMLA Period**—The 12-month period during which an employee is entitled to 12 work weeks of FMLA leave is measured forward from the date the employee's first FMLA leave begins. An employee is entitled to 12 weeks of leave during the 12-month period after the leave begins. The next 12-month period will begin the first time the employee requested FMLA leave after the completion of the previous 12-month period.

The term **Active Duty or Call to Active Duty Status** means military duty under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation pursuant to Section 688, Section 12301(a), Section 12302, Section 12304, Section 12305, Section 12306, or Chapter 15 of Title 10 of the United States Code, or pursuant to any other law during a war or during a national emergency declared by the President or Congress as long as it is in support of a contingency operation.

**Note 1**: Means that the military member must be a member of the National Guard of Reserves; employees may not take leave if the family member is in the Regular Armed Forces except certain retired members of the Regular Armed Services.

**Note 2**: Means a **federal** (not State) call to active duty.

**Types of Qualifying Duty**

- Duty Under Section 688—authorizes ordering to active-duty retired members of the Regular Armed Forces and members of the retired Reserve who retired after completing at least 20 years of active service.

- Duty Under Section 12301(a) —Authorizes ordering all Reserve component members to active duty I the case of war or national emergency.
- Duty Under Section 12302—Authorizes ordering any unit or unassigned member of the Ready Reserve to active duty.
- Duty Under Section 12304—Authorizes ordering any unit or unassigned member of the Selected Reserve and certain members of the Individual Ready Reserve to active duty.
- Duty Under Section 12305—Authorizes the suspension of promotion, retirement or separation rules for certain Reserve components.
- Duty Under Section 12406 – Authorizes calling the National Guard into federal service in certain circumstances.
- Duty Under Chapter 15 – Authorizes calling the National and state military into federal service in the case of insurrections and national emergencies.
- Duty under any other provision of law during a war or national emergency declared by the President or Congress so long as it is in support of a contingency operation.

**Contingency Operation** is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations or hostilities against an enemy of the US or against an opposing military force: or

- Results in the call or order to, or retention on, active duty of members of the uniformed services under Sections 688, 12301(a), 12302, 12304, or 12403 or under Chapter 15 of Title 10 of the United States Code, or under any other provision of law during a war or during a national emergency declared by the President of Congress.

**Note**: A military member's active-duty order will generally specify if the military member is serving in support of a contingency operation by citation to the relevant section or chapter of Title 10 and/or by reference to the specific name of the contingency operation.

The term **Covered Military Member** is a member of the military who 1) is "on active duty or called to active-duty status," and 2) is an employee's spouse, son, daughter, or parent.

The term **Son or Daughter on Active Duty or Call to Active Duty Status** is a member of the military who 1) is "on active duty or call to active duty status," 2) is an employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis; and 3) is of any age.

The term **Parent** means an employee's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter (as the term **son or daughter** is defined in the regulations); however, does include **parents in-laws.**

**Note**: By implication under the regulations, the term "son or daughter" means when the employee was under age 18 or was age 18 or older and incapable of self-care because of a mental or physical disability at the time FMLA begins.

The term **Qualifying Exigency** includes any one or more of the following non-medical, non-routine activities and no others:

1. **Short-notice deployment activities:** a) If a military member receives 7 or less calendar days' notice prior to the date of deployment, an employee may take FMLA leave to address any issue arising from an impending call or order to active duty in support of a contingency operation (e.g. the employee may take leave for any purpose related to the military duty, including to spend time with military member, without proving that it qualifies as an exigency). b) An employee may take FMLA leave for up to 7 calendar days beginning on the date the military member receives the call or order to active duty (even if the 7-day leave period ends after the military member has been deployed).
2. **Military events and related activities:** a) To attend any official ceremony, program, or event sponsored by the military that is related to the active duty or call to active duty status of the military member (e.g. arrival or departure ceremonies); b) To attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or American Red Cross that are related to the active duty or call to active duty status of a military member (e.g. family briefings that occur pre-deployment, during deployment, or post-deployment).
3. **Childcare and school activities:** a) To make alternative childcare arrangements of a military member's child (e.g. when existing arrangements need to be changed); b) To provide childcare of a military member's child on an urgent, immediate need basis but not on a routine, regular, or everyday basis (e.g. when military duty disrupts preexisting arrangements; when military member is no longer able to transport the child to and/or from school or childcare; to pick up a sick child at school or daycare); c) To enroll in or transfer a military member's child in a new school or day care facility (e.g. when the child is moved or relocated due to the military duty); and/or d) To attend meetings with staff at a school or daycare facility (e.g. meetings with school officials regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors, but not for routine academic concerns).
4. **Financial and legal arrangements:** a) To make or update financial or legal arrangements to address the military member's absence while on active duty or call to active duty status (e.g. preparing and executing financial and healthcare power of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System/DEERS, obtaining military identification cards, or preparing or updating a will or living trust, but not for routine matter such as paying bills); and/or b) To act as the military member's representative before a federal, state or local agency for purposes of obtaining, arranging, or appealing military services benefits while the military member is on active duty or call to active duty status (up to a period of 90 days following the termination of the military member's active duty status).
5. **Counseling activities:** a) The need for counseling arises from the military member's active duty or call to active duty; b) Such counseling is provided by someone other than a health care provider (e.g. military chaplain, pastor/minister, a non-HCP offered by the military or a military service organization); and c) The counseling is for the employee, the military member, and/or the military member's child.
6. **Rest and recuperation activities:** a) If a military member is granted short-term, temporary, rest and recuperation leave during the period of deployment, an employee

may take FMLA leave to spend time with the military member (to foster strong relationships among military families and due to the limited opportunities to spend time with their families while on active duty); b) An employee may take FMLA leave for such purpose up to 5 days for each instance of rest and recuperation (presumably meaning 5 work days).

7. **Post-deployment activities:** a) To attend arrival ceremonies, reintegration briefings and events, and other official ceremony or program sponsored by the military (e.g. briefings, mental and physical screenings) for a period of 90 days following termination of the military member's active duty status (which is not an exact 90 days but is intended to coincide with the DOD's "Yellow Ribbon Reintegration Program," which conducts reintegration programs at approximately 30-, 60-, and 90- day intervals following demobilization/release from active duty); b) To address issues that arise from the death of a military member while on active duty status (e.g. meeting and recovering the body, making funeral arrangements).
8. **Additional activities:** an employee may take FMLA leave for other exigencies, provided: a) It arises out of the military member's active duty/call to active duty; b) The employer and employee mutually agree that such leave shall be considered a qualifying exigency; and c) The employer and employee mutually agree on both the timing and duration of the leave. Note: This type of activity is intended to cover situations that are unforeseen and not within any prior type of exigency.

The term **Covered Service Member** is a current member (including a former member on the temporary disability retired list, but excluding a member on the permanent disability retired list and other retired/discharged members) of the Regular Armed Forces, National Guard or Reserves:

- Who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list (TDRL), all of which can be determined by the service member's authorized health care provider.
- For a serious injury or illness incurred in the line of duty on active duty, which can be determined by the service member's authorized health care provider.

The term **Serious Injury or Illness** is an injury or illness incurred by a covered service member: a) in the line of duty on active duty; and b) that may render the service member medically unfit to perform the duties of the service member's office, grade, rank or rating.

Note: The above determination is to be made by the service member's authorized health care provider, but if said health care provider cannot make such a determination, he/she may rely on information from an authorized DOD representative (every injured/ill service member has an assigned DOD representative).

The term **Outpatient Status** refers to the status of a covered service member who is assigned to: a) a military medical treatment facility as an outpatient; or b) a unit established for the purpose of providing command and control of members of the military receiving medical care as outpatients.

The term **Son or Daughter of Covered Service Member** refers to a covered service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age.

The term **Parent of a Covered Service Member** refers to a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This does not include parents-in-law.

The term **Next of Kin of a Covered Service Member** refers to the nearest blood relative or a covered service member (other than his/her spouse, parent, son, daughter) in the following priority order: a) a blood relative designated in writing by the service member as his/her nearest blood relative for purposes of caregiver leave; b) blood relatives who have been granted legal custody of the service member by court degree or statutory provisions; c) brothers and sisters; d) grandparents; e) aunts and uncles; and f) first cousins. **Note**: If there are multiple family members within same level relationship, all are next of kin and each can take caregiver leave. If there is a designated next of kin, he/she is the only next of kin.

## Bereavement Leave (Updated 7/1/2026)

The purpose of this policy is to provide guidelines to pay employees in the event of absence due to death in a full-time employee's immediate family. It is the policy of Montgomery County Government to minimize the loss of earnings when a death in a full-time employee's family requires the employee to be absent on regular workdays.

In the case of an employee's immediate family member's death, the employee may be granted up to a maximum of five (5) working days of paid bereavement leave to arrange and/or attend the funeral of an immediate family member without charge to the employee's leave time. The employee may be granted (1) working day of paid bereavement leave for the death of an extended family member, as defined below. Any additional time off must be reviewed and approved by the employee's supervisor and shall be annual leave or leave without pay.

For the purpose of this policy, immediate family is defined as:

- Spouse (current)
- Child/Stepchild
- Grandchild
- Brother/Sister
- Parent/Stepparent
- Grandparent
- Son/Daughter-in-law
- Stepbrother/Stepsister
- Parents-in-law (current spouse)

With approval immediate family may include:

- A person who has acted as the employee's legal guardian;

- A person who has taken the place of a parent; or
- Any individual which resides within your residence that you provide care and custody for.

Extended family may include:

- Aunt or Uncle
- Brother-in-law/Sister-in-law
- Niece/Nephew
- Grandparent-in-law

**Important**

- Employees must notify their immediate supervisor of the need for time off in accordance with the County's policy for reporting time off.
- Department Heads or Elected Officials may, at their discretion, ask for proof of the deceased, such as a copy of a funeral program or newspaper obituary.
- If a family death occurs during an employee's scheduled vacation, the time off should be charged as Bereavement Leave and the vacation rescheduled for a later date.
- If a holiday occurs within the authorized bereavement leave, the holiday overrides the Bereavement Leave day, whether or not the employee is scheduled to work that holiday.
- Pay for time off under this policy will be based on the employee's base hourly rate.

**Bereavement Pay**

Overtime is paid on time worked, not time compensated. Time spent on bereavement leave will not be counted as hours worked for the purpose of computing overtime pay in any given workweek.

**Definition**

For purposes of this policy, "child" also includes an adopted child, a child for whom the employee had a formally recognized legal obligation, and situations where the employee has raised the child.

The term “parent” means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child (minor).

## Military Leave

Regular employees who are members of any military reserve component, including the Tennessee Army and the Air National Guard, will be granted a leave of absence for all periods of military service during which they are engaged in the performance of duty or training for this state or for the United States of America under competent orders. While on leave, the employees will receive their regular compensation for a period not to exceed twenty (20) working days per

calendar year, plus any additional days that may result from a call to active state duty by the Governor. Such requested leave shall be supported with copies of the armed forces order.

Regular employees will be granted a leave of absence without pay for the purpose of being inducted into or otherwise entering military duty. If not accepted, the employee will be reinstated at the same rate of pay and without loss of seniority, benefits or status. If accepted for service, the employee may be eligible for reinstatement upon being released from active duty upon meeting the conditions set out in T.C.A. Title 8, Chapter 33 relative to employees in military service, and in accordance with the Uniformed Services Employment and Re-Employment Rights Act of 1994 (USERRA), 38 U.S.C. 4301-4333.

Employees in military service shall be governed by the requirements of and shall have all of the rights and benefits conferred upon such persons by state law found in T.C.A. Title 8, Chapter 33, and under USERRA.

Leave exceeding this limit may be charged to accrued annual leave, holidays, compensatory time or the employee may elect to take leave without pay.

An employee required to report for military training shall show the appropriate orders to their supervisor. A Personnel Action Form shall be completed and forwarded, along with a copy of the employee's military orders to Human Resources.

## Jury and Witness Duty

Montgomery County Government strongly encourages its employees to fulfill their civic responsibility to their community by serving on jury duty, or as a subpoenaed witness, when called by local courts. To assist the employees of Montgomery County Government to perform this duty, with no financial harm to them or their family, it is the policy to pay for such time taken off.

- An employee must advise his/her immediate supervisor as soon as a summons or notification is received and also must provide to the supervisor a copy of the notification letter.
- Individual supervisors are responsible for notifying payroll of the leave requirement and the type of jury duty being served.

### Jury Duty

Employees who receive a subpoena should notify their immediate supervisor. A copy of the court summons or subpoena must be provided to assure proper attendance coding.

### Wages

Employees serving on jury duty should turn in forms furnished by the courts stating time and dates of attendance on jury duty. Employees who submit proof of jury duty service will be paid their regular rate of pay for the day served.

Time spent on jury duty will not be counted as hours worked for the purpose of computing overtime pay or compensatory time in any given workweek. Overtime is paid on time worked, not time compensated.

Employees who serve on jury duty and are excused any day or part of any day, must return to work if there are three (3) or more remaining hours in their normal work shift and they can travel from the court venue to serve those three hours. Failure to report to work will result in loss of pay for that day.

Eligible employees will be entitled to holiday pay if the holiday falls within scheduled jury duty time. Annual leave scheduled coincidentally with jury duty may be rescheduled with the approval of the immediate supervisor. Employees on a paid or unpaid leave of absence, disability leave or OJI are not eligible for jury duty pay.

**Witness Duty**

An employee subpoenaed to appear in Court as a representative of Montgomery County Government will be paid regular base pay and will not be required to use annual leave for this absence.

An employee subpoenaed to appear in Court as a witness in a case not involving Montgomery County Government will be granted time off from work to appear in Court; however, employees will not be paid by the County unless they elect to use their earned annual leave.

## Voting Leave

Montgomery County Government strongly encourages its employees to fulfill their civic responsibility to their community by expressing their right to vote. The purpose of this policy is to compensate employees of Montgomery County Government for time required to vote during local, state, or national elections.

Any person entitled to vote in an election in this state may be absent from work for a reasonable period of time, not to exceed three (3) hours, necessary to vote while the polls are open in the county where the employee resides. A voter who is absent from work to vote may not be subjected to any penalty or reduction in pay for such absence.

If the shift of an employee begins three (3) or more hours after the opening of the polls or ends three (3) or more hours before the closing of the polls of the county where the employee is a resident, the employee may not take time off under this section.

Supervisors reserve the right to stagger personnel in order to cover business needs and specify the time the employee may be absent. Requests for such absence shall be made to the employer before twelve o'clock (12:00) noon of the day before the election. Employees may not use voting leave to extend scheduled work hours to exceed total scheduled work hours.

To be eligible for voting leave, employees must:

- Be registered to vote,
- Vote, and
- Be scheduled to work on Election Day during the hours of 7:00 a.m. & 7:00 p.m. local time.

Overtime is paid on time worked, not time compensated. Time spent on voting leave will not be counted as hours worked for the purpose of computing overtime pay in any given workweek.

### Administrative Leave

Elected Officials/Department Heads may, in the incidence of an on-duty critical incident or disciplinary investigation, need to place an employee on immediate leave status. The leave may be paid or unpaid. The Elected Official/Department Head shall utilize the Personnel Action Form for reporting Administrative Leave with or without pay.

### Leave of Absence Without Pay

Any employee, at the discretion of the Elected Official/Department Head, may be granted leave without pay for sufficient reason. Employee must exhaust all available and accrued paid leave, including sick, annual and compensatory leave before requesting and receiving leave of absence without pay. During this period of leave, the employee will not accrue annual leave, sick leave, or other benefits.

## Section VII: Employee Benefit Programs

### Benefit Plans

The purpose of this policy is to provide an overview of the benefit plans offered to all eligible employees of Montgomery County Government. It is the policy of the County to provide an employee benefits package that is effective in attracting and retaining qualified and competent individuals.

Montgomery County Government provides various group insurance plans to eligible employees and their dependents to help offset costs resulting from illness, injury, or death. Complete terms of coverage and eligibility offered by group insurance plans are contained in the Summary Plan Descriptions and Plan Documents of each plan. Copies of the Summary Plan Descriptions and Plan Documents are available from Human Resources.

Montgomery County Government reserves the right, at its sole discretion, to modify, revoke, suspend, terminate or change the benefits to its employees at any time or to require or increase employee premium contributions toward any benefits to the extent permitted by law. This can occur without the consent of, and without prior notice to, any active or retired employee and eligible dependent covered by Montgomery County Government’s Employee Benefit Plans.

**Administrative Responsibilities**

In general, the benefits division of the Human Resources Department administers the benefit programs and administers the payroll system with respect to employee benefits.

**Programs**

The following benefits are summarized in separate booklets and/or Summary Plan Descriptions (SPDs) available to all eligible employees:

- Medical, Prescription, Vision and Dental Insurance
- Life/ AD&D Insurance
- Long-Term Disability Insurance
- Short-Term Disability Insurance
- 401(k) Savings Plan and Supplemental Retirement Plans
- Section 125 Flexible Spending Accounts
- Supplemental Employee Purchased Insurance

**Employer Contribution to Employee Benefits**

Currently, the County pays 85% of a regular full-time employee's health insurance and 75% of a regular part-time employee's health insurance that were hired before 7/01/2015. Part-time employees that were hired on or after 7/01/2015, are not eligible to participate in these benefits. Employees pay 100% of elective dental and vision insurance. Employees may opt out of medical insurance coverage without proof of coverage on another plan.

**Open Enrollment:** An open enrollment for the medical, vision, dental and Section 125 plans is held annually to allow employees to switch plan options, or to add or delete coverage. Employees are not permitted to make such changes to their insurance plans at other times during the year unless a change in family status occurs. Assignment of employer benefit dollars is only allowed during open enrollment; benefit dollar reassignment is not allowed for qualified status events.

**Qualified Status Events**

**Change in family status** is the Internal Revenue Service rule that allows employees to adjust benefit selections when unforeseen circumstances occur between open enrollments. Only specific events qualify as a change in family status.

Qualifying events include:

- Employee marriage
- Employee gains dependent through birth
- Employee gains dependent through adoption/foster placement
- Employee divorce or annulment
- Employment status change

- Employee changes from part-time to full-time
- Dependent gains eligibility for insurance in another program after a waiting period
- Other-than-natural child loses eligibility for the state's insurance program due to moving out of the member's household
- Death of dependent
- Employee gains Medical Support Order (MSO) to provide coverage for a dependent; a spouse may be covered until the divorce is final
- Employee denied/obligation expires for Medical Support Order (MSO) coverage for a dependent
- Employee/dependent gains eligibility for Medicare/Medicaid
- Employee/dependent loses eligibility for Medicare/Medicaid
- Employee experiences significant cost change by a day care provider (dependent care Flexible Spending Accounts only)
- Employee experiences a significant cost change in cost/coverage of a dependent's health or dental plan, excluding County health or dental.

If a qualifying event occurs, an employee must report it within 31 days, and the family change must relate to the benefit change an employee is requesting. As an example, adding or dropping medical plan dependents is common in the case of birth, marriage, or divorce.

Employees who do not request a change in benefits within the 31-day period following the family change cannot make changes until the next open enrollment period.

The change in family status provision doesn’t apply to the health care flexible spending account program. A health care FSA cannot be modified, even if the employee has a change in family status.

**Legally Mandated Benefits**

A number of benefits are mandated and cover all employees in the manner prescribed by law. These include:

- Social Security
- Unemployment Insurance
- Group Insurance Continuation at Termination
- Family Medical Leave Act (FMLA)
- Military Leave

**Non-mandated County Sponsored Benefits**

The following benefits are detailed in separate policies:

- Annual Leave
- Sick Pay
- Holidays
- Jury Duty

- Bereavement Leave
- Voting Leave

## Employee Insurance

Montgomery County Government offers a variety of insurance coverage that is available to eligible employees and funded partially by the County. Although insurance coverage is provided for employees and their dependents, conditions covered, claims processing, and actual benefit payments are between the employee and the insurance carrier. The employee is responsible for submitting claims and directly resolving with the insurance company any problems that may occur with the processing of the claim.

### Coverage Effective Date

Insurance coverage will be effective at the first of the month after 30 days of employment. The long-term disability insurance is for employees only at no cost. Dependent coverage is not available.

### Insurance Deductions

All insurance deductions will be taken one month in advance. Insurance payments are due the first of the month, therefore, the payment must be deducted in advance as to schedule payment at the proper time.

## Flexible Spending Accounts

IRS Code Section 125 relating to pre-taxed insurance premiums also allows for other pre-taxed plans. Montgomery County Government has the following plans for eligible employees to participate in if they so choose:

- Medical, Prescription, Vision and Dental Insurance
- 401K/457 (Deferred Compensation)

## Benefits Continuation—COBRA

The purpose of this policy is to allow employees and their dependents the opportunity to extend their medical, dental and life insurance coverage when coverage through Montgomery County Government's group ceases. Employees and their dependents who are medical, dental or life insurance plan participants, may have the right to continue coverage when their group eligibility ceases pursuant to Title X, Section 10001, of the Consolidated Omnibus Budget Reconciliation Act (COBRA).

### Eligibility for COBRA

Should an employee lose health care coverage under the County's health care plan as the result of a qualifying event, the employee, employee's spouse and dependent children will be given the

opportunity to continue to purchase coverage as a group member for a period of time following the loss of coverage.

Montgomery County Government will not subsidize any portion of the employee's or dependent's coverage when insurance is continued under these provisions. Therefore, the amount(s) payable by the employee will be the full cost to the County. It is the individual responsibility of the person requesting continuation of group health coverage to make premium payments to the Insurance Trust Fund.

**Qualifying Events**

Should any of the following events occur and a loss of health care coverage under the County's health care plan results, a qualifying event for purposes of continuation of health care coverage would occur:

- An employee is terminated for any reason, other than gross misconduct on the employee's part - qualifying event is for the employee, spouse and dependent child(ren).
- An employee's working hours are reduced to the point that the employee loses some or all of his/her health care coverage under the plan - qualifying event is for employee, spouse and dependent child(ren).
- An employee becomes divorced or legally separated - qualifying event is for employee's spouse and dependent children.
- An employee becomes entitled to Medicare - qualifying event is for employee's spouse and dependent child(ren).
- An employee's dependent child loses dependent status as defined by the plan - qualifying event is for that dependent child.
- An employee does not return to work after Family and Medical Leave Act (FMLA) leave ends - qualifying event is for employee and dependents.

**Coverage**

If a qualifying event is experienced, the employee will be given the opportunity to continue the group health care coverage he/she has at the time the qualifying event occurs. The coverage that the employee will be offered is the same coverage offered to similarly situated plan beneficiaries that have not experienced a qualifying event, which includes any changes that occur within the plan while the employee is under continuation coverage. The employee is responsible for the same deductibles and co-payments under the plan that he/she was responsible for before coverage was lost.

**Coverage Period**

The employee is eligible for continuation coverage if terminated from employment for any reason other than gross misconduct or if a reduction in hours results in the loss of coverage under the County's group health plan. An employee's normal COBRA coverage continuation period is either 18 or 36 months.

- An 18-month period of continuation coverage is available to covered employees and their spouses and dependents in cases where coverage is lost due to the employee's termination or reduction in hours. (A special 29-month period of coverage is available for covered employees and their spouses and dependents who are disabled at the time of the qualifying event.)
- A 36-month period of continuation coverage is available for spouses and dependents where coverage is lost due to circumstances such as the employee's entitlement to Medicare, divorce or legal separation, or death.
- A 36-month period of continuation coverage is available for dependents when an employee's dependent child experiences the loss of dependent status under the County's plan. A dependent child ceases to be a dependent child under the County's plan as specified by the Summary Plan Description plan when emancipated or when married.

**Notice**

The employee will receive notice of his/her right to elect continuation coverage within 14 days after the Plan Administrator (Montgomery County Government) is notified or after the event occurs (whichever is later) that the employee has incurred a qualifying event. The employee or the employee's qualified beneficiary must notify the Plan Administrator within 60 days of a divorce or legal separation or the date on which the employee's child ceases to be a dependent under the County's health plan rules.

Notice of the right to elect continuation coverage will be mailed to the employee or the employee's qualified beneficiary by first-class mail to the employee's last known address or to the last known address of the employee's qualified beneficiary.

**Election of Coverage**

If all of the following conditions are met, the employee's coverage will be reinstated or continued without a gap in coverage:

- The employee's right to elect continuation coverage occurs upon the happening of a qualifying event; coverage is not automatic. The employee, spouse and dependents must make an affirmative election of coverage before coverage begins. An election form is sent with the notice of eligibility.
- The election must be made within 60 days of the date coverage is lost or the date that the notice of eligibility is sent, whichever is later. The employee advises the Plan Administrator in writing that he/she wants to continue coverage. An election is considered to have been made on the date the employee sends in the election form or a letter indicating an election is being made.
- The employee pays the total monthly premium cost. The first payment must be made within 45 calendar days after date of notice to continue coverage. The first payment must consist of all amounts due for coverage retroactive to its effective date through the end of the calendar month in which payment is made. Subsequent payment must be made monthly, five calendar days prior to the start of the month for which coverage is desired.
- Each qualified beneficiary may elect coverage independently or as a family.

### Premium Payments

When an election for continuation coverage is made, an employee will not receive a premium payment booklet. It is the employee's responsibility to ensure that premium payments are made on a timely basis. The employee will be provided with an initial statement of elected coverage(s), monthly premiums and where to mail premiums and the date the premium is due. A 30-day grace period is available, after which time coverage will be terminated.

The charge for continuation coverage will be the same as what the employee was being charged at the time coverage is terminated, plus the portion of the premium paid by the County. No one will be charged more than the amount being charged immediately before coverage was terminated for continuation coverage, however, if there is a change in the cost of insurance resulting in a higher premium for active plan participants, the employee's premium will be raised as well.

### Terminating COBRA

The period of health continuation coverage will end on the first of the following events to occur:

- The end of the period of continuation for which a covered individual is entitled.
- The covered individual fails to pay applicable premiums for coverage.
- The beneficiary becomes covered under another group plan as an employee or otherwise, and that group plan does not contain any exclusion or limitation with respect to a pre-existing condition of the person.
- Montgomery County Government terminates its group health or dental plan.
- The date the person becomes entitled to Medicare benefits.

## Retirement Program

### Tennessee Consolidated Retirement System (TCRS)

All regular Montgomery County Government employees are members of the Tennessee Consolidated Retirement System (TCRS) upon completion of six months' service. Montgomery County Government contributes to the retirement fund for all eligible employees. Employees who were members prior to July 1, 1992, and leave County employment may withdraw their contributions and those made on their behalf by the County. No refunds will be given to those employed after July 1, 1992. Contributions may be refunded at the discretion of the employee subject to laws and regulations of the Tennessee Consolidated Retirement System (TCRS). Montgomery County Government adopted the State of Tennessee's Hybrid Retirement Plan to be effective January 1, 2017. Any new full-time employee hired on or after January 1, 2017, will be required to enroll. As a member of the Hybrid Plan, you are required to contribute at least 5% of your salary to the defined benefit portion of the Hybrid Plan. Contributions are made on a tax-deferred basis. Since retirement plans for component units vary, please see your department's plan summary for particular plan details.

**Montgomery County Government Retirement Incentive Program**

Any full-time employee of Montgomery County Government who is eligible under the criteria listed below shall receive support of medical and dental insurance premium excluding life programs, as outlined by the schedule below. Employees hired on or after 07/01/2015, are required to pay 100% cost of dental insurance and 50% cost of medical insurance upon retirement. This applies to single, two (2)-party or family.

**Criteria for qualifying:**

- Must have a minimum of thirty (30) years of creditable service in the Tennessee Consolidated Retirement System (TCRS) with twenty (20) years of service with Montgomery County with or without military service or accumulated sick leave.
- Or must be fifty-five (55) years of age and have a minimum of twenty (20) years of service with Montgomery County.
- Coverage will continue until the retired employee is eligible for Medicare.
- The retired employee must make medical premium payments to CMCSS and Dental premium payments to Montgomery County in a timely manner.
- The employee must be currently participating and must have participated in the group medical insurance program for at least two (2) years.

**Co-Payment Schedule:**

| Months up to Age 65 | % Paid by County | % Paid by Employee |
|---|---|---|
| 1-120 months | 85% | 15% |
| 121-132 months | 80% | 20% |
| 133-144 months | 75% | 25% |
| 145-156 months | 70% | 30% |
| 157-168 months | 65% | 35% |
| 169-180 months | 60% | 40% |

## Employee Assistance Program (EAP)

The purpose of this policy is to provide a resource to assist employees whenever personal problems arise that could disrupt their lives. Montgomery County Government cares about the health and well-being of its employees and recognizes that a variety of personal problems can disrupt their personal and work lives. While many employees solve their problems either on their own or with the help of family and friends, sometimes employees need professional assistance and advice.

Through the Employee Assistance Program (EAP), the County provides confidential access to professional counseling services for help in confronting such personal problems as alcohol and other substance abuse, marital and family difficulties, financial or legal troubles and emotional distress. EAP is available to all staff and their immediate family members offering problem assessment, short-term counseling and referral to appropriate community and private services.

EAP is strictly confidential and is designed to safeguard an employee's privacy and rights. Information given to the EAP counselor may be released only if requested by the employee in writing. All counselors are guided by a professional code of ethics. Personal information concerning employee participation in the EAP is maintained in a confidential manner. No information related to an employee's participation in the program is provided to Montgomery County Government.

There is no cost for an employee to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available. The counselor will also let employees know whether any costs associated with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of the employee. Effective 7/01/2015, part-time employees are NOT eligible to participate in the EAP. Only regular part-time employees hired prior to 7/01/2015 are eligible to participate in the EAP. All full-time employees are eligible.

**Self-Referral**

Any employee who experiences a personal difficulty or problem which might affect their job performance may receive confidential assistance by contacting the EAP office.

Employees contacting EAP should identify themselves as a Montgomery County Government employee, so that counseling will be charged to the County contract. Employees may have up to four (4) free visits per fiscal year per episode/problem.

**Mandatory Referrals**

Montgomery County Government is aware that employees frequently have personal problems which affect their job performance. Most personal problems which may affect job performance can be worked out satisfactorily between the employee and the supervisor.

In cases where an employee's difficulties are persistent and disruptive, Montgomery County Government believes it is in the best mutual interest of the employee and the agency to provide a mandatory referral opportunity for professional treatment.

The basis for a referral by the County shall ordinarily be:

- A decline in work performance, unsatisfactory attendance, poor attitude, or unusual behavior which may be caused by a personal problem;
- A particular on-the-job incident which indicates the presence of a personal problem; or
- A request from the employee to their supervisor for advice or assistance regarding a personal problem.

If an employee's performance or attendance is unsatisfactory it shall be called to their attention through regular procedures by the supervisor. If it is determined by a supervisor that an employee's performance is being adversely affected by a personal problem, the supervisor may review the matter with the department head. The supervisor shall inform the employee of the

services available through the EAP, although these services should not be offered as an alternative to disciplinary action. It shall be the responsibility of the employee to comply with referrals for assessment of their problem and to cooperate and follow the recommendations in treatment.

Accordingly, the County is committed to the implementation of the following policies:

- Supervisors will receive training in the recognition of substandard performance that may be caused by employee's personal problems.
- Confidentiality will be maintained and the employee's personal record will not contain any reference to his/her referral to the Employee Assistance Program (EAP) representative or to subsequent outside referrals. Participation in the EAP will not jeopardize job security or future chance for advancement.
- If an employee refused to accept mandatory referral to the EAP, the supervisor may document poor work performance through written warnings in the employee's file.

## Child Care

It is the policy of Montgomery County Government to provide an environment which allows an employee to enjoy work and not be distracted by concerns about dependent children. Montgomery County Government employees may not care for any children during any working hours at any County facility.

The County expects all employees to be at work unless the employee or a dependent is ill. If a dependent child is ill and another adult is available to care for the dependent, the employee is expected to be at work.

Employees may use sick days to care for an ill-dependent child. Employees with dependents who have a health problem should contact their Department Head or Elected Official concerning eligibility for leave.

If an emergency requires an employee to stay home or leave work to take care of a dependent, employees are to immediately notify their Department Head or Elected Official or designee. Employees should not leave voice messages or messages with co-workers.

Special exceptions for emergencies must be approved by Department Head and Elected Officials.

## Elder Care

The purpose of this policy is to provide guidelines regarding dependent parent concerns. It is the policy of Montgomery County Government to provide an environment which allows an employee to enjoy work and not be distracted by concerns about elderly parent(s).

Just as some employees need time off in order to care for their children, others need time off to care for an ill parent. If an elderly parent is ill and other sources of care are available, the

employee is expected to be at work. Employees who need time off to care for an elderly parent should speak with their supervisor concerning their eligibility for leave.

Employees may use sick days to care for an ill parent. If an emergency requires an employee to stay home or leave work to take care of a ill parent, employees are to immediately notify their Department Head or Elected Official or designee. Employees should not leave voice messages or messages with co-workers.

Special exceptions for emergencies must be approved by Department Head or Elected Official.

## Employee Wellness

The purpose of this policy is to outline the various wellness programs available to Montgomery County Government employees to assist them in improving or maintaining their overall health and well-being. It is the policy of Montgomery County Government to provide employees with wellness programs designed to prevent illness, disease or premature death through behavioral and organizational change.

The County encourages all staff to maximize their fitness, avoid common health risks and get back to work as quickly as possible after any period of sickness absence. To support this proactive approach, the County assists employees with meeting the reasonable costs of:

- Private health insurance for staff and their families.
- Regular health checks by a physician (as approved by health insurance).
- No cost-low cost visits at Montgomery County Government on-site clinics.
- Annual flu vaccinations.

The County encourages employees to include regular exercise in their daily activities and maintain a healthy and well-balanced diet.

### A Healthy Working Environment

Montgomery County Government does not permit the use of tobacco products, narcotic stimulants or the consumption of alcohol in any of its premises, or in public places near entrances.

### Disability

Montgomery County Government is an equal opportunities employer and will make whatever reasonable adjustments within the workplace and to employment arrangements that may be necessary for employees to undertake their job. This includes the provision of appropriate special equipment and also facilitating access to an employee’s normal place of work.

### Stress and Mental Health

A professional counseling and advice service is available to all staff. For a confidential appointment with an independent counselor, employees should contact the County's EAP service.

**The Sensible Limits to Privacy**

To protect an employee's own well-being, Montgomery County Government requests that employees voluntarily inform supervisor/manager if they suffer from diabetes, epilepsy, asthma or any other condition that may cause employees to require assistance from co-workers. It is important that work colleagues are aware of any danger signs affecting employee safety and that asthmatics carry their ventilators with them at all times.

**Protection from Injury and Exposure to Infection**

Employees should wear any protective clothing supplied in connection with their job during all times that they are subject to the risks for which it was provided. Employees who are called upon to give assistance after an accident at work, or are otherwise involved in handling blood, should always wear gloves.

**Protecting Colleagues from Exposure to Infection**

Employees who contract influenza or any other readily contagious illness such as mumps, measles, chickenpox or any other airborne contaminant, should remain at home and contact their immediate supervisor, Department Head, Elected Official or designee as soon as possible on the first workday after it has become evident. Exceptions to this rule may occur in the case of hospitalization or continued attendance at work to meet an urgent commitment. In the latter case, employees should avoid unnecessary contact with others and return home at the earliest opportunity. Where circumstances allow, it may be possible to arrange for employees to work at home.

# Section VIII: Work Rules and Discipline

## Work Rules

The purpose of this policy is to provide rules and standards necessary to protect the health and safety of all employees, Montgomery County Government's goodwill and property, and to maintain uninterrupted operations. The orderly and efficient operation of Montgomery County Government requires that employees adhere to disciplinary rules and proper personal standards of conduct at all times.

Montgomery County Government has established operational rules which together with all other appropriate standards of conduct, employees are required to obey. Any employee who fails to maintain at all times proper standards of conduct or who violates any of the following rules will be subject to disciplinary action, up to and including discharge.

- Employees must be at their appointed workplaces, ready to work, at the regular starting time, and shall remain at such workplaces and at work until the scheduled regular quitting time.
- Employee unable to report for, or perform, work due to illness or other justifiable cause, must report to immediate supervisor expected absence in advance and give reasons for inability to work.
- Employee must be in a physically fit condition to perform the work required.
- Employee must be available and report for work as scheduled or for overtime work as required or assigned.
- Employee must, where prescribed, wear safety articles and use protective equipment provided, at all times, and immediately report to supervisor any injury or accident.

The following is an illustrative, but not inclusive, list of infractions that are strictly prohibited and could result in immediate termination from Montgomery County Government:

- Unlawful or improper conduct off Montgomery County Government premises or during nonworking hours which affect the employee's relationship to job, fellow employees, supervisors or to the County's property, reputation, or goodwill in the community.
- Arrest and conviction for any felony or serious misdemeanor related to larceny; narcotics; illegal drugs or controlled substances; crimes of violence; or sex offenses.
- Restricting productivity or interfering with the performance of another employee's job, or engaging or participating in any interruption of work or productivity.
- Neglecting one's own job, duties, and responsibilities, or refusing to perform work assigned.
- Insubordination or refusal to follow instructions or to perform designated work.
- A violation of confidentiality as it pertains to employee or business records.
- Imposition of personal, social, religious or political beliefs upon constituents, visitors or other employees.
- Bringing firearms, intoxicating beverages, narcotics or illegal drugs onto County owned or leased property.
- Falsifying any reports or records, including personnel, time/attendance, absence, sickness, medical, and productivity records.
- Misappropriation or attempted misappropriation of County funds, pilferage of County material or theft of property or funds belonging to: the County, another employee, constituents, as well as aiding and abetting another employee's violation of this provision.
- Obtaining employment on the basis of false or misleading statements.
- Falsely stating or making claims of injury.
- Violating any safety rule or practice, or engaging in any conduct which tends to create a safety hazard.
- Removing from the premises, without proper written authorization, County property, records, or other material.
- Disorderly conduct of any kind or the use of foul or abusive language on County owned or leased premises, disorderly or aggressive behavior such as fighting, horseplay, wrestling, running, roughhousing, agitating any others to fight, or any other activity dangerous to life, limb, or property.
- Inappropriate, immoral or indecent conduct while on County owned or leased premises.

- Using racial epithets, or making derogatory comments, remarks or jokes on County owned or leased property to or about other people or groups of people in regards to race, color, religion, gender national origin, age, disability or sexual orientation. Such remarks and/or comments may be verbal, written, graphic or by physical gesture.
- Any deliberate or reckless act that jeopardizes the safety of constituents or other employees. Participation in any activity which could or does lead to the disruption of proper care to patients.
- Gambling or promoting lotteries on County owned or leased property.
- Abuse or destruction of County property, tools, or equipment.
- Scanning, completing and/or signing any time record or report except for one's own.
- Use of tobacco products in non-designated areas.
- Violation of common sanitary practices, cleanliness and good housekeeping by contributing to unsanitary, unsafe or unsightly conditions at individual work stations, break room, drinking fountains, coffee stations, washrooms, examination rooms and elsewhere on premises, including such actions as spitting, disposition of refuse, papers, etc.
- Excessive absenteeism, lateness, or time away from work station.
- Leaving County owned or leased premises, department or unit without supervisory permission when on duty.
- Unauthorized early departure or abusing lunch and break periods.
- Loafing, lounging, or sleeping while on duty.
- Theft of property belonging to other employees, the County, visitors, constituents or vendors.
- Any other act detrimental to the interests of the County or its employees.

The foregoing rules, which employees are expected to observe at all times, are not intended to be all inclusive of the required discipline or proper standards of conduct. When necessary, the County may establish additional policies, and Department Heads and Elected Officials may set up particular rules to govern employees' conduct when deemed necessary by operational requirements.

## Car Pool Usage

Montgomery County Government maintains vehicles for use by its employees while they are engaged in County related business. Typically, business use of vehicles involves driving to other County property, suppliers, community functions, seminars, etc. In general, this includes all driving for business purposes once you have reached Montgomery County Government owned or leased facilities.

Employees who are charged with traffic violations while driving a Montgomery County Government owned vehicle or while on Montgomery County Government business will be solely responsible for all liabilities that result from such actions (this includes towing and parking violation fees).

## Insurability

All employees whose duties require driving must be insurable at standard automobile insurance rates at all times to keep their jobs. This means you need to keep a good personal driving record to protect your job.

- Drive safely at all times, both on and off the job.
- If you have traffic violations that take you out of the standard auto insurance rate, you risk losing your job.
- If your job requires driving, and you are ticketed for driving under the influence of an intoxicating substance, you risk losing your job.

## Dress and Personal Appearance

It is the policy of Montgomery County Government to promote and project a professional image to ourselves and the community. The purpose of this policy is to establish guidelines for appropriate dress and grooming to preserve the County's public image and maintain good job safety and health conditions. It is not the intention of this policy to infringe upon the personal rights of employees, but merely to put forth legitimate business needs for requiring appropriate dress and grooming.

The County's community image is heavily affected by the impressions people obtain from their contacts with our employees. It is essential, therefore, that all employees not only be efficient in their work and courteous in their manner but also neat and businesslike in their mode of dress and personal grooming. Employees are expected to demonstrate good judgment in grooming and dress so that personal appearance reflects well on both the employee and the County.

Following are general guidelines will apply to all male and female employees:

- Clothing must be clean and in good repair
- Clothing must be modest, fit properly, and may not reveal undergarments
- Clothing must be free from offensive writing, decals, and pictures
- Clothing and accessories must not interfere with work duties
- Clothing and accessories must comply with OSHA and safety standards
- Clothing, makeup, hairstyles, and accessories must be conservative
    - Perfume/cologne, may be used in moderation
    - Hair must be clean, groomed, and of a color that could be natural
    - Facial hair must be clean and neatly trimmed
    - Daily showers or baths, regular brushing of teeth, shaving, use of deodorants, and other sensible hygienic practices should be a part of each employee's health routine.
- Footwear should be comfortable, appropriate for the job, clean, polished, and in good condition.
- Medical alert bracelets and necklaces are acceptable if they are displayed in accordance with departmental policy.

**Standard of Dress**

The County recognizes that personal taste and style trends may vary and that this dress standard is not meant to infringe on personal expression. Different work activities dictate different types of dress requirements; including departments requiring employees to wear standardized uniforms/apparel.

Therefore, a minimum standard of dress was developed based on the type of work an employee performs. The standard of dress is broken down into three categories: business, business casual, and casual. This section is not all-inclusive; it is meant as a guideline only. The first chart lists some work activities and examples with the minimum dress standards for each activity. The second chart lists examples for each of the three types of dress standards we have identified (Business, Business Casual, and Casual), including a list of unacceptable clothing at any time.

**Employee Responsibility**

When in doubt about the appropriateness of attire for a work situation, employees are to ask their immediate supervisor prior to wearing it. If the immediate supervisor has doubt, s/he may refer the matter to the Department Head or Elected Official, who may refer the matter to Human Resources. The intent is consistent County-wide enforcement of this policy.

Employees who fail to abide by this policy may be sent home to change clothes without pay and/or disciplined according to the County's progressive discipline policy. Exceptions may be made for religious or medical reasons with sufficient documentation.

**Inclement Weather Conditions**

If severe weather conditions exist and/or when the temperature is projected to not exceed 32 degrees, employees, at the Department Head or Elected Official approval, may elect to wear jeans and other cold weather apparel (e.g. fleece, sweaters, sweatshirts, hiking/snow boots, etc.)

Work Activities and Minimum Dress Standards:

| When you are | For example | Minimum Dress Standard Is |
|---|---|---|
| Attending professional meetings and functions | Media contact, Committee, Commission, Courtroom functions and other professional or community meeting participation | Business |
| Performing general office duties in an office setting | Routine indoor office duties, internal business meetings, greeting the public, typing/keying, reception, interviewing, filing, report writing, data entry, phone calls, etc. | Business Casual |
| Performing field/maintenance functions | Routine outdoor duties, field inspections, building | Casual |

| | | |
|---|---|---|
| | maintenance, housekeeping, courier, moving furniture, files, cleaning out storage areas, etc. | |

**Examples of Dress Standards**

| **Acceptable** |
|---|
| **Business** |
| Suits, sport coals, blazers with coordinating bottoms (in this list). |
| Tailored dress slacks |
| Dress shirts such as button-down shirts, turtlenecks, mock turtlenecks |
| Tailored dresses (for women) |
| Ties |
| Blouses, tailored sweaters and shells (for women) |
| Skirts (for women) |
| Socks, hosiery, stockings |
| Dress shoes, boots |
| **Business Casual** |
| Chinos, dockers, cotton slacks |
| Capri pants (for women) |
| Split skirts, tailored skorts, culottes, walking shorts sets (no more than 2 inches above the knee (for women) |
| Dressy t-shirts, casual button-down shirts, polo shirts with collars, sweaters, cardigans |
| Non-tailored dresses and jumpers |
| Sandals, clogs, sneakers |
| No hosiery |
| **Casual** |
| Department uniforms |
| Jeans |
| Sleeveless tops |
| Shorts (no more than 2 inches above the knee) |
| Sweatshirts |
| Plain t-shirts (small logos) |
| Athletic shoes |

| **Unacceptable** |
|---|
| **Business** |
| Anything listed under Business Casual |
| Anything listed under Casual |
| Anything listed under Unacceptable Clothing at Anytime |
| Sleeveless tops without a jacket |
| Visible tattoos or facial piercing (excluding ears) |
| **Business Casual** |
| Anything listed under Casual |

| |
|---|
| Anything listed under Unacceptable Clothing at Anytime |
| Decorated/lighted sneakers |
| Facial piercing (excluding ears) |
| Baseball caps, hats (except while performing functions in a community setting and/or outdoor field or maintenance functions during inclement weather, extreme heat or cold temperatures). |
| **Casual** |
| Anything listed under Unacceptable Clothing at any time (see list below). |
| **Unacceptable Clothing at Anytime** |
| Torn clothing of any type |
| Spandex, leggings, stirrup pants |
| Sweatpants/exercise clothing |
| Tank/halter tops, muscle shirts |
| Spaghetti straps, strapless tops, sundresses, backless dresses (without jackets) |
| Revealing slits, low necklines, sheer clothing |
| Miniskirts or skirts 2 inches above the knee |
| Shorts more than 2 inches above the knee |
| Bare midriffs or cropped shirts |
| T-shirts with decals or writing containing vulgar or abusive language, epithets or slurs, graphic material that is offensive, sexually oriented or gender abusive. |

## Discipline and Corrective Action

The purpose of this policy is to provide consistent guidelines to follow when performance and/or behavior are unacceptable and disciplinary action is required. It is the policy of Montgomery County Government to hold every employee accountable for his/her own performance and behavior. Employees are expected to follow the generally accepted practices of business and professional conduct while performing their jobs and at all times while representing Montgomery County Government. This applies to job performance, attendance, appearance, interpersonal relations and overall honesty and integrity.

Montgomery County Government has adopted a positive, progressive policy that allows an employee every opportunity to meet the requirements of the job, and the policies and regulations pertaining to continued employment. The County reserves the right, at their discretion, to recommend immediate discharge for violations that are of a serious nature or any other type of misconduct.

Any conduct not in the best interests of Montgomery County Government, Bi-County, property, other employees, constituents, or visitors, although not specifically addressed in this policy, is also subject to review. The severity and frequency of the disciplinary concern(s) may necessitate counseling or other disciplinary action, up to and including termination of employment.

Pre-disciplinary action, which includes counseling, oral and written warning, may be taken with or without consulting Human Resources. It is highly recommended that Human Resources be consulted and the Department Head or Elected Official have a cumulative documentation of

employee's behavior before proceeding with formal disciplinary action which includes suspension, demotion or dismissal.

Issues to consider **prior to** initiating progressive discipline:

- **Investigate.** Supervisors will use investigations to develop information concerning events and incidents to ascertain the facts surrounding them and to help determine what actions should or should not be taken.
- Have an accurate, comprehensive position description, clearly written performance expectations, and adequate training been provided to the employee?
- Are the standards of employee performance and rules of employee conduct being applied fairly and equitably? Have all employees demonstrating similar deficient behavior or violating similar rules been treated alike?
- Has information regarding performance expectations and deficient behavior been communicated regularly? Have written records been maintained of counseling meetings? Has the employee been provided the opportunity to respond? Has the progressive disciplinary action been initiated in a timely, consistent, and confidential manner?
- Has the employee been provided with a written guideline concerning the behavior?

**Corrective Counseling**

When appropriate, Montgomery County Government utilizes a corrective counseling approach to deal with conduct or performance issues. As disciplinary concerns arise, the employee's immediate supervisor should refer to the following guidelines to counsel the employee regarding unacceptable conduct or performance and to warn the employee of termination if conduct is not corrected.

However, some conduct and/or performance may necessitate immediate termination without regard to these guidelines. Supervisors should consult with Human Resources before counseling or taking disciplinary action with employees. It is highly recommended that Human Resources be consulted and supervisors have a cumulative documentation of employee's behavior before proceeding with any suspension and/or discharge.

Employee is required to sign the Record of Disciplinary Action within 2 work days. Signature verifies that the disciplinary action has been presented to the employee by supervisor and does not signify agreement. Employee may make written comments in the Comments Section provided to document disagreement, if any.

**Step One: Verbal Warning**

A verbal warning is an informal discussion of marginal performance or unacceptable conduct and is normally the initial step in the progressive discipline process. This counseling should be documented but if no further infraction occurs, does not have to be filed in the employee's Personnel File.

Problems should be identified and discussed with the employee in a confidential manner. The appropriate supervisor should seek input from the employee about the cause of the problem, and solutions should be identified and agreed upon. Follow up should be provided, and the employee should be advised of progress made in solving the problem. The purpose of counseling is to bring the problem to the employee's attention before it becomes so serious that it must become part of a written warning placed in the employee's file. This process may be repeated prior to the initiation of a written warning or reprimand. This step may be skipped depending on the severity of the infraction.

**Step Two: Written Warning**

Written warnings are initiated when counseling fails to produce the desired result and serve as formal notices of unacceptable performance or conduct. In writing, the employee's immediate supervisor should state the concerns in detail (where appropriate, identifying specific policies or job description items), discuss expectations, and inform the employee that repeated infractions or failure to improve performance will result in further action up to and including termination. Supervisors should also reference any previous verbal warnings.

Whenever possible, two members of management should be present at any counseling session. The original of all documentation must then be placed in the employee's personnel file. This step may be skipped depending on the severity of the infraction.

**Step Three: Second (Final) Written Warning**

A second (final) written warning may be issued for the same or for other performance/conduct concerns. The employee should be warned in writing that further infractions might result in termination of employment. All procedures outlined in the Written Warning above, should be followed. This final written warning is usually issued before termination is considered. A final written warning prevents pay increases or promotions for six (6) months from the date of issuance. This step may be skipped depending on the severity of the infraction.

**Suspension**

Suspension of an employee may be used either as another step in progressive discipline, or as a separate disciplinary action resulting from a serious violation. It is highly recommended that Human Resources be consulted and have a cumulative documentation of employee's behavior before proceeding with any suspension and/or discharge.

The recommendation shall document prior counseling, warnings, written reprimands and prior discipline, and shall include all supporting documentation, e.g., attendance records, copies of written reprimands. The documentation must describe the deficient behavior, identify the impact to the department, outline what actions have been taken prior to the recommendation to communicate with the employee about the deficient behavior and efforts made concerning the correction of behavior and include the names of witnesses if appropriate to the deficient behavior.

Suspension should only be used as an additional step in progressive disciplinary action or in place of termination when there are mitigating circumstances (i.e., long-term employee, no previous disciplinary history, employee under personal stress, etc.).

**When to Suspend an Employee**

- If an employee's performance could be improved and has not.
- The employee has failed to live up to the standards imposed when presented the written warning.
- Employee's performance did not improve during the follow-up period.
- A definite pattern of absences has developed and the employee does not have any good excuses.
- The employee took a day off after being denied permission to do so.
- Lesser forms of discipline did not work.

If, after serious consideration, management feels that suspension is appropriate, the employee should be placed on an investigatory suspension (with or without pay), for a period as determined by the Department Head or Elected Official, pending review of employee's behavior by Department Head or Elected Official and, if necessary, by Human Resources and the County Attorney.

The following procedure is normally utilized to initiate a suspension:

- It is highly recommended that Human Resources be consulted and have a cumulative documentation of employee’s behavior before proceeding with any suspension and/or discharge.
- The Elected Official/Department Head shall notify the employee in writing on a Conduct Improvement form of the reasons for suspension, number of days or hours of suspension, and the date and time the employee may return to work.
- A Personnel Action Form will be completed notifying Human Resources of the suspension.
- Suspension shall not exceed 30 days, unless in the case of a criminal offense.
- Except in the case where suspension results from a single very serious incident, the employee’s personnel file should reflect documentation of at least one verbal consultation or warning about conduct, and one prior written warning on a Record of Disciplinary Action form before a suspension is initiated.

If, after this investigation, a decision is made that the suspension is not appropriate, the employee will be reinstated with no loss in pay. If an employee is reinstated, there will be no record in the employee's file regarding the tentatively considered disciplinary action.

**Step Four: Termination**

For dismissal of an employee in a temporary or probationary appointment, the appropriate administrator shall prepare and submit a Personnel Action Form to Human Resources indicating dismissal and outlining the deficient performance, as well as indicating suitability for rehire.

For employees with repeated violations of County policies, termination may be the only recourse. The Department Head, with the assistance of Human Resources, should prepare a termination letter stating the specifics of the violation and reasons for the termination. The Elected Official should prepare a termination letter and stating the specifics of the violation and reasons for the termination. Two members of management should be present at the termination. The employee should be given an opportunity to read and sign the document and be offered a copy. The originals of all documentation must be placed in the employee's personnel file.

**Documentation and Record**

Documentation of disciplinary and/or performance issues is extremely important. A written account regarding employee behavior or performance is a legal document, discoverable by subpoena. Such documentation may be required years in the future to be used as evidence in hearings, trials, and law suits. The manager who prepared the document and the managerial witness to the counseling will be expected to verify its accuracy and attest to its truthfulness.

When preparing any disciplinary notices, the supervisor should provide a detailed account of the employee's actions. Where appropriate, state the policy or job description requirement, which has been violated, identify the expectation for future behavior and be specific about consequences if violations are repeated. Where possible, itemize and discuss specific activities.

- **What did the employee do?** Clearly identify the specific conduct deemed deficient and describe the conduct in complete and explicit terms using plain language. Include dates, names, places, events, witnesses, etc. Supplement general statements with specific examples to provide a proper factual foundation. The document should be a self-contained record; it should be fully understood by a third person unfamiliar with the employee’s unsatisfactory conduct. A third person should be able to understand what the employee did that created the problem based upon reading the document, without having to refer to any other information source.
- **How did the behavior violate a performance expectation/rule?** Include the rule, authority, and/or expectation relating to the deficient behavior, such as County policies or procedures, job descriptions, written work rules or written administrative memos/instructions/directives. Often, it will be necessary to translate the problem into a recognized performance expectation, especially when the unsatisfactory behavior is not directly tied to a clearly defined written standard or expectation. This type of behavior may involve attitude and cooperation, job efficiency and accuracy, and adequate job skill levels. Examples include discourteous conduct, poor professional judgment, job carelessness, and disruptive behavior. Where the inappropriate behavior has previously occurred, a notation should be made of the prior violation and resulting action, if any.
- **What is the impact of the employee’s conduct?** Cite the adverse effect of the employee’s conduct on the County’s operations and other persons especially where negative public notoriety occurs. Examples include: lack of dependability; unnecessary shift of duties to another employee; lack of continuity and consistency; unnecessary expenditure of supervisory time; interference in normal procedures causing delay in the

completion of work; exposure to personal injury and County liability; destruction or damage to property and repair costs; and lack of compliance with required timelines.

- **What does the employee need to do to improve?** Provide specific suggestions and/or directives for the employee to meet job requirements. Outline directions regarding the proper behavior or level of performance expected in the future. It is important to be clear and unequivocal and to include the effective timelines and the consequence(s) if the employee fails to comply (e.g., further disciplinary action will occur that may result in dismissal, etc.). In other words, the employee must know what must be done to correct deficient performance or behavior and when and what will happen if the performance is not corrected. The description of the behavior must be unambiguous, easy to understand, and as complete as possible. Identify any assistance that the employee may require to meet job requirements such as additional training, equipment, etc.
- **What rights does the employee have in connection with the disciplinary action?** The employee has a right to receive a copy of any document(s) including a letter of reprimand prior to their placement in the employee's official personnel file. The employee may in turn submit a response to these documents that must be included in the employee's official personnel file. The employee also has the right to review his/her personnel file and obtain copies of all materials contained within it. The employee should be given an opportunity to respond in writing and sign as acknowledgment that the employee received the counseling (signing the disciplinary notice is not an admission of any kind). If the employee refuses to sign, the manager and witness should sign the form and indicate that employee has refused to sign.

Originals of all documentation should be forwarded to Human Resources for inclusion in the employee's personnel file.

**Immediate Termination**

Some types of disciplinary problems are sufficiently severe to warrant immediate termination without previous warnings. These behaviors may include, but are not limited to, the following:

- Violation of the County's substance abuse policy.
- Fighting (not including self-defense) or using aggressive, obscene, abusive, threatening language or gestures.
- Theft of property from co-workers, residents or from Montgomery County Government.
- Unauthorized possession of any dangerous weapon on County owned or leased premises or while on County business.
- Blatant disregard for safety or security regulations and practices that endanger the safety of self, other employees, visitors, or constituents.
- Negligence or improper conduct leading to damage of County owned or leased property.
- Refusal to perform a reasonable work assignment.
- Falsifying employment or other County records including time sheets.
- Violating the County's nondiscrimination and/or non-harassment policies.
- Excessive, unnecessary, unauthorized use of County supplies or equipment, particularly for personal use.
- Unauthorized use of County personnel or facilities for personal gain.

- Unauthorized use of telephone services and long distance services.
- Violation of the County's Electronic Communication Policy.
- Conviction of a criminal felony offense.
- Repeated verbal abuse, including derogatory remarks, insults, and epithets.
- Verbal, nonverbal, or physical conduct of a threatening, intimidating or humiliating nature.

**Active Status of Warnings**

All warnings remain active for 12 months from the date of issuance. At the end of 12 months a warning becomes inactive if no other warnings have been issued. An inactive warning may not be used in further disciplinary action, although warnings will remain in the Human Resources file indefinitely.

**Retaliation**

Montgomery County Government as an entity or any Montgomery County Government employee or Elected Official is prohibited from intimidating, threatening, coercing, discriminating against, or taking any other form of retaliatory action against:

- Any individual for exercising any right established under Montgomery County Government policy, or for participating in any process established under County policy.
- Any individual or other person for:
    - Testifying, assisting, or participating in an investigation, compliance review, proceeding, or hearing relating to County policy and procedures; or
    - Opposing any unlawful act or practice, provided that;
        - The individual or other person has a good faith belief that the act or practice being opposed is unlawful; and
        - The manner of such opposition is reasonable and does not involve a use or disclosure of an individual's protected information in violation of County policy.

**Guide to Disciplinary Action**

It is not possible to list every possible type of offense for which disciplinary action might be necessary. However, grounds for disciplinary action, ranging from warning to immediate discharge depending on the severity of the offense in the judgment of management, include, but are not limited to the following:

| Examples of Undesirable Behavior | First Occurrence | Second Occurrence | Third Occurrence |
|---|---|---|---|
| Violation of Tobacco-Free Policy | Verbal Warning - Employee will be informed of available Smoking | Written Warning or Suspension | Termination |

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|---|---|---|---|
| | Cessation programs | | |
| Failure to maintain appropriate or professional standards of dress or personal hygiene. | Verbal Warning, Written Warning | Written Warning or Suspension | Termination |
| Discourteous or rude behavior to a co-worker or the public. | Verbal Warning, Written Warning | Written Warning, Suspension or Termination | Termination |
| Abuse of leave policy; unscheduled absence for any period of working time without notifying supervisor. Excessive or repeated tardiness.* | Verbal Warning, Written Warning | Written Warning, Suspension or Termination | Termination |
| Violation of safety rules or neglect of safety rules. | Verbal Warning, Written Warning | Written Warning, Suspension or Termination | Termination |
| Failure to maintain quality or quantity of work required; inadequate or unsatisfactory job performance; or being incompetent or inefficient in the performance of duties of the position; or being otherwise unfit for County service. | Verbal Warning, Written Warning | Written Warning, Suspension or Termination | Termination |
| Careless, negligent or improper use of County owned or leased property or equipment. | Verbal Warning, Written Warning or Suspension | Written Warning, Suspension or Termination | Termination |
| Posting, sending or forwarding electronic messages that may be reasonably considered offensive or disruptive to any employee (sexual comments or images, racial slurs, gender-specific comments, comments that are offensive based on age, sexual orientation, religious or political beliefs, national origin or disability). | Written Warning or Suspension | Suspension or Termination | Termination |
| Disrupting, disturbing or interfering with management of County operation. | Written Warning or Suspension | Suspension or Termination | Termination |
| Neglect or incompetence in the performance of duties, sleeping or failure to remain alert during working hours. | Written Warning or Suspension | Suspension or Termination | Termination |

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| Failure to obtain or maintain a current license, certification or other qualifications required by law or rule as a condition of continued employment. | Written Warning or Suspension | Suspension or Termination | Termination |
| Walking off the job, failure to report to work. | Written Warning, Suspension or Termination | Termination | |
| Insubordination (careless workmanship, or failure or delay in carrying out orders, work assignments or instructions). | Written Warning, Suspension or Termination | Termination | |
| Work stoppages such as strikes or slowdowns; loafing, wasting time, inattention to duty, sleeping or gambling during work hours. | Written Warning, Suspension or Termination | Termination | |
| Accessing the Internet for any unethical purposes, including pornography, violence, gambling, racism, harassment or any illegal activity. | Suspension or Termination | Termination | |
| Abuse illegal use of drugs, intoxicants or intoxication while on duty or while in a County-owned vehicle; refusal or failure to submit to a drug or alcohol test. | Suspension or Termination | Termination | |
| Divulging or discussing any County business which is confidential, unless authorized or directed to do so by the Elected Official or Department Head. | Suspension or Termination | Termination | |
| Deliberate violation of instructions. | Suspension or Termination | Termination | |
| Actual or attempted theft or fraud or willful abuse or misappropriation of County funds, property or equipment. | Suspension or Termination | Termination | |
| Falsehood: Intentional mis-statement or concealment of material fact in employment, any investigation, inquiry or other proceedings, falsifying records. | Suspension or Termination | Termination | |
| Speaking disrespectfully, publicly criticizing, maliciously ridiculing, or making | Suspension or Termination | Termination | |

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| irresponsible statements which are slanderous or defamatory about other employees or officials. | | | |
| Behavior reflecting detrimentally on the County, undue familiarity between sexes, use of improper language, etc. | Suspension or Termination | Termination | |
| Disorderly conduct; engaging in dangerous horseplay, or resisting competent authority. | Suspension or Termination | Termination | |
| Failure to notify supervisor of a domestic violence restraining order; violent actions, which includes threatening, attempting, or using physical force or power against another person, against oneself, or against a group or the community which either results in, or has a high likelihood of resulting in deprivation, injury or death. | Suspension or Termination | Termination | |
| Immoral, indecent or notoriously disgraceful conduct, or conduct unbecoming of a County employee. | Suspension or Termination | Termination | |
| Use of disrespectful or offensive conduct or language in public, or toward the public, County officials or fellow employees, either on or off duty; or use of insulting, abusive, or obscene language. | Suspension or Termination | Termination | |
| Discrimination against an employee or applicant because of race, color, religion, national origin, political affiliation, gender, age or physical or mental disabilities. | Suspension or Termination | Termination | |
| A capricious charge of sexual harassment; or any reprisal action against an employee having filed a grievance, or discrimination or harassment complaint. | Suspension or Termination | Termination | |
| Falsification, misstatement, exaggeration, or concealment of | Suspension or Termination | Termination | |

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| material fact in connection with employment, promotion, any record, investigation or other official records. | | | |
| Being a member of a subversive group or organization, with the knowledge of its purpose, or knowingly or willfully violating the laws of the United States, the State of Tennessee, the ordinances of any county or municipality of Tennessee or any department rules and regulations. | Suspension or Termination | Termination | |
| Attempting, threatening to use or using official position, authority or personal political influence in securing promotion, leave of absence, transfer, change of pay rate or in any manner relating to his/her work, or for any personal or political profit or advantage. | Suspension or Termination | Termination | |
| Inducing or attempting to induce an official or employee in the service to the County to commit an unlawful act or to act in violation of any lawful departmental or official regulation or order. | Suspension or Termination | Termination | |
| Unauthorized possession of or use of firearms, dangerous weapons or explosives. | Suspension or Termination | Termination | |
| Gross mistreatment or physical abuse of a co-worker, detainee, the public or other clients. | Suspension or Termination | Termination | |
| Falsifying another employee's or one's timesheet. | Suspension or Termination | Termination | |
| Fighting, assault or threatening bodily injury to others. | Suspension or Termination | Termination | |

*The first, second, and third infractions do not mean the first, second, or third time an employee is late, but the first, second, and third time unexcused tardiness is called to the attention of the employee.

This list of offenses and disciplinary action is not intended to be all inclusive and other types of offenses will be handled in a like manner. Supervisor shall consult with their Department Head,

Elected Official or Human Resources for necessary action to be taken for offenses not listed above.

Criminal convictions for acts of conduct on or off the job which are related to job performance or are of such a nature that to continue the employee in the assigned position could constitute negligence to the County's duties to the public or to other employees. Any employee arrested and charged with a criminal offense may, upon investigation of the charges by the Elected Official or Department Head, and in consultation with the Human Resources Department and the County Attorney, be retained in work status, suspended pending final disposition of the case, or be terminated from employment.

**Dismissals**

An Elected Official or Department Head may terminate employment of any of their employees at any time. It is highly recommended that Human Resources be consulted and have a cumulative documentation of employee's behavior before proceeding with any discharge. Department Heads shall consult with Human Resources and have a cumulative documentation of employee's behavior before proceeding with any discharge

**Investigations**

A supervisor shall report a violation of the law or a violation of these or other departmental regulations to his Elected Official/Department Head as soon as possible. The Elected Official's/Department Head's resulting investigation shall be made with the purpose of ascertaining the facts relative to the circumstances surrounding the alleged offense. In the investigation of a written complaint against an employee a copy of the complaint and report of the investigation shall be forwarded to the Human Resources Department and the County Attorney.

**Cooperation with Investigation**

County officials may conduct workplace searches or make an investigation on its property and premises. With reasonable suspicion, employee personal property can be searched if on County property or used in conjunction with work. Employees are expected to fully cooperate in any investigation regarding drug or alcohol use in the workplace, theft, vandalism, or other work rule violations. Failure to comply with an official's request to cooperate with such an investigation may subject the employee to disciplinary action, up to and including termination.

**Applicability to Public Safety Officers**

Any portions of this section in conflict with Tennessee Code Annotated shall be superseded by state law where applicable to Montgomery County Government Sheriff's Department, and the remedies provided in said statutes shall apply.

# Section IX: Termination of Employment

## Termination of Employment

While we would hope for long committed employment with Montgomery County Government, termination, both voluntary and involuntary, are inevitable. Montgomery County Government is an “at will” employer and recognizes that employment is terminable at the discretion of either the employee or the County. The purpose of this policy is to outline the procedures that apply to the two types of employment separations: voluntary and involuntary. This policy ensures the employee will be dealt with fairly and sets forth the process for a well-managed break.

## Notice of Resignation

When an employee voluntarily resigns, Montgomery County Government requests that the employee provide a minimum of two weeks' notice. Failure to provide sufficient notice may result in forfeiting possible future employment.

## Termination Pay Allowance

At the discretion of the County, when an employee resigns, the Department Head or Elected Official may elect to pay full severance pay for the notice period as well as pay for accrued annual leave, holiday (if applicable) and/or any compensatory time accrued and terminate the employment relationship immediately. This situation might occur if the employee’s attitude or priorities make continued presence at the County a negative influence on general morale or productivity.

## Voluntary Resignation with Notice

A voluntary termination of an employee generally occurs because of resignation. Since employment at Montgomery County Government is, in all cases, 'at will', an employee has the right to resign from the agency at any time.

Employees are expected to give at least two weeks' notice of resignation. When an employee gives notice of his/her intent to resign:

- An employee is requested to give a minimum ten (10) working days' notice.
    - For non-managerial employee, the notice requirement is at least two weeks to be considered for reinstatement or reemployment.
    - For managerial staff below the title of Department Head or Director, the notice requirement is three weeks to be considered for reinstatement or reemployment.
    - For managerial staff with the title of Department Head or Director the notice requirement is four weeks to be considered for reinstatement or reemployment.
    - Employees who retire on disability are not required to provide the specified notice.
- An employee shall submit a signed letter of resignation to their supervisor explaining the reason for termination or complete a Voluntary Resignation form.
- All terminations should be reported to Human Resources by the end of the next business day to ensure prompt handling of paychecks, benefits, etc.

- Annual leave may be used to extend the period of employment beyond the last day of work if approved by the Department Head or Elected Official.
- Annual leave previously scheduled and already entered into the annual leave schedule is acceptable.
- Employees must turn in any County property; keys, etc. to Department Head or Elected Official prior to the last day of employment.
- During the last week of employment, the employee is required to report to the Human Resources office to be counseled on employee benefits (medical and life insurance conversion rights; mailing address for checks and W2 forms; and other matters of importance).
- Terminated employees are expected to inform Human Resources of address changes until they have received the W-2 form for the year of termination.
- Employees will accrue benefits up to and including the date of termination, but not to extend beyond the last day on payroll.
- The affected supervisor should complete a Personnel Action Form and notify Human Resources as soon as possible.

Terminating employees will have their voice mail and computer accounts disabled either at the time of exiting or earlier at the discretion of the supervisor. Terminating employees may request that personal information be copied onto disk or paper. It is the supervisor's responsibility to ensure that any information copied does not contain proprietary information.

**Revocation of Voluntary Resignation**

On occasion, an employee may wish to revoke the notice of resignation. Revocation of the resignation notice is treated on a case-by-case basis; strictly at the discretion of the supervisor, Department Head or Elected Official. There is no guarantee that the employee may return to the same position.

## Exit Interview

Montgomery County Government is dedicated to the development and retention of employees. And as such, the exit interview plays an integral part in understanding why employees choose to leave. It’s important to capture information about our work environment and the factors that may lead to an employee’s choice to leave the County. Exit interviews will help the County create benchmarks against industry norms. Comments and feedback from exit interviews can be used to improve employee retention and reduce turnover.

The survey will solicit information from exiting employees about themselves, their department, and management. Additionally, the survey will ask about satisfaction levels with different aspects of the organization that may have influenced their decision to leave the County’s employment.

Exit interviews are confidential and will be used by Human Resources to improve the County’s work environment. The survey may also be used to:

- To determine the actual reason, the employee is voluntarily leaving his or her job. (The employee may be leaving for a job paying a higher amount of money but may have been prompted to resign for a different reason.)
- To uncover any grievances, the employee may have had regarding the department or County environment so that future corrective action may be taken, if necessary.
- To discover any misunderstandings, the employee may have had regarding his/her job, supervisor, or the County, so corrective action may be taken, if necessary.
- To make certain that the reason expressed for leaving is similar on the exit interview form to what the employee has stated verbally.
- To provide the employee the opportunity to express his/her viewpoint about agency personnel, policies and procedures, benefits, job conditions, etc. Such feedback may require a review for corrective action.

Human Resources is responsible for mailing an exit interview survey to an employee within 60 days after leaving the County. Exit interview surveys will be emailed or mailed to the individuals asking them to complete the form and to return it, if they choose. The completed forms will be returned in a pre-paid envelope to Human Resources.

In a situation where an employee is being involuntarily terminated, the employee shall not be forced to complete the survey.

## Resignation without Notice Procedure

If an employee quits without notice such that the normal termination procedure cannot be accomplished, the supervisor should immediately complete a Personnel Action Form indicating the circumstances of the termination and hand carry the form and send final timesheet to the Human Resources. Human Resources will notify the employee in writing of his/her employment status. Human Resources will be responsible for delivery of any wages due the terminating employee.

## Job Abandonment

Employees abandon their jobs when they do not come to work and have not obtained approval or do not obtain permission in a timely way. When employees abandon their jobs, they will be terminated, will not be considered as resigning in good standing, and will **not** be eligible for:

- paid time after the last day that they worked; and
- reemployment with the County.

Employees who abandon their jobs are eligible for:

- pay for work through the last day of work;
- cash out of annual leave; and
- purchase of benefits under COBRA; with the exception of gross misconduct.

Human Resources will notify the employee in writing of his/her employment status. Human Resources will be responsible for delivery of any wages due the terminating employee.

**Failure to Call In**

Any employee, who does not report to work or call in to their supervisor for three (3) consecutive working days, could be terminated for No Call/No Show. When this occurs, the supervisor should notify Human Resources as soon as possible so that the employee can receive written notification of his/her employment status.

A Personnel Action Form terminating the employee must be completed and forwarded to Human Resources. Human Resources will be responsible for delivery of any wages due the terminating employee.

**Failure to Return from Leave of Absence**

Employees who do not return to active employment at the expiration of an authorized Leave of Absence are considered to have voluntarily resigned as of the ending date of the leave. When this occurs, the supervisor must notify Human Resources as soon as possible so that the employee can receive written notification of his/her employment status.

A Personnel Action Form, terminating the employee, must be completed and forwarded to Human Resources. Human Resources will notify the employee in writing of his/her employment status. Human Resources will be responsible for delivery of any wages due to the terminating employee.

**Supervisor's Responsibility**

If appropriate, attempt to contact the employee by phone to find out what has happened and if the employee needs some assistance (e.g., filling out a leave form, preparing FMLA request, Leave Without Pay, etc.)

If contacted:

- assist the employee if appropriate; or
- tell the employee when he/she must report for work. This can be negotiated, but must be a reasonable time given the employee's circumstances and those of the program. Note the time, date, content of discussion, and reporting date for future reference.

If not contacted:

- consult with Human Resources and initiate a Personnel Action Form for termination effective the last day worked; and
- Prepare a payroll time report for time through the last day of work in a timely manner to meet payroll. (If necessary, back pay can be requested at a later time.)

## Medical Termination

Employees unable to return to work at the conclusion of a medical leave of absence or at the end of the sixth month of Leave of Absence will be placed on Medical Termination status unless circumstances fall within the confines of the American's with Disabilities Act (ADA).

**Exception:** A Medical Leave of Absence necessitated by a work related injury may be extended for up to 12 months. Medical termination will occur at the conclusion of 12 months should an employee be unable to return to work. When this occurs, Human Resources shall notify the Department Head or Elected Official as soon as possible so that the employee can receive written notification of his/her employment status. A Personnel Action Form, terminating the employee, must be completed and forwarded to Human Resources. Human Resources will notify the employee in writing of his/her employment status. Human Resources will be responsible for delivery of any wages due the terminating employee.

## Involuntary Terminations

The appropriate supervisor should review all involuntary terminations with their Department Head or Elected Official before any final action is taken. Department Heads must consult with Human Resources before any final action is taken. No advance notice will be given to the employee nor will the County be obliged to pay in lieu of notice pay in the event of involuntary termination.

In the event a major infraction occurs which justifies discharge, but it is not possible to contact the appropriate management member and/or Human Resources immediately, the employee should be suspended without pay by the supervisor, for a period of up to three days, and escorted off the premises pending a full investigation of the incident. The employee should be told if, when and where to report to work at the conclusion of the suspension.

## Worker Adjustment and Retraining Notification Act of 1989

Montgomery County Government is committed to complying with the Worker Adjustment and Retraining Notification Act (WARN) of 1989. The intent of WARN is to protect the interests and lives of both employees and the local communities affected by the temporary or permanent closure of facilities, loss of employment or reduction of work hours.

Should the County require action of this nature, all WARN requirements will be addressed and complied with to the fullest extent possible. This will include providing reasonable written notice of not less than 60 days to all affected or potentially affected employees and notice to local government agencies.

## Layoff

Layoffs due to a lack of work, general budget cuts, or the elimination of a position will be avoided whenever possible by interdepartmental transfer or cross training. However, if there are

not options available and layoff is necessary, the order of employee layoff will be established according to performance and work skill match.

## Termination Payment

Upon resignation, retirement, termination, or interruption of employment, accrued annual leave, holiday, and/or compensatory time may be paid under proper conditions;

- Payment shall be based on the base rate of salary last earned prior to termination, not to exceed the annual leave accumulation limit.
- The date of termination of employment shall be considered to be the last active working day of the employee.
- Payment for accrued leave will be made according to the normal payroll schedule, following receipt and verification of leave records by payroll personnel.

## Death of an Active Employee

It is the policy of Montgomery County Government to pay to the estate of employee all time worked; accrued and unused vacation time; and all other balances of credit due upon the death of the employee. The payout is subject to normal withholding deductions and is made out to the deceased employee's estate.

Montgomery County Government recognizes that the death of an employee is always difficult for family and co-workers. The County will do everything possible to respond thoughtfully, quickly and appropriately to the death of an employee to help relieve surviving family members of any unnecessary hardships.

### Department Head or Elected Official's Responsibility

The Department Head or Elected Official should inform Human Resources about the death of an employee and complete a Personnel Action Form. The employee's supervisor shall notify the County Mayor's office when learning of the death of an employee, a member of the employee's immediate family or a retired employee. The employee's immediate supervisor will secure all personal property of the deceased employee and see that it is listed and delivered to the survivors.

### Human Resources' Responsibility

Human Resources will issue a message informing the staff of the death and pertinent details concerning services.

Human Resources will coordinate the processing of all paperwork to ensure timeliness; assist surviving family members with completing forms to receive appropriate benefits and final pay.

Human Resources will see that proper letters are written, duplicates filed with the employee's personnel records and that life insurance check(s) and final paycheck(s) are prepared and delivered to survivors.

Payment is to be limited to whichever of the following apply and only to the amounts the applicable plans provide: salary to date of death; paid accrued leave, holiday and compensatory time due; Group Life Insurance, and any other applicable benefit will be made to the employee's heirs or estate.

# Section X: Safety and Health

## Safety Program

It is the policy of Montgomery County Government to comply with all applicable federal, state, and local health and safety regulations and to provide a work environment as free as practicable from recognized hazards. Employees are expected to comply with all safety and health requirements whether established by Montgomery County Government or by federal, state, or local law. Each employee is given the Risk Management and Safety Handbook and all applicable forms.

## Safety Procedures

Montgomery County Government has appointed the Risk Management Department to oversee Montgomery County Government's safety policies and procedures.

All employees are responsible for ensuring that they understand and comply with all Montgomery County Government safety rules, regulations, and procedures. All employees are responsible for:

- being familiar with all safety and health procedures relevant to the operations under their supervision;
- inspecting their work areas periodically;
- identifying conditions that are recognized as being unsafe; and
- reporting accidents and injuries to the immediate supervisor, Department Head, Elected official and the Risk Management Department immediately and ensuring that any injured employee is referred to appropriate medical care.

Employees should report to their immediate supervisor or site Safety Officer all observed safety and health violations and potentially unsafe conditions.

Violations of Montgomery County Government safety rules, regulations, or procedures will result in disciplinary action, up to and including termination.

## Emergency Situations

It is our goal at Montgomery County Government to maintain a safe work environment for our community and employees through employee training and protection as well as the communication of issues which may involve employee risk.

**Threats or Acts of Violence**

Threats or acts of violence against County employees and/or property will not be tolerated. A threat is a perceived or received indication from a source of danger, harm, etc., or an imminent danger directed at individuals or property. A threat may be:

- An individual displaying or describing behavior potentially harmful to County owned or leased property;
- An anonymous or source-identified telephone call received by any member of the County;
- The unauthorized presence of individuals at County facilities accompanied by a threatening action;
- Actual verbal/physical threat received by any individual, staff or patron.

Acts of violence are usually unpredictable and occur quickly. These situations can be life threatening, can involve minor or serious personal injury, can cause minor or extensive property damage, and can easily create panic and hysteria among patrons and/or personnel. Upon observation of or receipt of a threat or act of violence, call 9-911.

**Individual Situations**

While we do not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform their supervisor, Risk Management or the Sheriff's Department if any individual (employee or non-employee) exhibits potentially violent or destructive behavior which could lead to a potentially dangerous situation. Such behavior includes:

- Bringing, or the discussion of bringing, weapons to the workplace (excludes a sworn officer of the law);
- Displaying overt signs of extreme stress, resentment, hostility, anger, or intimidation;
- Making threatening remarks;
- Sudden or significant deterioration of performance;
- Displaying irrational or inappropriate behavior.

**Reporting Procedures**

Any potentially dangerous situations must be reported immediately. If possible, notify a supervisor, Risk Management or the Sheriff's Department. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. The County shall actively intervene at any and all indications of a possibly hostile or violent situation.

Retaliation or reprisal in any way against anyone who has contacted the authorities regarding a threat or act of violence, including conduct which is intentionally pressuring, falsely denying, lying about or otherwise attempting to cover up such retaliation or reprisal conduct will not be tolerated.

### Dangerous/Emergency Situations

Employees who come in contact with or encounter an armed or dangerous person **should not** attempt to challenge or disarm the individual. Call 911. Employees should remain as calm as possible, make constant eye contact, do not speak unless spoken to and do not argue. If a supervisor can be safely notified of the need for assistance without endangering the safety of yourself or others, such notice should be given. Otherwise, cooperate and follow the instructions given.

### Media Relations

If a Department Head or Elected Official is contacted by the media, it is recommended that the Public Information Officer is made aware of the nature of the call and response. The Public Information Officer is available to assist with a response to a media request or to act as a spokesperson. In the event that the media request addresses the County as a whole, the Public Information Officer will act as the designated spokesperson.

## Specific Hazards

### Workplace Violence (Employee or Non-employee)

It is the policy of Montgomery County Government to provide a workplace for County employees that is free from violence by establishing preventative measures, holding perpetrators of violence accountable and by providing assistance and support to victims. Committing violent acts, whether on-duty or off-duty, has the potential to impact an employee's ability to perform their job.

In implementing this policy, the County is guided by the Federal Occupational Safety and Health Act of 1970 that requires employers to provide their employees with a safe and healthy work environment. It is intended that all useful management tools be employed to accomplish the dual purpose of reducing the effects of violence on victims and providing consequences to those who perpetrate violence. It is also intended that management utilize available resources such as Montgomery County Government's Employee Assistance Program, law enforcement and applicable personnel policies and procedures.

This policy applies to all Montgomery County Government full-time and part-time employees with permanent, probationary, trainee, time-limited permanent or temporary appointments. This policy applies to the conduct of an employee while functioning in the course or scope of employment as well as off-duty violent conduct that has a potential adverse impact on a County employee's ability to perform the assigned duties and responsibilities.

Workplace violence is defined as those situations in which violent behavior is being displayed or is likely. Violence may come from strangers, personal relationships or co-workers.
It is a violation of this policy to:

- engage in workplace violence as defined herein;
- use, possess or threaten to use an unauthorized weapon during a time covered by this policy; and
- misuse authority vested to any employee of Montgomery County Government in such a way that it violates this policy.

A violation of this policy shall be considered unacceptable personal conduct as provided in the Discipline Policy in this handbook. Acts of violence, as defined herein, may be grounds for disciplinary action, up to and including termination.

An act of off-duty violent conduct may also be grounds for disciplinary action, up to and including termination. In these situations, the County must demonstrate that the disciplinary action, suspension or termination is supported by the existence of a rational nexus between the type of violent conduct committed and the potential adverse impact on a County employee's ability to perform the assigned duties and responsibilities.

**Advisory Note:** When a threat has been reported or management determines that a potential for violence exists, management may require an employee to undergo an assessment to determine the risk of danger. Montgomery County Government's Employee Assistance Program (EAP) will assist agencies by facilitating a referral to an appropriate resource for this assessment. The EAP will maintain a network of appropriate professionals trained to conduct a risk assessment.

Employees should take the following actions when involved in a workplace disturbance:

- Consider personal safety first if guns/weapons are used.
- Stay out of shooter's range.
- Try to avoid any and all confrontation with suspect(s).
- Lock all office doors and sit on the floor next to an interior wall away from shooter's view.
- Do not restrain the suspect if this will put you or others in immediate danger.
- If possible, call 911 and explain the situation. If safety permits, notify Risk Management at 931-245-3370 ext. 12303.
- Remain as calm as possible. Do not speak unless spoken to and do not argue.
- If the person wants to engage in conversation, try to calm and stall him/her until emergency personnel arrive.
- If the suspect is attempting to locate a particular employee/office, make an attempt to notify the individual or office and give such information to the 911 operator. **Do not direct the person to the individual or office.**
- Try to direct the suspect away from crowds or larger groups of employees.
- Be prepared to secure facility if the suspect leaves.
- Look for identification marks on subject.
- When threat is no longer present, notify 911 as soon as possible.

### Definitions

- **Workplace Violence** includes, but is not limited to, intimidation, threats, physical attack, domestic violence or property damage and includes acts of violence committed by County employees, clients, customers, relatives, acquaintances or strangers against County employees in the workplace.
- **Intimidation** is engaging in actions that includes but is not limited to stalking or behavior intended to frighten, coerce, or induce duress.
- **Threat** is the expression of an intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional or future.
- **Physical Attack** is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving or throwing objects.
- **Domestic Violence** is the use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or prior intimate relationship. This could include people who are married, live together or date or who have been married, lived together or dated.
- **Property Damage** is intentional damage to property and includes property owned by the County, employees, visitors or vendors.

## Bomb Threat

### Bomb Threat: Call Received

Upon receipt of a bomb threat, the person receiving the call should make every attempt to:

1. Signal co-worker to call 911.
2. Remain calm. Do not hang up, even if the caller does.
3. If your phone has a display, copy the number and/or letters on the display window.
4. Listen carefully. Try to keep the caller talking to learn more information.
5. Interrogate the caller as to description of bomb, location, when it will explode.
6. Determine the caller's knowledge of the facility.

Ask:

- Where is the bomb located?
- When will it go off?
- What kind of bomb is it?
- What will make it explode?
- Did you place the bomb?
- Why did you place the bomb?
- What is your name?
- What is your address?

After call has ended, confirm that 911 has been notified. You must then notify the Risk Manager at 931-245-3370 ext. 12303. The Risk Manager will notify the Facilities Director. The employee taking the call regarding the bomb threat shall report to the incident commander. The employee who sees the suspected package shall report to the incident commander.

**Once notified of a bomb threat:**

- **Do not** evacuate.
- The Risk Manager/Facilities Director will determine if evacuation is necessary based upon information received from Emergency Personnel, and will notify the Elected Official/Department Head to direct their employees to the established evacuation point
- Per emergency response protocol, the Risk Manager, Facilities Director, Safety Designee and Sheriff's Department will perform a sweep of the building to identify any suspicious items or possible threats.
- If what appears to be a bomb is found, **do not touch it.** Notify Law Enforcement personnel so that they may take immediate action.
- Remain calm and follow instructions from Emergency Personnel, Risk Management and Facilities Development
- Stay away from windows. Do not close doors.
- Do **not** operate any electronic devices (ex: light switch, radios, cell phones, pagers, etc.).
- Supervisor or designee of each department should keep employees assembled and account for all employees. This information should be relayed to Risk Management at the evacuation location.
- Once Emergency Personnel has cleared the building, the building will be released to the Risk Manager/Facilities Manager. The building will then be reopened at the Risk Manager/Facilities Director's discretion.

Employees shall not move, tamper or attempt to disarm a suspected bomb or explosive. Employees shall not touch or go near the object once it is discovered.

**Basic Security Guidelines**

The following security considerations are offered to assist employees in their responsibilities in maintaining a secure workplace.

- Be alert to anyone loitering near the office for no apparent reason; such places as parking areas, walkways, entrances/exits and service areas are generally where “strangers” might congregate. Report any suspicious person(s) or activities to your supervisor.
- Questionable mail which renders threats or is objectionable in any way should be treated differently. Immediately upon recognizing such correspondence, do not unnecessarily handle it but isolate it, and if possible, place it in a plastic cover or folder. Notify your supervisor.
- Do not advertise the travel plans of your supervisor, and/or co-workers. Treat travel itinerary as a confidential matter.
- Maintain control over all lockable files and/or cabinets. Secure them at the close of business or when called away from your work area for a prolonged period.

- Do not leave keys to controlled items in or around your desk or your supervisor's desk.
- Do not place valuable personal articles in or around your workstation which will be accessible to transient employees and non-employees through the work area.
- Safeguard all County confidential material/memorandums. Properly safeguard their integrity.
- Clear away your own work area and make sure that your immediate area of accountability is properly secured each day at the close of business.

## Weather Emergencies

In extreme circumstances, Montgomery County Government may determine that area weather conditions make certain operations either impractical or inadvisable. The purpose is to outline the policy relative to time lost from work and its payment in the event of snow, extreme heat, bad weather conditions, or facility closings.

Inclement weather, which is unusually severe, can often create hazardous traveling conditions and directly impact operations. Heavy snowfall, sleeting, icing, flooding, and conditions arising due to tornadoes, for example, may result in either late reporting or absenteeism of individual employees.

It is the County's policy to remain open for business each working day unless it is clearly impossible to do so. However, unusually severe weather may occasionally require that normal business operations be closed to the public or curtailed in the interest of travel safety. The County Mayor or designee may direct modified work schedules and/or the temporary discontinuation of some activities.

Employees are expected to report for work during severe inclement weather, unless otherwise directed by the County Mayor or designee. When the emergency occurs during non-working hours, any deviation will be communicated via notification by supervisor or designee, local television stations, e-mail and voice mailboxes.

### Early Closing or Delayed Opening

Developing weather conditions may necessitate an early curtailment or delayed opening of normal business operations. Decisions to close buildings and send staff home or delay operations will be communicated to each operating area through the Elected Official or County Mayor.

### Weather Emergency Operations

In certain emergency situations, all employees may be required to work even though the department is officially closed because of a weather event. Refer to Emergency Response policy.

### Accounting for Time Due to Official Delays, Early Closing or Full Day Weather Closing

When an employee loses work hours due to an official County delay, early closure, or the County declares a full day Weather Closing, employees will be paid for the hours they were

scheduled to work. Employees are not required to use earned time to pay for such absence. Employees on previously approved sick or annual leave, travel or training are not affected by the closing and are not eligible for the paid administrative leave. The decision to pay employees for hours not worked during an official weather emergency rests solely with the County.

Time off due to the announced closing shall not be considered as time worked for overtime compensation purposes. Overtime is paid on time worked, not time compensated.

When an employee concludes that he/she must arrive late or leave work early even when no closing has been announced, the employee shall, with supervisor approval:

- make up the time within the pay week from the occurrence of the absence;
- take annual leave or compensatory time for lost hours; or
- take leave without pay for the lost hours.

**Definitions**

**Closing:** Closing means to cease all operations, other than those operations deemed essential to the protection of life and property, Highway Department, Bi-County landfill, EMS, E-911, Sheriff's Department, Jail, etc. Closing results in the cancellation of appointments, staff activities and meetings. All general offices are closed. Only weather essential employees as designated by the County Mayor, Department Heads, Elected Officials or designee must report to work during their regularly scheduled shifts.

**Delayed opening:** Delayed opening refers to opening all operations, at a later time other than those operations deemed essential to the protection of life and property, Highway Department, Bi-County landfill, EMS, E-911, Sheriff's Department, Jail, etc. Only weather essential employees as designated by the County Mayor, Department Heads, Elected Officials or designee must report to work during their regularly scheduled shifts.

**Early closing:** Early closing refers to closing all operations before the end of normal business operations, other than those operations essential to the protection of life and property, Highway Department, Bi-County landfill, EMS, E-911, Sheriff's Department, Jail, etc. Only weather essential employees as designated by the County Mayor, Department Heads, Elected Officials or designee must report to work during their regularly scheduled shifts.

**Essential Employees:** The County Mayor, Department Heads, Elected Officials or designee shall identify those weather essential employees who must report to work during times County Offices are closed, closes early or opens late due to weather emergency.

## Tobacco Free Workplace

Montgomery County Government does not wish to regulate employees' private lives, but it must take steps to protect employees from potential harmful substances. Tobacco is a known health risk that cannot be ignored and the County wishes to promote a healthy and comfortable working environment. Therefore, Montgomery County Government has developed a tobacco-free policy

that promotes wellness and protects our employees and is in compliance with Non-smoker Protection Act, effective October 1, 2007.
Tobacco products of any type is prohibited in all indoor areas and any County owned vehicles. Tobacco products are allowed outside all Montgomery County Government owned and leased facilities away from entrances and air intakes.

## On-the-Job Injury (OJI)

The purpose of this policy is to establish procedures and guidelines in connection with occupational disabilities. In 2004, municipalities were given the option to opt out of the Workers' Compensation program. However, Montgomery County provides the on-the-job (OJI) injury program as a benefit that covers employees starting from their first day of employment.

### Reporting Injuries and Illnesses

Any employee who sustains an injury or illness while working on County time must advise their immediate supervisor of the incident within one hour. The supervisor will then coordinate with the employee to decide if the employee wants to seek medical treatment. Once this decision has been made the supervisor will have the appropriate paperwork filled out and contact Risk Management within 24 hours.

The injured employee will be referred to a medical facility designated by the County for treatment of the On-The-Job-Injury. A written doctor's note is required to confirm the need for a modified duty assignment or a leave of absence.

To protect the employee's eligibility for OJI benefits, **any** occurrence of work-related injury or illness on County premises must be reported, no matter how insignificant it may seem at the time.

### Payment of Medical Expenses

Expenses relating to OJI injuries/illnesses **must not** be processed through the employee's group medical coverage and **should not** be paid by the injured employee. Employees should submit all medical bills/prescription reimbursements directly to Risk Management.

### Follow-up of Injury/Illness

Within 24 hours of knowledge of a claim that results in lost time away from the job, the injured employee's supervisor should follow-up with the injured employee at regular intervals to get updated on the employee's progress. Follow-up should continue until the employee actually returns to work or is placed on inactive status. Supervisors should remind the employee that when they return to work they must bring a doctor's note if there is lost time greater than one full day.

### Return to Work

Written medical documentation is required before an employee may return to work. The "Return to Work Acknowledgement" form must specify any work restrictions and the duration they apply.

**Work-Related Injury** - An employee who experiences a work-related injury which is compensable under Montgomery County Government's On-the-Job-Injury program, and after an approved claim has been filed, will be entitled to the benefits and services provided through the Montgomery County Government On-the-Job-Injury program. Employees will receive 2/3 of their normal pay if they are deemed ineligible to return to work. During this time, employees may choose to supplement their pay with any accrued leave.

**Non-Work-Related Injury** - An employee who experiences a non-work-related injury will use accrued leave (sick, annual or compensatory) and family/medical leave during the employee's absence from work.

**Definitions**

**Work** means providing services to another in return for compensation on a regular and sustained basis.

**Work-Related Injury** is any work-related traumatic event or series of traumatic events, including cumulative trauma, arising out of and in the course of employment which is the proximate cause producing a harmful change in the human organism evidenced by the objective medical findings. "Work-Related injury" does not include the effects of the natural aging process and does not include any communicable disease unless the risk of contracting the disease is increased by the nature of the employment. "Work-Related injury" when used generally, shall include an occupational disease and damage to a prosthetic appliance, but shall not include a psychological, psychiatric, or stress related change in the human organism, unless it is a direct result of a physical injury.

**Occupational Disease** is a disease arising out of and in the course of employment. An occupational disease shall be deemed to arise out of employment if there is apparent to the rational mind, upon consideration of all circumstance, a causal connection between the conditions under which the work is performed and the occupational disease, and which can be seen to have followed as a natural incident to the work as a result of the exposure occasioned by the nature of employment and which can be fairly traced to the employment as the proximate cause. The occupational disease shall be incidental to the character of the business and not independent of the relationship of the employer and employee. An occupational disease need not have been foreseen or expected, but, after its contraction, it must appear to be related to a risk connected with the employment and to have flowed from that source as a rational consequence.

## Modified (Light/Restricted) Duty

It shall be at the discretion of the Elected Official or Department Head to choose this modified duty policy or a no modified duty policy. The purpose of a modified duty policy is to make reasonable efforts to return an employee to work as soon as possible after an injury, be it work

related or not. This program is intended to provide injured employees with temporary productive assignments until such time that the employee can return to full duty status. Assignment to modified duty is dependent upon;

- the nature of the employee's limitations, including the effects of prescription drugs;
- the availability of suitable, productive work that can reasonably accommodate said limitations;
- the length of time expected before the physician will indicate that the employee can return to full duty.

Once an employee is placed on modified duty, the employee must see their physician as prescribed. Any employee whose department has elected a modified duty program and refuses to perform the modified duty can be denied all injury benefits and termination of employment.

**Return to Work**

Montgomery County Government will attempt to provide an injured employee with the opportunity to return to work after experiencing an injury.

**Work - Related Injury -** Montgomery County Government will hold open an employee's position until the employee either is released by the attending physician to return to work or has reached maximum medical improvement (MMI). If an employee who has reached MMI is unable to return to work at his/her pre-injury position, the employee may use remaining sick, annual, compensatory or any available family/medical leave to extend employment. After exhausting accrued sick, annual, compensatory and family medical leave, the employee may be dismissed from employment.

**Non-Work-Related Injury -** If the injury is **not** work related, Montgomery County Government cannot guarantee that an employee can return to the same position that he/she held before being injured after a maximum period of twelve (12) consecutive weeks (family/medical leave) or the exhaustion of accumulated sick, annual, and compensatory leave, whichever is greater.

# Section XI: Communications

## Public Information

The purpose of this policy is to ensure that media inquiries are answered quickly and accurately and to ensure that communications released to the public via a medium such as a newspaper conform to a standard style and format.

This policy is not intended to unduly restrict a Department Head or Elected Official’s contact with either the media or members of the public. Requests of a routine or non-controversial nature (e.g. reports, statistical or background information) should be handled according to departmental procedure. This policy is not intended to hinder communication between media representatives and emergency response personnel during the course of newsworthy events (e.g. traffic

accidents, power outages, natural disasters, or occurrences of an event likely to affect large segments of the population for brief periods of time).

## Media Relations

It is Montgomery County Government's plan to cooperate as fully as possible with news media inquiries and communicate truthfully with the media on County matters appropriate for public knowledge.

This will provide guidelines for all personnel to use regarding media requests from television, radio, newspaper, or other media for requests for information, interviews, photography, and videotaping with County employees, Commissioners, or Elected Officials.

The County seeks to assist media representatives accurately and courteously while promoting a positive public image. To avoid duplication of information disclosed, to manage content and timing of information released, and to maintain accurate records of media contact, Department Heads should coordinate requests for interviews and information through the Public Information Officer. Requests shall be directed to the County Mayor's office during the Public Information Officer's absence.

Requests for public records and documents should be released through the custodian of the records in question or the Public Information Officer. Communications received by e-mail or via computer bulletin boards are treated the same as other correspondence, requests for interview, and requests for information.

If a Department Head or Elected Official is contacted by the media, it is recommended that the Public Information Officer is made aware of the nature of the call and response. The Public Information Officer is available to assist with a response to a media request or to act as a spokesperson. In the event that the media request addresses the County as a whole, the Public Information Officer will act as the designated spokesperson.

If a Department Head or Elected Official wishes to request that the media cover a particular event or story for their department, it is highly recommended that the Public Information Officer make the arrangements. The role of the Public Information Officer is to assist with media relations, but not to act on behalf of the Department Head or Elected Official unless requested.

### Production and Dissemination of Press Releases

The Public Information Officer should be made aware of all Department-generated news releases prior to release.

### Commission and Other Public or Governmental Meetings, Hearings, and Events

The Public Information Officer should be notified immediately of any media contact, including interviews with reporters and television taping of staff presentations or comments, made as part

of or as a result of contact with the Commission or other public or governmental meeting, hearing or event.

Press, television, and radio media consistently cover Commission and other County meetings. These are considered media contacts and need to be cleared according to request for interview and request for information.

The Public Information Officer should be notified in advance, written or telephonic, of staff attendance or presentations at all governmental or public meetings, hearings, or events if representing County issues and if there is any possibility of media coverage.

**Exceptions**

Brief, non-controversial, questions from the media related to the day-to-day operation or services may be answered by staff with clearance from Department Head or Elected Official. In this case the employee should show mature judgment and discretion in deciding what material is appropriate to release. This exception does not apply to personnel or financial information which shall continue to require clearance from the Public Information Officer before release.

**Role and Responsibilities**

The Public Information Officer is charged with assisting Department Heads, Elected Officials, members of the public, and media representatives by providing accurate, up-to-date information; by standardizing the method by which this information is released; by disseminating information that could be construed as controversial in nature; and by keeping the Mayor and staff advised of the flow of information.

The Public Information Officer is responsible for the maintenance of this policy and oversight of the implementation of the policy. Other areas of responsibilities include but are not limited to:

- Providing initial response and assistance to media representatives;
- Maintaining a file of media contact reports;
- Providing escort and assistance to media representative when necessary;
- Providing supporting data and research assistant when necessary for substantive information; and
- Report, speech writing and media releases

Department Head or Elected Officials are responsible for monitoring compliance of this policy in respective departments; approve routine, non-controversial requests; and ensure media representatives are escorted by an employee with knowledge of the program.

# Glossary

Human Resources, management and business professionals have a language all their own. So many different words and terms have subtle shades of variation in their meaning. With this in mind, the following pages contain an ever-expanding, comprehensive glossary of Human Resources, Management, and business words, terms, and concepts. This list of terms is not all inclusive and may or may not be found in this Personnel Policy Manual but is intended to serve as a convenient, easily accessible resource.

**Absenteeism** is referred to as the habitual failure of employees to report for work when they are scheduled to work. Absenteeism is usually addressed through progressively stricter disciplinary measures that can result in the termination of the individual's employment.

**Absenteeism Policy** is a policy that provides guidance within an organization about how to manage the state of chronic absence from work.

**Absence** is an employee's failure to be at work during the hours the employee is normally scheduled to work. Employees are considered absent from work when not available for the assigned work schedule regardless of the reason.

**Accessibility** is the extent to which an employer's facility is readily approachable and does not inhibit the mobility of individuals with disabilities, particularly such areas as the personnel office, worksite and public areas.

**Accessible format refers to** materials that are designed in alternate formats such as Braille, audiotape, oral presentation or electronically for individuals with visual impairments.

**Activities of Daily Living (ADL)** is the personal care activities which are essential to an individual's everyday living, including eating, bathing, grooming, dressing, mobility and toileting.

**Administrative Increase** is an upward base salary adjustment made for reasons other than merit, promotion or re-evaluation.

**Adverse Action** is any act by an employer that results in an individual or group of individuals being deprived of equal employment opportunities.

**Adverse Impact** is a substantially different rate of selection in hiring, promotion or other employment decision that works to the disadvantage of a race, sex or ethnic group.

**Adverse Selection** refers to an employer’s selection practices or policies that result in discriminatory or unfavorable treatment toward an individual or individuals who are members of a protected group.

**Age Discrimination in Employment Act (ADEA) of 1967** protects workers age 40 and over by prohibiting discrimination against workers 40 and over in any employment or employment-

related decision. The Act applies to most employers with 20 or more employees. One of the main provisions of the Act is that employers, with very few exceptions, can no longer force an employee to retire.

**Americans with Disabilities Act (ADA) of 1990** is a federal anti-discrimination law which prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training and other terms, conditions and privileges of employment. This law (covering employers with 15 or more employees) is designed to remove barriers that prevent qualified individuals with disabilities from enjoying the same employment opportunities that are available to persons without disabilities. When an individual's disability creates a barrier to employment opportunities, the ADA requires employers to consider whether a reasonable accommodation could remove the barrier.

**Anti-nepotism Policy** is an employer's policy that restricts the employment of two or more family members at the same time.

**Applicant** is a person who seeks work at a certain employers' facilities who meets certain prescribed standards, as defined by the employer.

**Applicant Files** refers to application forms/resumes and other relevant items maintained by an employer and used during the selection process.

**Alcohol** is any beverage containing ethyl alcohol.

**Attendance Policy** refers to an employer's written standards regarding the requirement for employees to be on time and present at work during regularly scheduled work periods.

**Attorney** is a professional individual who is authorized to practice law and can be legally appointed by either a plaintiff or a defendant to provide legal advice or act as a legal agent on their behalf during legal proceedings.

**Background Check/Investigation** is the process of verifying information supplied by applicants who are being considered for employment, including, but not limited to, contacting former employers, obtaining educational records and requesting criminal or consumer credit reports.

**Blended Workforce** refers to a workforce is comprised of permanent full-time, part-time, temporary employees and independent contractors.

**Benefits** refers to an employer provide package in additions to the employee's base salary. These benefits can include health insurance, dental insurance, life insurance, disability insurance, a severance package, tuition assistance, and more.

**Bereavement Policy** is the company's practice about allowing paid and unpaid employee time off when a family member, relative, or friend dies. Bereavement time is granted for making funeral arrangements, attending the funeral and burial, paying respects to the family at a wake or

visitation, dealing with the deceased's possessions and will, and any ancillary matters that employees must address when a loved one dies.

**Budget** is a numerical summary of an organization's available resources and how those resources are to be allocated based on anticipated future expenditures for various items, such as equipment, training and development programs, benefits, implementing new processes or services, etc.

**Burden of Proof** is the burden placed on an employer, as a result of a claim of discriminatory treatment, to provide a verifiable, legitimate and nondiscriminatory reason for any employment action taken which may have resulted in adverse treatment of a member(s) of a protected group.

**Business Casual Dress Code** refers to an objective to enable employees to project a professional, business-like image while experiencing the advantages of more casual and relaxed clothing.

**Business Necessity** refers to a defense available when the employer has a criterion for selection that is facially neutral but which excludes members of one sex, race, national origin or religious group at a substantially higher rate than members of other groups, thus creating adverse impact. The employer must be able to prove that the challenged practices effectively carry out the business purposes they are alleged to serve and that no alternative, nondiscriminatory practices can achieve the safe and efficient operation of its business.

**Civil Rights** refers to the rights guaranteed by the U.S. Constitution and federal and state statutes enacted to protect a wide range of individual rights, such as right to vote, freedom of speech, the right to assemble, the right to equal treatment, etc.

**Civil Rights Act of 1964** is a federal statute enacted to further guarantee the constitutional rights of individuals and prevent employment discrimination based on race, color, sex, religion, national origin or age.

**Civil Rights Act of 1991** is a federal statute that amended the Civil Rights Act of 1964 enacted to strengthen and improve federal civil rights laws by providing for damages in cases of intentional employment discrimination, clarifying provisions regarding disparate impact actions and for other purposes.

**Compensatory Time-off Plan** is the practice of giving employees paid time off that can be used in the future in lieu of paying them overtime for hours worked in excess of 40 per week. While an acceptable practice in the public sector, the FLSA places very strict limitations on the use of compensatory time off for private sector employers.

**Condition of Employment** is an organization's policies and work rules that employees are expected to abide by in order to remain continuously employed.

**Consolidated Omnibus Reconciliation Act (COBRA) of 1985** provides an employee who terminates employment with the company, the employee is entitled to continue participating in

the company's group health plan for a prescribed period of time, usually 18 months. (In certain circumstances, such as an employee's divorce or death, the length of coverage period may be longer for qualified dependents). COBRA coverage is not extended to employees terminated for gross misconduct.

**Consumer Credit Protection Act of 1968** prohibits employees from being terminated for garnishments for any one indebtedness. Although two or more do allow an employer to terminate, care should be exercised to prevent disparate impact if the employees being terminated are mostly women and minorities.

**Consumer Credit Report** often referred to as The Fair Credit Reporting Act (FCRA) which defines a consumer report as any communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics or mode of living, which is used, or expected to be used, or collected, in whole or in part, for the purpose of serving as a factor in establishing the consumer's eligibility for credit or insurance to be used primarily for personal, family or household purposes or employment purposes.

**Controlled Substances** is any drug or substance defined by the federal Controlled Substance Act, including, but not limited to, marijuana, heroin, LSD, concentrated cannabis or cannabinoids, hashish or hash oil, morphine or its derivatives, mescaline, peyote, phencyclidine (PCP or Angel Dust), opium, opiates, methadone, cocaine, Quaaludes, amphetamines, "exotic designer" drugs, benzodiazepines, Seconal, codeine, barbiturates, Phenobarbital, or valium. This includes generally obtainable drugs that have been illegally obtained.

**Counseling** refers to actions or interactions in one or serial form which serve to provide direction, guidance or advice with respect to recommendations, decisions or courses of action. Counseling (work coaching) is providing day-to-day feedback to employees about areas in which their performance at work can improve.

**Crisis Management** is a broad term that refers to an organization's pre-established activities and guidelines, for preparing and responding to significant catastrophic events or incidents (i.e., fire, earthquake, severe storms, workplace violence, kidnapping, bomb threats, acts of terrorism, etc.) in a safe and effective manner. A successful crisis management plan also incorporates other organizational programs such as, emergency response, disaster recovery, risk management, communications, business continuity, etc.

**Crisis Planning** is a formal written plan establishing specific measures or actions to be taken when responding to catastrophic events or tragedies (i.e., fire, earthquake, severe storms, workplace violence, kidnapping, bomb threats, acts of terrorism, etc.) in the workplace.

**Crisis Prevention** is the process of an organization implementing specific plans and procedures designed to circumvent certain disasters or emergencies.

**Deferred Compensation** refers to payment for services under any employer-sponsored plan or arrangement that allows an employee (for tax-related purposes) to defer income to the future.

**Defined Benefit Plan** is a retirement plan that is not an individual account plan and pays participants a fixed periodic benefit or a lump-sum amount, calculated using specific formulas that include such items as age, earnings and length of service.

**Defined Contribution Plan** is an individual account plan in which the employer contributes a specific amount of money into each year that is to be distributed among the accounts of each plan participant.

**Delayed Opening** refers to opening all operations, at a later time other than those operations deemed essential to the protection of life and property, Highway Department, Bi-County Landfill, EMS, E-911, Sheriff's Department and Jail, etc.

**Demographics** is the physical characteristics of a population, such as age, sex, marital status, family size, education, geographic location and occupation.

**Demotion** is a reclassification of an employee to a job with decreased responsibilities and a lower salary grade.

**Department Head** is an individual appointed by the County Mayor to a position within a particular department to provide oversight to a group of employees and to the department.

**Departments** are the entities organizations form to organize people, reporting relationships, and work in a way that best supports the accomplishment of the organization's goals. Departments are usually organized by functions such as human resources, marketing, administration, and sales. However, a department can be organized in any way that makes sense for the customer.

**Department of Labor (DOL)** refers to the federal agency responsible for administering and enforcing a large quantity of federal labor laws, including, but not limited to, overtime pay, child labor, wages and hours, workplace health and safety, FMLA, and various other employee rights.

**Dependent Care Assistance Plan** is an employer benefit plan that provides employees with dependent care assistance, such as paying for or providing qualified child and dependent care services necessary for them to seek or obtain gainful employment or remain gainfully employed.

**Direct Compensation** refers to all compensation (base salary and/or incentive pay) that is paid directly to an employee.

**Disability** is defined as a physical or mental impairment that substantially limits one or more of an individual’s major life activities (i.e., walking, talking, standing, sitting, etc.)

**Disability Management** is the process of coordinating efforts between employees, management, physicians, rehabilitation service providers and insurance carriers to reduce the impact of work-related injuries or illnesses and assisting injured employees in continuing to successfully perform their jobs.

**Disaster Recovery Plan** is a set of guidelines and procedures to be used by an organization for the recovery of data lost due to severe forces of nature, such as earthquakes, fires, tornadoes, floods or hurricanes.

**Discharge** refers to the termination of an employee based on previous disciplinary proceedings or for violating a major work rule or policy.

**Discipline** is a process for dealing with job-related behavior that does not meet expected and communicated performance standards.

**Disciplinary Action** is the means of reprimanding employees who fail to abide by the organization's performance standards, policies or rules.

**Disciplinary Layoff** is a disciplinary measure in which employees are suspended without pay for a specified period of time due to violations of a company work rule or policy.

**Discrimination** refers to any policy or action taken related to recruiting, hiring, promotion, pay or training practices that result in an unfair disadvantage to either an individual or group of individuals who are considered part of a protected class.

**Documentation** refers to written notices, records, forms, memos, letters and so forth used during disciplinary proceedings.

**Dress Code** is a set of standards that companies develop to help provide their employees with guidance about what is appropriate to wear to work. Work dress codes range from formal to business casual to casual. The formality of the workplace dress code is normally determined by the amount of interaction employees have with customers.

**Drug** is a stimulant, depressant, hallucinogen, narcotic, or any other substance controlled by law that requires a prescription from a licensed physician or dentist for use or any over-the-counter substance that could impair an employee's ability to work safely or effectively.

**Drug Abuse/Substance Abuse** is a habitual and excessive use of a drug for purposes other than what was medically intended.

**Drug Free Workplace Act of 1988** requires some federal contractors and all federal grantees to agree that they will provide drug-free workplaces as a precondition of receiving a contract or grant from a federal agency. Although all covered contractors and grantees must maintain a drug-free workplace, the specific components necessary to meet the requirements of the Act vary based on whether the contractor or grantee is an individual or an organization.

**Drug Paraphernalia** includes, but is not limited to: Blenders, bowls, containers, spoons, mixing devices used or intended for use in compounding controlled substances; capsules, balloons, envelopes, and other containers used or intended for use in concealing or packaging small quantities of controlled substances; hypodermic syringes, needles, or other objects designed or intended for injecting controlled substances into the human body; objects used, intended for use,

or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashish oil, etc., into the human body, such as: pipes (metal, wooden, glass, acrylic, stone, plastic, or ceramic, with or without screens), water pipes, carburetion masks, roach clips, or other objects used to hold smoking materials: chamber pipes, electric pipes, air-driver pipes, bongs, ice pipes, and rolling paper (e.g., Zig-Zag, E-Z Wider, Job, Joker, etc.) not associated specifically with tobacco products.
165

**Drug Testing** is the process of testing employees to detect the presence of illegal drugs or alcohol within their system. Drug testing can be conducted on a pre-employment, random or post-accident basis, as well as for cause or suspicion, in accordance with the employer's policy and any governing state law.

**Early Closing** refers to closing all operations before the end of normal business operations, other than those operations essential to the protection of life and property, EMS, E-911, Sheriff's Department and Jail. Only weather essential employees as designated by the County Mayor, Department Heads, Elected Officials or designee must report to work during their regularly scheduled shifts.

**Early Retirement Plan** is a benefit plan offered by an organization providing incentives geared toward encouraging employees who are approaching retirement age to voluntarily retire prior to their normal retirement age.

**Early Return to Work Program** is a modified work programs designed to get employees who have been out of work due to injury or illness to return to the workforce sooner by providing them with less strenuous alternative jobs until they are able to resume their full regular duties.

**Elected Official** is someone who holds an office by virtue of an election to act as a representative of a government and their constituents and participates in the exercise of authority within the department or agency elected.

**Electronic Mail (e-mail)** is correspondence and graphics communicated via computer.

**Emergency Planning** is the process of establishing specific measures or actions to be taken when responding to catastrophic events or tragedies (i.e., fire, earthquake, severe storms, workplace violence, kidnapping, bomb threats, acts of terrorism or other emergency situations) in the workplace.

**Employee Assistance Program (EAP)** is a work-based intervention program designed to identify and assist employees in resolving personal problems (i.e., marital, financial or emotional problems, family issues, substance/alcohol abuse) that may be adversely affecting the employee’s performance.

**Employment Eligibility Verification (I-9)** is the form that is required by the Department of Homeland Security U.S. Citizenship and Immigration Services to document eligibility for employment in the United States. All employees, citizens and non-citizens, hired after November

6, 1986, must complete Section 1 of this form at the time of hire, which is the actual beginning of employment.

**Employee Handbook** is a written or electronic document containing summaries of the employer's policies and benefits designed to familiarize employees with various matters affecting the employment relationship.

**Employee Relations** is a broad term used to refer to the general management and planning of activities related to developing, maintaining and improving employee relationships by communicating with employees, processing grievances/disputes, etc.

**Employment-at-Will** is a legal doctrine that states that an employment relationship may be terminated by the employer or employee at any time and for any or no reason.

**Equal Employment Opportunity (EEO)** refers to a policy statement that equal consideration for a job is applicable to all individuals and that the employer does not discriminate based on race, color, religion, age, marital status, national origin, disability or sex.

**Equal Pay Act of 1963** is a federal law prohibiting employers from discriminating between male employees and female employees in terms of pay when they are performing jobs that are essentially the same or of comparable worth.

**Essential Employees** are individuals identified and designated by the County Mayor, Department Heads, Elected Officials or designee who must report to work during times County Offices are closed, close early or open late due to weather emergency or in times of natural disaster.

**Ethical Leadership** broadly defined is the demonstration of normatively appropriate conduct through personal actions and interpersonal relationships, and promotion of such conduct among followers through two-way communication, reinforcement, and decision-making processes.

**Ethics** is the philosophy principle concerned with opinions about appropriate and inappropriate moral conduct or behavior by an individual or social group.

**Ethnic Categories** is the EEO grouping of individuals who are of the following descent: American Indian or Alaska Native; Asian; Black or African American; Native Hawaiian or Other Pacific Islander; and White.

**Exempt Employees** are employees who because of his or her positional duties and responsibilities and level of decision-making authority are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and are paid on a fixed salary basis.

**Exit Interview** is an interview conducted at the time of an employee's resignation, used to identify the underlying factors behind an employee's decision to leave.

**Excessive Unscheduled Absences** are multiple unscheduled absences.

**Fair Credit Reporting Act (FCRA) of 1969** requires employers that use credit reports and that deny employment on the basis of a credit report to notify the applicant and to provide the name and address of the consumer reporting agency used.

**Fair Labor Standards Act (FLSA) of 1938** is an act that covers public agencies and businesses engaged in interstate commerce or providing goods and services for commerce. The FLSA provides guidelines on employment status, child labor, minimum wage, overtime pay and record-keeping requirements. It determines which employees are exempt from the Act (not covered by it) and which are nonexempt (covered by the Act). It establishes wage and time requirements when minors can work. It sets the minimum wage that must be paid and mandates when overtime must be paid.

**Family and Medical Leave Act (FMLA) of 1993** allows employees who have met minimum service requirements (12 months employed by the company with 1,250 hours of service in the preceding 12 months) to take up to 12 weeks of unpaid leave per year for: (1) a serious health condition; (2) to care for a family member with a serious health condition; (3) the birth of a child; or (4) the placement of a child for adoption or foster care.

**Family Status Change** is used to define changes to an individual's existing family standing. Typically found in health care benefit plans covered by section 125 of the Internal Revenue Code. IRC 125, does not allow individuals enrolled in a covered benefit plan to make election changes to their existing benefits coverage outside of the plans annual open enrollment period, unless a qualifying change in family or employment status, defined by the IRS as a "Qualified Family Status Change" has occurred (i.e. marriage, divorce, legal separation, death, birth/adoption, changes in employment status, cessation of dependent status, or a significant change in cost or reduction of benefits.)

**Feedback** is positive or negative information provided to an individual in the form of coaching or counseling regarding his or her performance or behavior.

**Fitness for Duty** is a document provided by a medical practitioner following a post-offer medical examination containing information used by the employer to determine a candidate's ability to perform the functions of a job. Also used to refer to documents or notes from medical providers releasing individuals under their care to resume full or modified duties following a leave of absence due to illness or injury.

**Fixed Year** is a term used to describe an invariable year such as a calendar or fiscal year.

**Flexible Benefit Plan** is a benefit program regulated under IRC 125 that offers employees a choice between permissible taxable benefits (including cash) and nontaxable benefits such as life and health insurance, vacations, retirement plans and child/dependent care. Although a common core of benefits may be required, the employee may determine how his or her remaining benefits dollars are allocated for each type of benefit from the total amount offered by the employer.

**Flexible Scheduling** is an alternative work arrangement providing employees with greater flexibility in meeting their own personal needs by allowing them to work nontraditional schedules (i.e., compressed workweek, summer hours or flextime).

**Flextime** refers to variable work hours requiring employees to work a standard number of core hours within a specified period of time, allowing employees greater flexibility in their starting and ending times.

**Frequency of Absence** is repeated instances of unscheduled absences, such as call-ins, early departures, not reporting for on-call, etc. should be considered.

**Garnishment** is a court order requiring an employer to withhold a certain percentage from an employee's pay in order to settle a debt with a creditor.

**Grievance** is a formal complaint or allegation by an employee or group of employees made to unfair treatment or violation of a union contract.

**Grievance Procedures** is the process and guidelines to be followed by employees, management or the union when resolving differences or conflicts.

**Gross Misconduct** acts are intentional, wanton, willful, deliberate, reckless, or in deliberate indifference to an employer's interest. Often, acts that will prompt an employer to terminate an employee are those done in deliberate violation of the employer's known standards.

**Harassment** is conduct or actions, based on race, religion, sex, national origin, age, disability, military membership or veteran status, severe or pervasive enough to create a hostile, abusive or intimidating work environment for a reasonable person. State laws may further define harassment to include additional protections, such as sexual orientation, marital status, transsexuals or cross-dressing, political affiliation, criminal record, prior psychiatric treatment, occupation, citizenship status, personal appearance, "matriculation," tobacco use outside work, Appalachian origin, receipt of public assistance or dishonorable discharge from the military.

**Health Insurance Portability and Accountability Act (HIPAA) of 1996** was enacted to make health insurance more "portable" from one employer to another. The law mandates procedures for both new hires and for existing employees who are leaving the company. Employees who are new to a company can use evidence of previous health care coverage that is provided by their former employer to reduce or eliminate the new employer's preexisting condition requirements. Employees who are leaving a company must be provided with a certificate of prior creditable health care coverage to use for this purpose. The law includes other provisions regarding restrictions on preexisting conditions, special enrollment rights and privacy rights and protections.

**Health Care Flexible Spending Account (FSA)** is a benefit plan designed to allow employees to set aside pre-tax dollars to pay for eligible medically related expenses, such as medical, vision or dental exams, co-pays and deductibles, as well as other out-of-pocket expenses.

**Hostile Environment Harassment** refers to sexual or other discriminatory conduct that is so severe and pervasive that it interferes with an individual's ability to perform the job, creates an intimidating, offensive, threatening or humiliating work environment or causes a situation where a person's psychological well-being is adversely affected.

**I-9** is the form that is required by the Department of Homeland Security - U.S. Citizenship and Immigration Services to document eligibility for employment in the United States. All employees, citizens and non-citizens, hired after November 6, 1986, must complete Section 1 of this form at the time of hire, the actual beginning of employment.

**Illegal Immigrant/Alien** is an individual who is not a U.S. citizen and who has entered the United States without proper documentation and without complying with legally required U.S. immigration and naturalization procedures.

**Immigration Reform and Control Act (IRCA) of 1986** prohibits the employment of individuals who are not legally authorized to work in the United States or in an employment classification that they are not authorized to fill. The IRCA requires employers to certify (using the I-9 form) within three days of employment the identity and eligibility to work of all employees hired. IRCA also prohibits discrimination in employment-related matters on the basis of national origin or citizenship.

**Impairment** is a physical or mental condition resulting from injury or illness, which diminishes an individual's faculties such as ability to hear, see, walk, talk, etc.

**Independent Contractor** is a person or a business that performs services, produces a particular outcome, or produces a product for a person or a business under a written or implied agreement or contract.

**Indirect Costs** refers to expenses, such as fringe benefits, overhead, utilities, rent or equipment, that have been incurred for the purpose of common general activities and cannot be identified or charged directly to the production of a specific project.

**Indirect Labor** is a term used to define labor that is necessary to support the manufacturing of a product, but is not directly involved with the actual process of manufacturing the product.

**Interview** is used during the selection process, an interview is a face-to-face meeting with an individual or group, which involves asking questions to elicit information from the applicant to determine whether or not an applicant is suitable for a position of employment.

**Job Aids** is a document consisting of information or instructions used to guide the user on how to perform a task correctly.

**Job Description** is a written description of a job which includes information regarding the general nature of the work to be performed, specific responsibilities and duties, and the employee characteristics required to perform the job.

**Job Posting** refers to the method of advertising for vacancies internally by posting a notice of the opening on a bulletin board, etc.

**Job Title** is a specific name given to a particular job which is used to distinguish that job from other jobs within the organization.

**Layoff** is a temporary termination of employees, or the elimination of jobs, during periods of economic downturn or organizational restructuring.

**Leadership** is the process, by which an individual determines direction, influences a group and directs the group toward a specific goal or organizational mission.

**Letter of Resignation** provides the organization with an official document for the employee's personnel file that demonstrates the employment ending was employee initiated.

**Lost Workdays** refers to the particular number of days an employee is absent from work due to an injury or illness or the number of days in which the employee is on restricted duty.

**Manager** is an individual assigned to provide proper oversight and direction to a group of employees within a particular department or specialty that is trying to accomplish a certain task. A manager may also act as a mediator between those reporting to him and is the communication link between the employees and upper management.

**Mediation** is a private negotiation and decision-making process in which a mediator assists individuals or groups in finding a resolution to a particular issue or conflict.

**Media Request** is a telephone call, e-mail, correspondence, or visit to by television, radio, newspaper, or other media representative to inquire about programs and services, employees, funds, or other related matters of the County.

**Media Representative** is a reporter, editor, or other person employed or otherwise retained by a television or radio station, newspaper, magazine or similar form or mass communication.

**Medical Authorized Prescription** is a prescription from a licensed physician or dentist for use of a drug in the course of medical treatment.

**Medical Savings Account (MSA)** is a savings account funded by employees through pre-tax contributions; can be used to pay for co-payments, deductibles or medical expenses not covered by a health insurance benefit plan.

**Medical Examinations/Testing** is a medical evaluation conducted on a post-offer basis by a company physician or an independent physician to ascertain whether or not a candidate is able to perform the physical requirements of a particular job.

**Minimum Wage** is for covered nonexempt employees. The federal minimum wage provisions are contained in the Fair Labor Standards Act (FLSA). Many states also have minimum wage laws.

**Montgomery County Government Property** is any real property, including but not limited to, buildings, garages, parking lots and warehouses, and vehicles owned, operated, leased or controlled by the County.

**Nepotism** refers to favoritism shown to relatives by individuals in a position of authority, such as managers or supervisors.

**Networking** is building a web of interpersonal relationships for mutually beneficial purposes such as business referrals, customer acquisition, complementary product offerings, and sharing information. Networking means establishing, maintaining and utilizing contacts made for purposes beyond the reason for the initial contact.

**New Employee Orientation** is the process for welcoming a new employee into the organization. New employee orientation, often spearheaded by a meeting with the Human Resources Department, generally contains information about safety, the work environment, the job description, benefits and eligibility, company culture, company history, and anything else relevant to working in the organization.

**Noncompliance** is the failure to follow equal employment opportunity or affirmative action guidelines and the regulations applicable to them.

**Nondiscrimination** is the practice of not discriminating against members of disadvantaged or protected groups in hiring practices, policies, benefits or conditions of employment.

**Nonexempt Employee** is an employee who does not meet any one of the Fair Labor Standards Act exemption tests and is paid on an hourly basis and covered by wage and hour laws regarding hours worked, overtime pay, etc.

**Occupational Illness/Disease** is defined by OSHA as "any abnormal condition or disorder, other than one resulting from an occupational injury, caused by exposure to factors associated with employment."

**Occupational Injury** is an injury sustained during the course of employment, which results in the employee requiring medical treatment other than minor first aid and which results in the employee being absent from work as a result of such injury for one or more work days or results in work restrictions.

**Occupational Safety and Health Act (OSHA) of 1970** refers to a law setting forth standards that employers must comply with in order to provide working conditions that are safe and free from any health hazards for all employees. Additionally, the law also requires employers to provide employees with protection against workplace hazards that could result in illness, injury

or death to an individual, as well as to communicate to employees the information on hazardous materials or chemicals they may be required to handle.

**Occurrence** is the time from the first day of absence to the day returned to work for the same illness or injury.

**Off-duty Hours** are used to define the periods of time during which an employee is totally and completely relieved of any and all job duties and is free to attend to his or her own personal activities.

**Older Workers Benefit Protection Act (OWBPA) of 1990** amended the ADEA prohibiting all employers from age discrimination in employee benefits programs by either providing equal benefits for older and younger workers or by spending an equal amount on benefits for both groups. It also provides specifications on the requirements for ADEA waivers.

**On-call** refers to any person who is ready to respond, the one on duty; may or may not be defined through a set work schedule.

**On-the-Job Training** refers to training provided to employees by managers and supervisors; conducted at the actual worksite utilizing demonstration and actual performance of job tasks to be accomplished.

**Open Door Policy** means, literally, that every manager's door is open to every employee. The purpose of an open-door policy is to encourage open communication, feedback, and discussion about any matter of importance to an employee.

**Open Enrollment Period** is the period of time designated by the employer’s health or other benefit plan when employees may enroll in new benefit plans or make changes to existing benefit plans.

**Operating Budget** is a detailed projection of all projected income and expenses during a specified future period.

**Oral Reprimand** is a verbal warning given to an employee by a manager or supervisor as a means of correcting inappropriate behavior or conduct.

**Overtime**, in accordance with the Fair Labor Standards Act (FLSA), it is the term used to define work that is performed in excess of 40 hours per week.

**Parental Leave** is a benefit designed to provide employees with approved paid or unpaid time off following the birth or adoption of a child or to care for a dependent.

**Part-time Employee** is an individual who continually works less than 40 hours per week (standard workweek hours are based on individual employer policy, therefore, a 40-hour workweek is only a guideline; this number could be higher or lower).

**Paternity Leave** is a benefit designed to provide fathers of newborn children with paid or unpaid time off from work following the birth of the child.

**Patterns of Absence** demonstrates a predictable routine (e.g. the employee is consistently absent the day after payday, or a particular day such as Monday or Friday or always on the day before or after a holiday, etc.).

**Personal Protective Equipment** is clothing and other work accessories (i.e., safety glasses, hearing protection, etc.) designed to create a barrier against potential workplace hazards.

**Personnel File Access Policies** allow employees, former employees, and representatives of employees to view certain documents from their personnel file with advance notice to Human Resources staff.

**Personnel Records** refers to all information pertaining to individual employees, which is collected and maintained by the employer and is essential to the employer for handling various employment-related matters.

**Physical Ability Test** is a test instrument used to determine an individual's ability to perform the functions or tasks of a job where physical strength or endurance is required.

**Physical Examination** is a medical examination performed by a company physician or an independent physician to ascertain whether or not an individual is able to perform the physical requirements of a particular job.

**Policy** is a written statement that reflects the employer's standards and objectives relating to various employee activities and employment-related matters.

**Post- tax Contributions** are contributions made to a benefit plan that are subject to applicable state or federal tax withholding requirements.

**Pre-employment Testing** is the practice of issuing tests to potential employees on a pre-employment basis in order to determine an applicant's suitability for a certain position. These tests may include, but are not limited to, drug and alcohol tests, medical examinations, skills tests, physical agility tests, honesty/integrity tests or personality tests.

**Preexisting Condition** is any condition for which a person is currently receiving treatment, has been advised to receive treatment or for which a prudent person would seek treatment.

**Pregnancy Discrimination Act (PDA) of 1978** is an amendment to Title VII of the Civil Rights Act of 1964 prohibiting discrimination on the basis of pregnancy, childbirth or related medical conditions, requiring pregnancy or related conditions to be treated in the same manner as any other temporary disability.

**Pre-tax Contributions** are contributions made to a benefit plan that are exempt from all applicable state or federal tax withholding requirements.

**Privacy** refers to information about an employee which he or she regards as personal or private (i.e., medical information, financial data, etc.) and the right of that individual not to have such information shared with others.

**Probation** used as a form of discipline; it is a specified period of time during which an individual's performance or conduct is closely monitored.

**Probationary Period** a specified period of time (typically 30-120 days) where a newly hired, promoted or transferred employee's job performance is evaluated. Primarily used by supervisors to closely observe an employee's work, help the employee adjust to the position and reject any employee whose performance does not meet required standards.

**Policy and Procedures Manual** is a detailed written document designed to assist managers and supervisors in carrying out their day-to-day responsibilities by acquainting them with all of the organization's policies and the procedures required to implement those policies.

**Promotion** is the reclassification of an employee to a job with increased responsibilities and a higher grade.

**Quid Pro Quo** refers to legal terminology essentially meaning "what for what" or "something for something." It is the concept of getting something of value in exchange for giving something of value.

**Quid Pro Quo Harassment** involves expressed or implied demands for sexual favors in exchange for some benefit (a promotion, pay increase, etc.) or to avoid some detriment (termination, demotion, etc.) in the workplace. By definition, it can only be perpetrated by someone in a position of power or authority over another (i.e., manager or supervisor over a subordinate).

**Quit** refers to a voluntary resignation from employment that is initiated by the employee.

**Random Testing** refers to drug and alcohol tests administered by an employer that selects employees to be tested on a random basis.

**Reasonable Accommodation** is modifying or adjusting a job process or a work environment to better enable a qualified individual with a disability to be considered for or perform the essential functions of a job.

**Reasonable Suspicion** is a belief, drawn from the facts or circumstances, and inferences from those facts or circumstances, sufficient to lead a reasonable person to suspect that the employee is using a controlled substance, drug, or alcohol.

**Reasonable Suspicion Testing** refers to a drug or alcohol test administered to an employee due to a performance or policy infraction or poor or erratic behavior.

**Reassignment** is transferring individuals to alternative positions where their talents or skills may be best utilized to their own or the organization's benefit or where they are better able to perform the job in accordance with required standards.

**Reference Checking** is the process of verifying information supplied by applicants on an application or resume.

**Regular full/part-time employee** is an individual who has been hired by an employer to work a predetermined amount of hours per week in a position/appointment of indefinite duration.

**Regularly Scheduled Hours** is the number of hours an employee is scheduled to work during a week and expected to code in the employee's time sheet.

**Regular Work Schedule** – The regular work week, is defined as seven (7) consecutive days beginning at 12:01 a.m. on Monday morning and ending at 12:00 a.m. (midnight) on the following Sunday night.

**Religion** includes all aspects of religious observance and practice and religious beliefs.

**Religious Accommodation** refers to an accommodation made for an employee, such as time off from work, so that he or she may observe a religious holiday or attend a religious ceremony or their day of Sabbath such as Saturday or Sunday.

**Remedial Counseling** is a type of employee counseling used to correct performance or behavior-related issues.

**Remediation** is a strategy designed to conquer a deficiency in an employee's behavior, performance or skills.

**Reprimand** is an oral or written reproach given to an employee as part of disciplinary action.

**Resignation** provides the organization with an official notification that the employee is initiating the ending of their employment.

**Retaliatory Discharge** is a form of discriminatory discharge that occurs when an employer dismisses an employee as retaliation against the employee for a specific action.

**Retirement Plan** refers to a written qualified or non-qualified benefit plan, funded by employer and employee contributions, that provides retirement income benefits for employees.

**Reverse Discrimination** refers to employment policies or practices that result in discriminatory treatment against applicants or employees who are not minorities or members of a disadvantaged group.

**Right-to-Know** refers to an OSHA standard providing workers with protection from hazardous substances in the workplace by requiring employers to keep employees informed of any

hazardous substances that they may be working with, as well as the hazards and symptoms associated with the substance.

**Risk Management** is the use of insurance and other strategies in an effort to minimize an organization's exposure to liability in the event a loss or injury occurs.

**Rolling Year**, under FMLA regulations, a rolling year is defined as a 12-month period measured backward from the date an employee first uses leave.

**Safety Training** refers to a teaching tool used to help employees become more safety-conscious in all aspects of safety.

**Scheduled Absences** are the pre-approved arrangement between employee and supervisor to be away from work.

**Serious Health Condition** is an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility; or continuing treatment by a health care provider.

**Service Award** is part of a formal or informal recognition program that rewards employees based on length of service.

**Severance Pay** is a form of short-term salary continuation awarded to employees who are being terminated. Severance payments often equal one week's pay for each year of service.

**Sex Discrimination Act of 1975** prohibits discrimination against individuals based on sex or marital status in areas of employment, education, the provision of goods, facilities and services or in the management of premises.

**Sex Discrimination** refers to discriminatory conduct or actions based on sex or pregnancy, as it relates to conditions of employment, benefits, pay and opportunities for advancement.

**Sexual Harassment** is unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

**Sexual Harassment Investigation** refers to the organization's response process to an employee complaint that he or she is experiencing sexual harassment of any type. The employer has a legal, ethical, and employee relations obligation to thoroughly investigate sexual harassment charges.

**Sexual Orientation** refers to the focus of a person's amorous or erotic desires and feelings toward members of the opposite or the same gender.

**Short-term Disability** is a benefit designed to provide temporary income replacement for worker absence due to illness or injury, but who is expected to return to work within a specified timeframe.

**Sick Leave** is paid time off granted to employees who are out of work due to an illness or injury.

**Special Pay** is an amount equal to an additional 5% of an employee's regular pay rate awarded for special assignment.

**Slander** is false defamation expressed as spoken words, signs or gestures, which cause damage to the character or reputation of the individual being defamed.

**Standard Operating Procedures** is a prescribed written procedure outlining how recurring tasks, duties and functions are to be performed organization wide.

**Statute of Limitation** refers to laws prescribing deadlines for filing lawsuits within a certain time after events, which are the source of the claim, occur.

**Statutory Benefits** refers to benefits that are mandated by federal or state laws, such as Social Security, unemployment insurance and workers' compensation.

**Substance Abuse** is defined as a destructive pattern of substance (i.e., narcotics or alcohol) use leading to clinically significant social, occupational or medical impairment.

**Supervisor**, or frontline manager, is responsible for making sure people do what they are supposed to do; often the interface between the worker and the manager.

**Survey** is a data collection method used to assist organizations with problem identification, measuring employee morale or expectations and determining areas of concern.

**Suspension** is a form of disciplinary action resulting in an employee being sent home without pay for a specified period of time (the Fair Labor Standards Act contains stricter rules relating to suspending salaried exempt employees without pay).

**Tardy** is not at his/her assigned workstation/place ready to work at scheduled work time such as the beginning of the shift, returning late from breaks/meals, or early departure from work.

**Termination** refers to separation from employment due to voluntary resignation, layoff, retirement or dismissal.

**Termination-at-will** is a rule allowing an employee or employer to terminate the employment relationship at any time for any or no reason at all.

**Termination Date** is normally the last date actually worked by an employee; however, for employers with accrued leave programs, paid leave programs, benefit continuation programs or

severance pay programs which go beyond the last day worked, the termination date would be the date at which accruals, paid leave, benefit continuation or severance continuation ceases.

**Third-party Sexual Harassment** refers to harassment of an employee by someone other than another employee, such as a client, customer, vendor or service provider.

**Title VII of the Civil Rights Act of 1964** is a provision of the Civil Rights Act of 1964 that prohibits discrimination in virtually every employment circumstance on the basis of race, color, religion, gender, pregnancy or national origin. In general, Title VII applies to employers with 15 or more employees. The purpose of Title VII's protections is to "level the playing field" by forcing employers to consider only objective, job-related criteria in making employment decisions. Title VII must be considered when reviewing applications or resumes, when interviewing candidates, when testing job applicants and when considering employees for promotions, transfers or any other employment-related benefit or condition.

**Total Compensation** is the complete pay package awarded to employees on an annual basis, including all forms of money, benefits, services and in-kind payments.

**Turnover** describes changes in the workforce resulting from voluntary or involuntary resignations.

**Undue Hardship** refers to the burden of proof for an employer to legally refuse to accommodate an applicant's or an employee's disability or religious beliefs, the employer must be able to show that such accommodation would place a severe burden on the operation of the business.

**Unemployment Compensation** was created by the Social Security Act of 1935 to protect workers who became unemployed through no fault of their own. The federal government provides incentives and guidelines to the states about unemployment compensation, but each state is responsible for its own guidelines and program for unemployment compensation.

**Unemployment Insurance (UI)** is a statutory benefit. Unemployment insurance is designed to provide workers who have been laid off a weekly income during short periods of unemployment. The system is run and funded by state and federal taxes paid by employers.

**Unemployment Rate** is the number of individuals unemployed as a percentage of the labor force.

**Unfair Labor Practice (ULP)** is a violation of a right protected by the Federal Service Labor-Management Relations Statute. The ULP procedures provided by the Statute are part of the basic mechanisms by which the parties are protected in the exercise of their rights.

**Uniform Guidelines on Employee Selection Procedures of 1978** addresses the use of interviewing, testing, training and other employee selection tools and their impact on discrimination based on race, color, religion, sex or national origin. Specifically addressed is adverse impact, measured by the 80% test, which states that if a selection practice yields less than 80% of a protected group, as compared with the most frequently selected group, there may

be evidence of discrimination. The guidelines also require employers to maintain records, for an unspecified period of time, on their selection procedures and any adverse impact noted, as well as records of the employer's workforce broken down by race and ethnic groups.

**Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994,** signed into law on October 13, 1994, clarifies and strengthens the Veterans' Reemployment Rights (VRR) Statute. USERRA is intended to minimize the disadvantages to an individual that can occur when that person needs to be absent from his or her civilian employment in order to serve in the uniformed services. USERRA makes major improvements in protecting service member rights and benefits by clarifying the law and improving enforcement mechanisms. USERRA expands the cumulative length of time that an individual may be absent from work for uniformed services duty and retain reemployment rights.

**Unlawful Employment Practice** refers to any policy or practice that has discriminatory intent or effect and cannot be shown to be essential to the successful performance of the job in question.

**Unsafe Acts** is any action, such as horseplay, fighting, failing to abide by a safety rule, etc., that results in accident or injury to another.

**Unsafe Conditions** refers to hazards, such as faulty equipment or tools, improper safety procedures, failure to improperly guard equipment, etc., that result or have the potential to result in an accident or injury to another.

**Unscheduled Absences** is missing work due to an unplanned time away from work.

**Unwelcome Behavior/Conduct** is conduct or behavior by peers, subordinates or supervisors that is objectionable or unacceptable to an individual.

**U.S. Citizenship and Immigration Services (USCIS)** On March 1, 2003, service and benefit functions of the U.S. Immigration and Naturalization Service (INS) transitioned into the Department of Homeland Security (DHS) as the U.S. Citizenship and Immigration Services (USCIS). The USCIS is responsible for the administration of immigration and naturalization adjudication functions and establishing immigration service's policies and priorities.

**Vesting** is an employee's right to receive present or future pension benefits, even if the employee does not remain in the service of the employer.

**Veterans** is a term given to a workforce group that is generally comprised of those who are 55 and older. This generation is post-war and their nature is to be loyal to a single employer for a lifetime and in turn, they expect the same degree of loyalty back. Because this generation did not grow up with material wealth, in most cases, they tend to be frugal and do not understand the need to use debt to build business or the need for anyone to have debt at all. In the workplace, they show up on time and they take orders well - they do as they are told because they respect their boss, as well as their elders.

**Veterans Benefit Improvement Act of 2004** is an act signed into law by President Bush on December 10, 2004, that amended portions of the Uniformed Services Employment and Reemployment Rights Act (USERRA), imparting certain reemployment and benefit protections to individuals who are and employees engaged in military service. The act requires that employers extend the period for continuation of health care coverage and requires employers to provide covered employees with appropriate notice of their rights, benefits and responsibilities under USERRA.

**Veterans Employment Opportunities Act** extended the affirmative action and reporting responsibilities of federal contractors and subcontractors, which previously protected veterans of the Vietnam era and special disabled veterans, to include any other U. S. veteran who served on active duty during a war or in a campaign or expedition for which a campaign badge was authorized. It also raised the reporting threshold from $10,000 to $25,000 and added the requirement to report the maximum and minimum number of persons employed on the VETS-100 report.

**Vietnam Era Veteran** is defined as an individual who served on active duty for more than 180 days, any part of which occurred during the period between August 5, 1964, and May 7, 1975, and who received other than a dishonorable discharge, as defined in the regulations implementing the Vietnam Era Veterans Readjustment Assistance Act of 1974.

**Vision** is a statement of what the organization wants to become. It should resonate with all members of the organization and help them feel proud, excited, and part of something much bigger than themselves. A vision should stretch the organization's capabilities and image of itself. It gives shape and direction to the organization's future.

**Wage and Salary Administration** refers to procedures used for planning and administering organization-wide compensation programs for all levels of employees.

**Wage and Salary Survey** is a benchmark report consisting of market pay data for a variety of jobs conducted either on a local or nationwide basis. Used to evaluate an organization's own current pay structures and as a future compensation planning tool.

**Wage Garnishment** is usually in the form of a court order, a garnishment requires withholding a portion of an employee's earnings for repayment of a debt.

**Waiver** is a document signed by either an employee or prospective employee in which he or she renounces certain specified rights or considerations.

**Welfare Plan** is a plan designed to provide employees with coverage for medical or hospital care and surgical procedures. May also include other benefits, such as vacation or scholarship programs.

**Well Child Care** refers to health care benefits that provide payment for routine office visits and physical examinations, immunizations and laboratory tests for dependent children.

**Wellness Program** are programs, such as on-site or subsidized fitness centers, health screenings, smoking cessation, weight reduction/management, health awareness and education, that target keeping employees healthy, thereby lowering employer's costs associated with absenteeism, lost productivity and increased health insurance claims.

**Willful Misconduct** is defined as any action taken by an employee consciously and willfully, that is deliberately malicious or violates a company policy. Willful misconduct can include such things as: willful or deliberate behavior inconsistent with the continuation of employment; conduct causing imminent and serious risk to a person's health, safety, reputation or the viability or profitability of the employer's business; theft, assault or fraud; being under the influence of drugs or alcohol at work; or refusing to carry out a lawful and reasonable instruction consistent with an employment policy.

**Work** means providing services to another in return for remuneration on a regular and sustained basis.

**Work Coaching** is a method used by managers and supervisors to provide positive or constructive feedback to employees to help them continue excellent performance or identify ways to improve performance.

**Work-Related Injury** is any work-related traumatic event or series of traumatic events, including cumulative trauma, arising out of and in the course of employment, which is the proximate cause producing a harmful change in the human organism evidenced by the objective medical findings.

**Work/life Balance** refers to having a measure of control over when, where and how individuals work, leading to their being able to enjoy an optimal quality of life. Work-life balance is achieved when an individual's right to a fulfilled life inside and outside paid work is accepted and respected as the norm, to the mutual benefit of the individual, business and society.

**Workplace Bullying:** Persistent, offensive, abusive, intimidating, insulting, or otherwise unfair behavior directed at another person that causes them to feel threatened, humiliated, abused, or vulnerable.

**Workplace Flexibility:** A workplace approach that gives employees flexibility in scheduling and helps them address unexpected family and personal needs.

**Workplace Violence:** Assaults, violent acts, or threats that occur in or relate to the workplace and create a substantial risk of physical or emotional harm or damage to organizational resources.

**Work Sampling:** Measuring how employees spend their time and how many work units they produce over a period, typically through random observation and mathematical analysis.

**Work Simplification:** The process of making a job easier and simpler by analyzing tasks, workflow, and work distribution, then testing improved methods for efficiency.

**Work Stoppage:** When employees stop performing their jobs to show support for a cause or to voice a grievance.

**Written Warning:** Disciplinary documentation describing specific infractions, such as misconduct, poor performance, or policy violations, and noting past issues and consequences if improvement does not occur.

**Wrongful Discharge:** An exception to at-will employment involving unjust or unfair termination based on breach of an express or implied contract or violation of public policy.

**Zero-Based Budgeting:** A budgeting method that does not rely on the previous year's budget; instead, each expense must be justified from the beginning.

# Receipt and Acknowledgement

By signing this statement, I acknowledge that I have received a copy of the personnel policies and procedures manual issued by my employer, Montgomery County Government. I acknowledge that it is my responsibility to read and comprehend the information contained in this manual and to consult with my supervisor/manager if I have any questions concerning its contents. I understand, if at any time during the hiring process or my employment it is determined that I have given false or misleading information or omission of important facts that it will be grounds for immediate dismissal.

I understand and agree:

1. that this manual is the personnel policies of Montgomery County Government and it is not intended to create any contract of continued employment with Montgomery County Government between any individual or all of its employees;
2. that this manual states Montgomery County Government's policies and practices in effect on the date of publication,
3. that Montgomery County Government may modify any or all of these policies, in whole or in part, at any time, with or without prior notice; and
4. that in the event Montgomery County Government modifies any of the policies contained in this manual, the changes will become effective immediately upon issuance of the new policy by Montgomery County Government.

I further understand and agree that my employment with Montgomery County Government may be terminated by me or by Montgomery County Government at any time, for any reason permitted by law. I understand that no person other than the Mayor (or designee) has any authority to enter into any contract of employment for any specific period of time and further understand and agree that the Mayor (or designee) may do so only in a written document signed by the Mayor and myself.

I understand that as an employee of Montgomery County Government I am required to review and follow the policies set forth in the personnel manual and I agree to do so.

Employee name (printed)

Employee signature

Date

Montgomery County Tennessee

# Computer Access Security Agreement

I hereby acknowledge receipt of my computer access code and my use of them demonstrates my agreement with the following guidelines:

I shall maintain confidential all computer information and resources to which I have access or control.

I shall take appropriate measures to safeguard and protect the information and computer resources of Montgomery County Government that are made available to me.

I shall use the information and computer resources only for authorized Montgomery County Government business and not disclose any information or documentation obtained from, or pertaining to, the Montgomery County Government computer system(s), to any third party, except in the routine lawful conduct of the County's business.

I shall be accountable for and accept full responsibility for all transactions performed using my computer access code.

I shall maintain all computer access codes in the strictest of confidence; immediately change them if I suspect their secrecy has been compromised, and report suspected misuse to the Human Resources Department.

I have read and agree to comply with the guidelines set forth above.

I understand willful violation of, or disregard for, any of these guidelines may result in disciplinary action up to and including the termination of my employment, termination of my business relationship with Montgomery County Government and possible prosecution under the provision of the Computer Crimes Act as cited in T.C.A 39-14-601 et seq.

Employee name (printed)

Employee signature

Date

# Employee Acknowledgment

I hereby verify that I accept a copy of the Code of Ethics Policy for Montgomery County Government and the Conflict of Interest Disclosure Statement and understand that it is my responsibility to read and comply with its contents.

Employee name (printed)

Employee signature

Department

Date

# Conflict of Interest Disclosure Statement

Instructions: This form is for reporting personal interests required to be disclosed under Section 3 of the Code of Ethics of this County. Officials and employees are required to disclose personal interests in matters that affect or would lead a reasonable person to infer that it would affect the exercise of discretion of an official or employee.

Date of disclosure

Printed name of official or employee

Office and position

Signature of official or employee

Printed name of witness

Signature of witness

Description of personal interest (describe below in detail):