



# **CALLOWAY COUNTY ADMINISTRATIVE CODE**

**Adopted by:  
Calloway County  
Fiscal Court**

**Revised & Reviewed June 15, 2021**

**CALLOWAY COUNTY  
MODEL ADMINISTRATIVE CODE  
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## **INTRODUCTION**

### **PURPOSE AND AUTHORITY**

The General Assembly of the Commonwealth of Kentucky enacted KRS 68.005 in 1978 for the purpose of promoting efficient administration of County Government. KRS 68.005 requires the Fiscal Court to adopt a County Administrative Code which includes, but is not limited to, procedures and designation of responsibility for the following:

- (A) General administration of the office of County Judge-Executive (hereinafter 'County Judge'), County administrative agencies and public authorities;
- (B) Administration of County fiscal affairs, including budget formulation; receipt and disbursement of County funds, preparation of records required for the County audit, and for filing of claims against the County;
- (C) Personnel administration, including description and classification of non-elected positions, selection, assignment, supervision and discipline of employees, employee complaints and the County Affirmative Action program;
- (D) County purchasing and award of contracts; and
- (E) Delivery of County services.

The County Judge, as the Chief Executive Officer of the County, is responsible for the organization and management of the administrative functions of County Government. The Fiscal Court sets the County's policies and priorities. The County Judge must execute these policies and priorities. The statute provides only general guidance as to the form and substance of a County's internal administrative organization. For this reason, the Fiscal Court of Calloway County enacts the following County Administrative Code.

#### **Calloway County Administrative Code**

Calloway County Fiscal Court does hereby establish a County Administrative Code, dividing the administrative service of Calloway County into departments under the County Judge, prescribing administrative policy and procedure, prescribing the function and duties of administrative units and officials of the government, prescribing the administration of fiscal affairs and procurement procedures, and prescribing for the delivery of County services.

**BE IT ADOPTED BY THE FISCAL COURT OF CALLOWAY COUNTY: JUNE 15, 2021**

## **CHAPTER 1 GENERAL PROVISIONS**

### **SECTION 1.1 Short Title**

This document shall be known and may be cited as the “Calloway County Administrative Code”.

### **SECTION 1.2 Definitions**

As used in this Code, unless the context otherwise requires:

- (1) Chief Executive is the County Judge of Calloway County.
- (2) County is Calloway County, Kentucky, a governmental entity.
- (3) Fiscal Court is the County body vested with the legislative powers of Calloway County.
- (4) Elected Official means any Elected Official holding one of the constitutional County offices.

### **SECTION 1.3 Amendments**

The Fiscal Court shall review the Calloway County Administrative Code annually during the month of June and may by two-thirds (2/3) majority of the entire Fiscal Court amend the Calloway County Administrative Code at that time, according to KRS 68.005. The County Judge may at other times prepare and submit amendments to the Calloway County Administrative Code for approval by the majority of the Fiscal Court.

## **CHAPTER 2 GENERAL ADMINISTRATION**

### **SECTION 2.1 County Judge**

A. The Calloway County Judge shall be the Chief Executive and Administrative Officer of the County and shall have all the powers and perform all the duties of an executive and administrative nature consistent with the Kentucky Constitution, Kentucky Revised Statutes and the Fiscal Court (as amended from time to time).

B. The responsibilities and/or duties of the Calloway County Judge, as defined by KRS 67.710, are as follows:

- (1) Provide for the execution of all ordinances and resolutions of the Fiscal Court, execute all contracts entered into by the Fiscal Court, and provide for the execution of all laws by the State subject to enforcement by him/her or by officers who are under his direction and supervision;
- (2) Prepare and submit to the Fiscal Court for approval an administrative code incorporating the details of administrative procedures for the operation of the County and review such code and suggest revisions periodically or at the request of the Fiscal Court;
- (3) Furnish the Fiscal Court with information concerning the operations of the County departments, boards, or commissions, necessary for the Fiscal Court to exercise its powers or as requested by the Fiscal Court;

(4) Require all officials, elected or appointed, whose offices utilize County funds, and all boards, special districts, and commissions exclusive of city governments and their agencies located within the County to make a detailed annual financial report to the Fiscal Court concerning the business and condition of their office, department, board, commission, or special districts;

(5) Consistent with procedures set forth in KRS Chapter 68, prepare and submit to the Fiscal Court an annual budget and administer the provisions of the budget when adopted by the Fiscal Court;

(6) Keep the Fiscal Court fully advised as to the financial condition and needs of the County and make such other reports from time to time as required by the Fiscal Court or as he deems necessary;

(7) When required, exercise with approval of the Fiscal Court the authority to appoint, supervise, suspend, and remove County personnel (unless otherwise provided by state law); and

(8) When required, with the approval of the Fiscal Court, make appointments to or remove members from such boards, commissions, and designated administrative positions as the Fiscal Court, charter, law or ordinance may create. The requirement of Fiscal Court approval must be designated as such in the County administrative code or the County charter.

## **SECTION 2.2 Procedures for Organization/Reorganization of County Departments and Agencies**

A. The County Judge may create, abolish or combine any county department or agency or transfer a function from one department or agency to another, provided that the County Judge submits a written plan for the reorganization to the Fiscal Court.

B. The reorganization plan shall state the need, how the reorganization will meet the need, the services and functions to be expanded, abolished, or reduced as a result of the plan, the long- and short-term costs, and the plan's impact on existing and/or proposed personnel and services.

C. The plan shall be submitted to the Fiscal Court for approval at a meeting of the Fiscal Court. If not disapproved within sixty (60) days, the plan shall become effective. The plan shall be subject to public inspection at least 60 days prior to its effective date.

D. The County Judge or the Fiscal Court may cause the records and accounts of any administrative agency to be examined at any time.

## **SECTION 2.3 Special Districts**

The County Judge may, with approval of the Fiscal Court, create any special district; or abolish or combine any special districts, provided such district was created solely by the County.

## **SECTION 2.4 County Representation on Boards and Commissions**

A. The County Judge shall assure the representation of the County on all

boards, commissions, special districts, and joint City-County programs in which County participation is required.

B. Every independent board, commission, agency or special district which requires participation by County Government shall submit a copy of its by-laws and a list of its governing body members to the County Judge and the Fiscal Court within thirty (30) days of the start of the County term of office.

C. The independent board, commission, agency or special district shall submit a revised copy of its by-laws within 30 days of their approval when amended.

D. When a vacancy exists, the list of governing body members should be submitted to the County Judge no later than thirty (30) days before the County Judge nominates a candidate for the vacancy.

### **SECTION 2.5 Appointed Positions**

A. The County Judge may appoint an Administrative Assistant to assist with the execution of his administrative duties.

B. The County Judge may appoint a Deputy County Judge/Executive.

C. The County Judge may appoint a reasonable number of other personnel to assist with the County administrative and fiscal duties.

D. A member of the Fiscal Court may be appointed by a majority of the Fiscal Court to temporarily assume the duties of the County Judge, where both the County Judge and the Deputy County Judge/Executive, if a Deputy Judge/Executive has been appointed, are absent from the County during an Emergency, or where both are incapacitated due to sickness, injury, or mental incompetence.

### **SECTION 2.6 Procedures for Appointment/Removal of Administrative Personnel and Members of Boards and Commissions**

A. The County Judge shall inform the Fiscal Court of any open position on County Boards or Commissions, or in designated administrative positions.

B. The County Judge shall appoint qualified individuals to administrative positions and to boards and commissions in writing, with the writing submitted to Fiscal Court at regular scheduled meeting.

C. If the Fiscal Court rejects the nomination, the County Judge shall submit an additional nomination(s) for each position.

D. The appointment shall be filed and entered into the order book which shall be maintained in the Office of the County Clerk.

E. No person shall be selected as a member of a board or commission or for an administrative position if the person holds or is employed in an incompatible position.

**SECTION 2.7 Calloway County Procedures for Administrative Agencies**

- A. Each Calloway County Agency shall maintain the following records:
- (1) A financial record of the agency's activities.
  - (2) Within thirty (30) days after the close of each fiscal year, each administrative agency shall make full report to the County Judge and to the Fiscal Court. The report shall include a financial statement and the general scope of the operation of the agency during the preceding year.
  - (3) Each administrative agency requesting Calloway County budget funds shall submit a detailed annual budget request to the County Judge by April 1st of each year.
  - (4) Each administrative agency of Calloway County shall keep minutes of its meetings to reflect on record its official actions.

**CHAPTER 3 OPERATION OF FISCAL COURT**

**SECTION 3.1 Procedures for Meetings of Fiscal Court**

- A. The County Judge shall annually set the dates and times for all regular Fiscal Court meetings via Executive Order. The Executive Order shall be issued no later than January 1<sup>st</sup> of each year, except in the first year of the term of office, when the Executive Order shall be entered no later than one week from the date the term begins.
- B. All meetings of members of Fiscal Court at which any public business is discussed or any action taken shall be open to the public in accordance with the Kentucky Open Meetings Act (KRS Chapter 61).
- C. The County Judge may call a special meeting of the Fiscal Court for the purpose of transacting any business over which the Fiscal Court has jurisdiction.
- D. Whenever the County Judge is unable, or refuses to call a special meeting, a majority of the Fiscal Court may call a special meeting.
- E. The County Judge must refuse a request to call a Special Meeting, with the request made by a Fiscal Court member, prior to the majority of the Fiscal Court being able to call a Special Meeting.
- F. Special meetings shall be called and conducted in accordance with the Kentucky Open Meetings Act (KRS Chapter 61).

**SECTION 3.2 Presiding Officer**

- A. The County Judge shall be the presiding officer of the Fiscal Court at all regular and special meetings.
- B. The longest serving Magistrate shall preside over Fiscal Court in absence of the County Judge/Executive.

**SECTION 3.3 Quorum**

A. Not less than a majority of the members of the Fiscal Court shall constitute a quorum for the transaction of business.

B. No proposition shall be adopted except with the concurrence of at least a majority of the members present; with the exception that passage of an ordinance requires a majority of the entire Fiscal Court.

**SECTION 3.4 Disturbing Meetings**

A. It shall be unlawful to disturb any meeting of the Fiscal Court or to behave in a disorderly manner at any such meeting.

B. Any person violating any provision of this section may be prosecuted under the appropriate provisions of the Kentucky Penal Code.

**SECTION 3.5 Order of Business**

A. The County Judge shall prepare an agenda for each regular and special called meeting of the Fiscal Court and present prior to the meeting. This agenda shall be followed unless dispensed with by a majority vote of the members presented. The agenda shall be distributed to members of the Fiscal Court and media within one (1) to three (3) days prior to a scheduled Fiscal Court meeting. At a regular meeting, the agenda does not restrict the content of what can be discussed as long as the matter is discussed in the appropriate portion of the agenda (i.e. New Business, Old Business). Any persons or groups wishing to address Fiscal Court must give written notice (including name, address, phone, and subject to present) to the County Judge by close of business one week prior to the meeting at which they wish to speak. Speeches on behalf of individuals are limited to three (3) minutes per speaker. Speeches on behalf of special interest groups shall be brought before the court by one spokesperson and shall be limited to five (5) minutes per group. Speakers are not permitted to poll magistrates individually to ask how they will vote on any particular matter. The County Judge or any two magistrates in agreement may allow additional time for any speaker, but such speaker's total time shall not be increased beyond ten (10) minutes without approval by a majority of the court members. When conducting public hearings or listening to public comment on any issue, the topic will be limited to up to three individuals or groups speaking in favor of the matter, and up to three individuals or groups speaking in opposition to the matter, as determined by the County Judge. In order to promote fair discourse on an issue and to allow the court to operate efficiently for the public benefit, individuals or groups who have spoken regarding a topic shall not be permitted to address the same topic again during a twenty-four (24) month period, without the express consent of the County Judge or at least two magistrates.

B. At each special or emergency meeting of the Fiscal Court, the agenda shall be followed with no other topics presented or discussed during the special or emergency meeting.

C. The County Treasurer shall prepare an itemized list of all valid bills requiring Fiscal Court approval.

D. No bill shall be approved for payment unless contained in the itemized list for the meeting.

E. A majority of the Fiscal Court members may vote to forgo Section 3.5(D) and approve payment of bills not included on the itemized list as long as the bill is presented to Fiscal Court.

F. The Fiscal Court may approve payment of the list of valid bills as a whole unless there is an objection voiced to any specific item.

G. Except when in conflict with the foregoing provisions, Robert's Rules of Order shall govern the deliberations of the Fiscal Court.

H. The rules of order, other than those prescribed by statute, may be suspended at any time by consent of a majority of the members present at the meeting.

### **SECTION 3.6 Fiscal Court Minutes**

A. The County Clerk of the Fiscal Court shall attend all meetings of the Fiscal Court and keep a full and complete record of its proceedings.

B. The County Clerk of the Fiscal Court shall keep an index of all Fiscal Court records and make such index of all Fiscal Court records available for public inspection in accordance with the Kentucky Open Records Act (KRS Chapter 61).

### **SECTION 3.7 Ordinances, Orders and Resolutions**

A. An "ordinance" means an official written act of the Fiscal Court, the effect of which is general and lasting in nature, which is enforceable within the jurisdiction of the County; or a lawful appropriation of money.

B. All ordinances shall be introduced in writing; relate to one subject only; and contain a title which expresses the subject; such as, "An Ordinance relating to..."

C. There shall be inserted between the title and the body of each County ordinance an enacting clause written in the following manner: "Be It Ordained by the Fiscal Court of the County of Calloway Commonwealth of Kentucky;"

D. County ordinances shall be amended by ordinance and only by setting out in full each amended section;

E. No County ordinance shall be passed until it has been read on two separate days, unless an emergency is properly declared, but ordinances may be read by title and a summary only.

F. No County ordinance shall be passed until it has been published pursuant to KRS Chapter 424. Prior to passage, ordinances may be published by summary. Publication shall include the time, date and place at which the County ordinance will be considered, and the place within the County where a copy of the full text of the proposed ordinance is available for public inspection. In the event consideration for passage is continued from the initial meeting to a subsequent date, no further publication is necessary provided that each meeting, the time, date and place of the next meeting is announced.

G. All County ordinances and amendments shall be published after passage and may be published in full or in summary form at the discretion of the Fiscal Court.

H. An order or resolution may be utilized for action by the Fiscal Court where the action is specific in nature, not for an uncertain time period, and which is enforceable within county boundaries. Examples of where an order or resolution may be appropriately used include: (1) Approval of claims against the county; and (2) Approval of a question to be submitted to the electorate for the creation of a taxing district where there is statutory authority for a referendum.

## **CHAPTER 4            FINANCIAL MANAGEMENT**

### **SECTION 4.1            Budget Preparation Procedures**

By April 1st of each fiscal year, the County Judge shall obtain budget proposals prepared by each County office or agency receiving funds from the Fiscal Court, including the Jailer.

**NOTE:** The County Clerk and Sheriff operate on a January 1-December 31 calendar year with a budget approval date of January 15. Therefore, the County will already have the County Clerk's and Sheriff's budget.

A. The County Treasurer shall prepare a report of anticipated revenue from general fund taxes and intergovernmental transfers from city, state, and federal government.

B. The County Judge shall review the expenditures in each classification of each fund for the preceding year and for the current year.

C. The County Judge may obtain from the Calloway County Treasurer receipts for actual expenditures made during the current fiscal year.

D. An estimate shall be made of expenditures for the remainder of the current year and of any surplus, by fund, which will remain.

E. The County Judge shall obtain from the sheriff an annual settlement showing County taxes collected, not later than October 1 of the current year and by April 1 of each year of the Calloway County Property Assessment levels from the Calloway County Property Valuation Administrator.

F. The County Judge shall submit the completed proposed budget to the Fiscal Court not later than May 1 of each fiscal year.

G. Following action by the Fiscal Court but not later than June 10, the budget shall be submitted to the Kentucky State Local Finance Officer for approval as to form and classification.

H. The Calloway County budget approved by the State Local Finance Officer shall be submitted to the Fiscal Court for adoption, in the form of an ordinance not later than July 1.

I. A summary of the County budget shall be published in accordance with KRS Chapter 424 before final adoption by Fiscal Court.

J. The County Judge shall maintain a copy of the budget as adopted, together with any amendments adopted thereafter, for public inspection.

K. Approval of the Annual Budget does not constitute permission for departments to make purchases. Factors such as cash flow and deposits on hand must always be considered before purchases are approved. The County Judge, Treasurer, and department heads shall cooperate with each other to standardize all department supplies, material, equipment, and services where feasible before making major purchasing decisions.

#### **SECTION 4.2 County Budget Hearing Procedures and Requirements**

A. County Road Aid Fund (CRA):  
(1) Publish notice of the proposed use hearing on the CRA fund shall be published not less than seven (7) days in advance of the scheduled hearing.  
(2) The County Judge shall conduct the proposed use hearing.  
(3) Copies of the published notice and written minutes of the hearing shall be maintained by the County Judge as public record.

B. Prior to adoption of the County budget and submittal to the State Local Finance Officer, the Fiscal Court shall conduct a budget hearing on the entire County budget subject to KRS 67.077.

C. Notice of the budget hearing shall be published in at least one (1) newspaper of general circulation and other news media in the community shall be advised. The preceding shall be as follows:  
(1) Published notice of budget hearing not less than ten (10) days prior to the scheduled hearing;  
(2) The Fiscal Court shall conduct the budget hearing;  
(3) Copies of the published notice and written minutes of the hearing shall be maintained by the County Judge as public record.

#### **SECTION 4.3 County Procedures for County Treasurer**

A. The Treasurer shall receive and deposit all funds due the County.

- B. County funds shall be paid out only on order of Fiscal Court.
- C. No expenditures may be made in excess of revenues or for purposes other than appropriated.
- D. No appropriations may be made which exceed adopted budget amounts.
- E. The Treasurer shall keep an Appropriation Expenditure Ledger. The ledger shall be a record of each budget appropriation, all expenditures from the appropriation and each budget fund.
- F. The Treasurer shall maintain general ledger in which all transactions are entered, either in detail or in summary. Each fund (General Fund, Road Fund, Jail Fund, 911 Fee, Transit Room Tax, etc.) has a complete balancing set of general ledger accounts. Control accounts are established for the Cash Receipts Register and the Appropriation Expenditure Ledger.
- G. The Treasurer shall maintain a Cash Receipt Register containing columns for total cash received, source of revenue and miscellaneous revenue for each fund.
- H. The Treasurer shall maintain an Appropriation Expenditure Ledger. This ledger is a group of accounts supporting in detail the appropriation and expenditure accounts of the General Ledger. An account must be provided for each appropriation made in the budget. The original appropriation and all amendments and transfers authorized by order of the Fiscal Court shall be entered. All expenditures shall be charged to an appropriation account.
- I. The Treasurer shall maintain a record of all expenditures paid (except payroll) in chronological order in a Monthly Revenue Journal. Columns shall provide for date, payee, warrant number, appropriation expenditure account number and amount. Separate columns shall provide for each fund so that one register serves all funds.
- J. The Treasurer shall maintain a Payroll Register Book, designed to facilitate convenient preparation and certification of the payroll. One order of the Fiscal Court may be made to authorize payment for all employees for more than one payroll period.
- K. The Treasurer shall maintain an Individual Earnings Record for each employee, including gross earnings, deductions and net pay at the time computed.
- L. The Treasurer shall maintain a Short- and Long-Term Liabilities Register which provides information on notes for temporary loans in anticipation of the current year's revenue, indicating the principal amount, interest rate, due date, fund and other necessary details.

**SECTION 4.4 Calloway County Procedures for Fiscal Court Administration  
by the County Judge**

A. At the beginning of each fiscal year, the total amount of the appropriation represents the free balance, or unused appropriation amount, for each account.

B. As expenditures are made during the year, the amount of the expenditure is subtracted from the free balance to keep an accurate record of the exact amount of the unused appropriation at any time.

C. When any item is ordered, the free balance is encumbered in that amount, although it may be considerable time before the actual expenditure occurs.

D. The County Judge shall write and sign all expenditures directing the Treasurer to make payments authorized by Fiscal Court.

E. At the close of each fiscal year the County Judge will be responsible for the preparation of records necessitated by the annual County audit and audit of the County Judge's office. The annual audits of the books, accounts, and papers of the County and the County Judge shall be conducted by the State Auditor of Public Accounts or a Certified Public Accountant.

#### **SECTION 4.5 Claims Against Calloway County**

A. The County Judge shall account for all claims against the County.

B. All claims for payment from the County shall be filed in writing with the County Judge.

C. Each claim shall be recorded by date, receipt and purchase order number and presented to the Fiscal Court at its next meeting.

D. Each order of Fiscal Court approving a claim shall designate the budget fund and classification from which the claim will be paid, and each warrant shall, specify the budget fund and classification.

E. The payroll for County officials and regular County employees and recurring utility expenses are hereby preapproved. Other recurring expenses may be preapproved by the Fiscal Court.

F. The depositor of Calloway County funds shall not honor any expenditure on the County unless it is signed by both the County Judge and the County Treasurer. In the absence of the County Judge, the Deputy County Judge may sign.

G. All offices collecting county or state monies shall utilize a daily deposit in an interest drawing account until settlement is made to the Commonwealth and County. County fees shall be remitted to the County no later than the 10th day of each month following the month of collection unless a written waiver is given by Fiscal Court.

## **CHAPTER 5 PERSONNEL ADMINISTRATION**

A. It shall be the policy of the County to maintain equal employment opportunities for its labor force which will be in compliance with applicable federal and state laws. The County is an at-will employer and is not subject to merit system governance or regulations. County employees acquire no property rights in or to their employment with the County. Accordingly, the County reserves the right to modify, amend and interpret the provisions of this code at its sole discretion.

B.11 The County is an Equal Opportunity Employer and shall not discriminate against an individual with respect to hiring, promotion, termination, compensation, benefits, terms, conditions, or privileges of employment, because of the individual's race, color, religion, national origin, sex, age, military/veteran service, pregnancy or because the person is a qualified individual with a disability.

### **SECTION 5.1 Job Classification**

A. The Elected Official will be responsible for the preparation of a descriptive job classification plan in conjunction with the County Human Resource personnel for all non-elected positions.

B. Each job classification shall be in writing and include:

- (1) A concise, descriptive title;
- (2) Description of the duties and responsibilities of each position in each classification, including the physical effort required to perform the job, for the purpose of complying with the Americans with Disabilities Act.
- (3) State of minimum and desirable qualifications required for each position.
- (4) Statement of non-exempt (hourly) or exempt (salary) expectations.

C. All positions in a single class shall be sufficiently alike to permit use of a single title, description, qualifications, and pay range.

### **SECTION 5.2 Personnel Policy of Constitutional Officers**

A. Each Elected Official shall develop a personnel policy for the operation of their respective office.

B. In the alternative, each Elected Official may choose to adopt the personnel policies approved by Fiscal Court for the operation of their office (Chapter 5). Should the Elected Official elect to utilize the personnel policies of the Fiscal Court, the Elected Official shall designate same, in writing, and deliver same to the County Judge.

### **SECTION 5.3 Applicants**

A. Each applicant shall fill out and sign a standard written job application form, and each application shall be kept on file for at least twelve (12) months. All applicants shall sign a release authorizing the County to download and review the applicant's Kentucky Driving History Record or the Driving History Record for the

state in which the applicant is licensed.

**NOTE:** Applicants that become county employees, their application, and certain employment records must be kept on file according to the Kentucky Department of Libraries and Archives Records Retention Schedule.

B. Each qualified applicant shall be interviewed by the person who is to be the immediate supervisor of such employee.

C. The County Judge shall make the selection, subject to approval of Fiscal Court, and notify the applicant and supervisor in writing of the selection.

D. Equal Employment Opportunity (EEO) information shall be obtained from the applicant but shall not be used to exclude any person from employment.

E. All part-time and temporary employees, funded through state or federal programs, shall be recruited and selected in accordance with the appropriate program guidelines.

F. The County reserves the right to check all references, perform background checks and run motor vehicle reports yearly on all potential applicants.

G. The County reserves the right to administer job-related testing and the right to conduct a pre-employment drug test and/or physical exam.

#### **SECTION 5.4 Supervision**

The County Judge is responsible for the supervision of County employees. This responsibility may be delegated to appropriate department heads and supervisors. Each Constitutional Officer shall be responsible for the supervision of all employees working within their particular office.

#### **SECTION 5.5 Discipline Procedures**

The County Judge shall discipline County employees by written reprimand, suspension or discharge in the best interest of the County. All disciplinary actions require Fiscal Court approval. Approval can come after the imposition of the discipline.

#### **SECTION 5.6 Affirmative Action**

A. The County Judge shall develop and maintain an Affirmative Action Plan consisting of

- (1) A Statement of Policy
- (2) Methods of Dissemination of the Policy
- (3) Workforce Analysis
- (4) Goals and Timetables

B. The County Judge is responsible for the implementation of the Affirmative Action Policy of the County.

**NOTE:** Affirmative Action policies are discretionary on the part of the County. KRS must be followed.

## **SECTION 5.7      Scope of Coverage**

- A.     The following County employees are expressly exempted from coverage:
- (1)     The County Judge, Fiscal Court Members, Constables and all Elected Officials.
  - (2)     All members of boards and commissions of the County.
  - (3)     Consultants, advisors and counsel rendering temporary professional advice.
  - (4)     Independent contractors.
  - (5)     Employees made available to County by other agencies.

B.     All County employment positions not expressly exempted from coverage by this section shall be subject to the provisions herein.

## **SECTION 5.8      Definitions**

Where used within these personnel rules, the following words and terms shall have the meaning indicated below:

Allocation: The assignment of an individual position to specific class of work based on the kind, difficulty, skill and responsibility of the work performed.

Appointing Authority: That person or body having authority under the laws of the Commonwealth of Kentucky to make appointments to positions. Unless otherwise specified, the Appointing Authority shall be construed to mean the County Judge.

Appointment: The act of appointing authority by which a position is filled.

County Employees: Those employees supervised by their appointing authority.

Demotion: Changing one employee from one class of work to a different class of work at a lower pay grade.

Elected Official: Any Elected Official holding one of the constitutional County offices.

Performance Rating: An appraisal or evaluation of an employee's work performance.

Position: An individual job within the County's personnel system.

Position Description: A detailed written description of the specified duties assigned to, and performed by, a particular employee.

Probationary Period: A working test normally established as three full calendar months (employees hired on a day other than the first of the month shall have a probationary period consisting of the month hired, from the date of hire, and three subsequent full calendar months), during which an employee is required to demonstrate by actual performance, his or her fitness to perform the duties of the

position to which appointed. Upon justification to the appointing authority and written notification to the employee involved, the department head may extend the probationary period beyond the three full calendar months. The probationary period does not apply to transfers from another department. Completion of the probationary period does not give an employee continued right to employment with the county as the county is an at-will employer and may terminate employment at any time.

Termination: The separation of an employee from the County personnel system by resignation, retirement, layoff, dismissal or death.

Dismissal: The termination of an employee.

Layoffs: The involuntary separation of an employee from his position and class due to a reduction in work force.

Resignation: The voluntary termination of employment by an employee.

Retirement: The termination of employment and transfer to retired status of an employee.

## **SECTION 5.9          Classification of Employees**

A.        All employees of the County workforce shall be classified as full-time, part-time, seasonal or temporary.

(1)        **Full-time Employee:** An employee who works 37.5 hours or more per week on a regular scheduled basis and are eligible for all County fringe benefits following the probationary period.

**NOTE:** Overtime compensation will not be given until 40 hours or more per week are worked.

(2)        **Part-time Employee:** An employee who works 25 hours or less per week on a regular scheduled basis or averages under 100 hours a month over a 12 month period, but are not eligible for County fringe benefits.

(3)        **Seasonal Employees:** An employee who works for a specific period of time for a specific season for the County, which may reoccur from year to year. That work is 120 days a year or less and need not to be consecutive. Seasonal employees are not considered full-time regardless of the number of hours worked in a day but are not eligible for County fringe benefits.

(4)        **Temporary Employee:** An employee who is non-bonded and works with the County for a period of time not to exceed twelve (12) months and not renewable. Temporary employees may work up to 40 hours per week during this 12-month period but are not eligible for County fringe benefits.

**NOTE:** Employees receive CERS benefits when averaging over 100 hours per month over a one (1) year period. The period is either fiscal or calendar year and is calculated by both methods with the employee qualifying by either method.

**SECTION 5.10 Hours of Work**

A. County offices shall be open during the following hours:

Courthouse	8-4:30 M-F (May be required to open and close courthouse)
Road Department	7-3:30 M-F (Employees could be called after hours and weekends)
Animal Shelter	8-4 M-F, 10-3 Sat, 12-3 Sun (Cleaning only)
Jail	Open 24 hours
Sheriff's Office	8-4:30 M-F, 24 hours a day for law enforcement

B. An employee's work hours shall be assigned by the department head or direct supervisor.

C. Overtime work shall be approved in advance by the County Judge or the Department Head, except in necessary circumstances where the County Judge shall be required to approve the overtime work after the overtime work has occurred.

D. Under no circumstance will work from home be allowed for compensation unless mandated by Executive Order.

**SECTION 5.11 Personnel Records**

Beginning the first day of employment, all new employees shall report to an office designated by the County Judge to supply any information needed to complete personnel records, execute payroll withholding authorization and enroll in the employee benefit program.

**SECTION 5.12 Employee Records**

It shall be the obligation of the employee to maintain current information by notifying his or her department head of all changes in personal or family status, home address, home telephone number, or any other changes which would affect payroll withholding or employee benefits.

**SECTION 5.13 Nepotism/Code of Ethics**

The County does not expressly prohibit the employment of relatives within County government; so long as one does not directly or indirectly supervise the work of the other. Relatives may be defined as husband/wife, mother/daughter or son, father/son or daughter, brother/sister. Stepfamily relation is also included in the ones named.

The Calloway County Code of Ethics adopted on January 4, 1999, is hereby incorporated by reference and may be amended by the Fiscal Court at any time. All employees are expected to abide by the Code of Ethics at all times. (See Addendum)

**SECTION 5.14 Acceptance of Gifts and Gratuities**

Officials and employees may accept unsolicited gifts of goods or entertainment of nominal value if it does not influence, or have the appearance of influencing

objective decision-making; occurs infrequently; arises out of the ordinary course of business; involves reasonable, not lavish, expenditures; does not violate the other party's company's policies; and takes place in settings that are reasonably appropriated and fitting to you, your hosts or guests, and the business at hand. This rule does not mean an employee cannot accept articles of negligible value which promote good public relationships.

**SECTION 5.15 Profit on Knowledge Based on County Employment**

Employees shall not use confidential knowledge gained while on official duty for the County for profit.

**SECTION 5.16 Employee Bonding**

All applicants seeking County employment which involves the handling of County funds or writing County checks shall be bondable. All employees involved in handling county funds shall be bonded at the expense of the County.

**SECTION 5.17 Personal Conduct**

Images presented and statements made by all employees of the County can affect the entire organization; therefore, employees are expected to be friendly, courteous, appropriately dressed at all times and acting in accordance with the County Code of Ethics, Dress Code, and Drug Free Workplace Policy. As a local government agency all employees are expected to display an attitude of public service when performing duties.

**SECTION 5.18 Out-side Employment**

Under no circumstance shall an employee have other employment which conflicts with the policies, objectives and operations of the County. In addition, an employee shall not become indebted to a second employer whose interest might be in conflict with those of the County.

**SECTION 5.19 Safety**

The health and safety of all County employees is of major importance. Employees are required to follow all federal, state and local safety laws. The County is striving to make everyone's job safe in all respects; therefore, all employees shall report all hazardous conditions in their work area at once to their immediate supervisor. The supervisor shall document in writing the hazardous condition and shall report the condition to the Human Resources Department immediately. All injuries, regardless of the need to seek medical attention, MUST be reported immediately to their supervisor and within 24 hours to the Human Resource Department. Annual training shall be completed for OSHA compliance and will vary by department.

**SECTION 5.20 Credentials**

If it should come to the attention of the County Judge that an employee was

hired based on false credentials, said employee will be subject to immediate demotion or dismissal. All employees shall be a high school graduate or GED recipient; unless otherwise approved by the Fiscal Court.

**SECTION 5.21      Methods of Filling Vacancies**

The County Judge may transfer or promote an existing employee into a vacant position where that employee meets all qualifications for that position. The County Judge is not mandated to fill open positions with internal candidates. The County Judge may fill vacant positions from applications already at hand or by any means which does not violate state law. The County is not required to advertise any employment vacancies prior to filling a position. In compliance with state law, all employee appointments made by the County Judge require Fiscal Court approval or the employment shall be considered invalid.

**SECTION 5.22      Recruitment, Evaluation, and Certification**

The County Judge or designee shall be responsible for:

- (A)    Accepting complete application forms from the applicants.
- (B)    Conducting interviews, reference checks, and evaluating training, experience and credentials.
- (C)    Administering pre-employment tests that may be necessary to demonstrate proficiency, including drug tests and pre-employment physical examinations.

**SECTION 5.23      Announcements of Vacancies**

Notice of employment opportunity and necessary examinations, if any, may be publicized at the County Judge's discretion.

**SECTION 5.24      Appointments**

- A.    The qualifications of an applicant for a position shall be ascertained based on one or more of the following:
  - (1)    Job related performance (internal candidates);
  - (2)    Information provide on the Application;
  - (3)    Interview(s);
  - (4)    References;
  - (5)    Other appropriate means.
- B.    Where a declaration of emergency has been declared in accordance with KRS 39.B, the County may hire employees on a temporary basis for emergency purposes without Fiscal Court approval. All other employees are to be recommended by the County Judge to the Fiscal Court with Fiscal Court approval required for all hiring decisions. No employee should start work prior to Fiscal Court Approval being granted, except in accordance with KRS Chapter 39.B.

**SECTION 5.25      Transfer**

Any full-time employee may request a transfer from one position to another such position provided the position to which the employee transferred is one for which he/she possesses the qualifications, and provided that the position applied for is vacant.

**SECTION 5.26      Promotion**

A.      An employee may be promoted from one position to another only if the employee has the qualifications for the higher position. These qualifications shall be ascertained based on job-related information, interview, and evaluations of performance, training and experience. The same procedures as those authorized for ascertaining his qualifications for initial appointment to a position shall be followed.

B.      In the filling of a vacancy in a position above the entrance level, preference shall be given to promotion of present employees at the time the vacancy occurs. If, however, the County Judge deems that the best interest be outside the current workforce, he may fill the position by appointment of a person from outside the current workforce.

C.      When such a vacancy occurs, the names of all persons who qualify for promotion to the vacant position shall be presented to the County Judge for consideration in filling the vacancy by promotion.

**SECTION 5.27      Attendance, Leave and Fringe Benefit Provisions**

A.      The standard work week for full-time county employees shall be thirty-seven and a half (37.5) hours per week, unless otherwise prescribed by the Fiscal Court. Specific departmental work schedules shall be prescribed by department heads, with the approval of the County Judge. Work schedules for seasonal, temporary and part-time employees shall be specified by the County Judge according to the needs of the County and the rules and schedule stipulated for regular employees.

B.      Employees shall be at their places of work in accordance with prescribed schedules. The department head of each office shall maintain daily attendance records of all employees.

**SECTION 5.28      Holidays**

A.      The Fiscal Court shall adopt a holiday schedule prior to commencement of each calendar year and shall distribute to all County employees and department heads. Holidays will include those recognized by the Commonwealth of Kentucky.

B.      In addition to the above, any day may be designated as a holiday by proclamation of the County Judge, with the approval of the Fiscal Court.

C.      Each Elected County Official shall follow the same holiday schedule for its employees as adopted by the Fiscal Court.

D. Any full-time employee occupying a regular position shall receive time off at the regular rate of pay for each holiday falling within their regular workday.

**SECTION 5.29 Vacation**

A. Full-time employees may apply for vacation after one year of service, accumulating on the employee’s anniversary date of employment, unless authorized by the County Judge.

B. All full-time employees with one (1) up to ten (10) years of service shall be entitled to vacation of twelve (12) working days. All regular full-time employees with ten (10) up to fifteen (15) years of service shall be entitled to vacation of fifteen (15) working days. All regular full-time employees with fifteen (15) up to twenty (20) years of service shall be entitled to vacation of twenty (20) working days. All regular full-time employees with twenty (20) or more years of service shall be entitled to vacation of twenty-five (25) working days. (see chart below)

Vacation Accruals/Carry Forward/Balances to Carry Personnel Who Have an 8-Hour Work Day						
Years of Service	Days* Awarded 8-hour work day	Hours Awarded 8-hour work day	Carry Forward		Accrual	Maximum Balance
			Days	Hours		
1-9	12	96	6	48	96	144
10-14	15	120	7.5	60	120	180
15-19	20	160	10	80	160	240
20+	25	200	12.5	100	20	300

\*Prior to Admin Code change of 8-21-19 employees accrued 2 weeks (80 hours) in 2019; anniversary dates after 8-21-19 accrue 96 hours; as of 6-17-20 accrue 200 hrs. @ 21+ yrs.

Vacation Accruals/Carry Forward/Balances to Carry Personnel Who Have a 7.5-Hour Work Day						
Years of Service	Days* Awarded 7.5-hour work day	Hours Awarded 7.5-hour work day	Carry Forward		Accrual	Maximum Balance
			Days	Hours		
1-9	12	90	6	45	90	135
10-14	15	112.5	7.5	56.25	112.5	168.75
15-19	20	150	10	75	150	225
20+	25	187.5	12.5	93.75	187.5	281.25

\*Prior to Admin Code change of 8-21-19 employees accrued 2 weeks (75 hours) in 2019; anniversary dates after 8-21-19 accrue 90 hours; as of 6-17-20 accrue 187.5 hrs. @ 21+ yrs.

C. Accumulated vacation leave can be carried forward but may not exceed one and a half (1.5) times the annual allowable maximum. Employees may not use accrued vacation without prior approval of their supervisor. The employee must notify their supervisor in advance before taking their vacation time and if possible, a two-week notice.

D. Part-time employees, seasonal employees and temporary employees shall not be eligible to earn vacation leave.

E. No employee will be permitted to take leave that has not been earned. Vacation leave shall be at the employee's current rate of pay.

F. Vacation leave will be scheduled on anticipated "slack" time in a manner that does not interfere with the functions and services of the office. Employees shall select vacation dates that do not coincide with dates of other employees. The department head or supervisor shall review all vacation leave requests. Approval by the supervisor is mandatory. The employee must notify their supervisor in advance before taking their vacation time and if possible, a two-week notice. Request will be considered in the order they are turned into their supervisor.

G. The department head or supervisor shall keep records of vacation leave, vacation time taken, and balance of vacation time for individual employees. Those records will be submitted to the County Judge's Office at the beginning of each calendar year. The County Judge's office or its designee shall keep records of vacation leave for each individual employee.

H. All employees may take leave without pay if the leave is approved by the department head and County Judge.

I. Absences on account of sickness, injury, or disability in excess of that authorized for such purposes may, at the request of the employee with the approval of the supervisor, be charged to vacation leave credit.

J. Vacation leave must be taken in increments of not less than (1) one-hour blocks.

K. Upon termination of employment, employees shall be compensated for all earned and unused vacation time.

L. Upon leaving employment of the County, an employee will be paid for:  
(1) Any carried-over time from the prior year not yet taken, plus  
(2) Any current year vacation not yet taken, plus  
(3) Any pro-rated vacation earned towards the subsequent years

### **SECTION 5.30 Sick Leave**

Paid sick leave entitles employees to time off to recuperate from illness or accident, while retaining their employment rights and pay for the time off. Its main purpose is to provide income for employees absent a relatively short time because of personal illness or injury. Sick leave is a benefit, not a right.

A. Accumulation of Sick Leave:

- (1) No employee will be permitted to take leave that has not been earned. Sick leave shall be at the employee's current rate of pay.
- (2) Full-time employees shall be eligible for sick leave at the rate of (1) one day per month. The full month must be worked before the sick day is earned. Sick leave shall be accrued at the beginning of each month. Part-time, seasonal and temporary employees are not eligible for sick leave. Sick leave benefit ceases when an employee is no longer classified as full-time.
- (3) Employees in their first three full calendar months of service shall not be credited with sick leave. On the first day of their fourth full month of service, the employee shall be credited with three (3) sick leave days. As an example, an employee hired on January 15 shall not be credited with sick leave during the month of January, February, March or April. The employee will be credited with three (3) sick leave days on May 1.
- (4) Sick leave may be accumulated up to no more than one hundred and twenty (120) days.
- (5) Any accumulated sick leave at time of termination will be forfeited.

B. Use of Sick Leave:

- (1) Personal illness, injury, or visits to the physician which cannot be accomplished during off-duty hours.
- (2) Enforced quarantine of the employee in accordance with community health regulations.
- (3) Illness in the immediate family (spouse, children, parents, or relatives living in the employee's home), when approved by the office holder.
- (4) A County official may allow three (3) consecutive days of sick leave without a doctor's excuse, but any days over a three (3) day period must be accompanied by a doctor's excuse unless otherwise authorized by the department head at the discretion of the supervisor.
- (5) Upon retirement, an employee may transfer accumulated sick leave to the County for retirement credit based on KRS 61.546 retirement eligibility.
- (6) Elected Officials and/or Supervisors may at their discretion require doctor's excuse for habitual tardiness.

C. Reporting Sick Leave:

- (1) When an employee takes sick leave, his/her department head shall be informed of the fact and the reason(s) no later than one (1) hour before their regular shift is to begin. Failure to notify the supervisor may be cause for disallowing the use of sick leave during the period of absence.
- (2) Sick leave time used will be subtracted in increments of 1-hour blocks.
- (3) The department head or his designee shall keep records of sick leave allowance, sick leave taken and balance of sick leave allowance for individual employees. Those records will be submitted to the County Judge's Office at the beginning of each year. Abuse of sick leave shall be cause for disciplinary action, up to, and including, dismissal.

D. Sick Leave Donation Program

## **ELIGIBILITY**

- A. Both recipients and donors must be current full-time employees of the County.
- B. A donor may not donate an amount of sick leave which would cause his/her sick leave balance to go below 80 hours.
- C. An employee becomes eligible to receive donated sick leave at the point in time when all five of the criteria below are met:
  - (1) The employee or member of his/her immediate family suffers from a "medically certified" illness, injury, impairment, or physical or mental condition which has caused, or is likely to cause, the employee to go on leave for at least ten consecutive working days;
  - (2) The employee's need for absence is certified by a licensed practicing physician;
  - (3) The employee has exhausted all his/her available paid leave;
  - (4) The employee has complied with administrative regulations governing the use of sick leave; and
  - (5) Obtained written permission from co-worker(s) to have a specified number of hours transferred to the requesting employee.

**NOTE:** Participation in the Sick Leave Sharing Program is at the discretion of the employee and requires approval of the County Judge or Elected Official.

### **SECTION 5.31 Family and Medical Leave Act (FMLA)**

- A. FMLA provides entitlement for up to 12 weeks of job protected, unpaid leave, during any twelve-month period for the following reasons:
  - (1) The birth of a son/daughter or care for newborn child;
  - (2) The placement of a son/daughter for adoption or foster care;
  - (3) Care for the employee's spouse, son/daughter, or parent with a serious health condition;
  - (4) The employee's own serious health condition.
- B. **Qualifying Exigency Leave** The FMLA requires that employers provide employees up to 12 weeks of leave in a 12-month period to tend to any "exigency" resulting from a service member's call to duty in a foreign country. The new FMLA regulations clarify that exigency leave may be taken by eligible employees (consisting of not only a spouse, son, daughter, or parent, but also "next of kin" — the next nearest blood relative) while their spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves, or if the family member is a retired member of the Regular Armed Forces or the Reserves. An employee whose family member is on active duty or call to active duty for the Regular Armed Forces does not qualify for this leave. Qualifying exigencies include short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities.

C. **Military Caregiver Leave** An eligible employee is entitled to 26 work weeks of leave in a 12-month period to care for a covered service member in the Armed Forces (including the National Guard and Reserves) who becomes ill or injured as a result of his or her military service. The 12-month period begins when the employee starts using her or his leave. This leave may only be taken once per injury but may be taken again if there are additional injuries. More than one family member may qualify for the leave.

D. If the employee was qualified for health insurance benefits when leave begins, the employer shall maintain health benefits for the employee in the same manner during periods of FMLA leave as if the employee continued to work, provided the employee pays the County monthly for any employee contribution, as provided in subsection F.

E. The employee can exhaust all accumulated sick leave and annual leave time while receiving FMLA leave.

**NOTE:** Worker's Compensation shall be designated as FMLA leave if the injury also qualifies as an FMLA qualifying event. If the injury qualifies as FMLA leave, then FMLA runs concurrently with the Worker's Compensation Leave.

F. Upon employee being granted FMLA leave, the employee must continue to pay his/her own employee contribution to the health insurance plan ordinarily required of an employee. The employer will continue to pay the contribution ordinarily paid by the employer under the current health insurance plan. In the event the employee contribution payment is not paid by the employee, the employer may terminate the health insurance benefits of the employee during FMLA leave. However, the employee may exercise their rights for COBRA benefits.

G. In order to qualify for FMLA benefits, the employee must have worked for the employer for at least 12 months prior to the commencement of benefits and worked at least 1,250 hours in the prior year. The 12-month period need not be consecutive. Employment prior to a break in service of more than 7 years need not be counted unless the break in service was occasioned by the fulfillment of National Guard or Reserve Military Service Obligations.

H. Upon the employer granting FMLA leave, the employee receives an entitlement up to 12 weeks of job protected unpaid leave during any 12-month period. The fixed 12 month "leave year" shall commence July 1 of each year and conclude on June 30 of each year.

I. When the need for leave is foreseeable, the employee must give the employer at least 30 days written notice of his/her intent to receive FMLA leave benefits. If the leave is not foreseeable, the employee must provide written notice as soon as possible. The employer reserves the right to require medical certification of a serious health condition for the employee's health or a member of his/her family as defined herein. The employer may also require periodic written medical reports during the leave of the employee's health status, health status of his/her family as defined herein, as well as "fitness-for-duty" certification upon return to work from a health care provider.

J. "Serious health condition" means an illness, impairment, injury, or physical/mental condition that involves either:

- (1) any period of incapacity or treatment connected with inpatient care in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; or
- (2) continuing treatment by a health care provider which includes any period of incapacity that prevents the employee or family member from working, attending school, or any other regular daily activity.

K. Any employee desiring to benefit from "donated sick leave" must be granted same and utilize same prior to applying for leave without pay under FMLA. Upon FMLA leave being granted to the employee, the employee may not participate in the donated sick leave plan until the employee has returned to work on a regular paid basis with a letter from a physician or health care provider stating that the employee is fit for duty.

L. Upon the employer granting leave without pay under FMLA, as provided for herein, the County Judge, Elected Official or department head shall authorize same in writing and provide the employee and the County Treasurer a copy of the written approval. All applications for leave without pay and all approvals of same, not in writing, shall disqualify the employee from health benefits otherwise provided herein.

### **SECTION 5.32 Bereavement Leave**

A. All full-time employees may receive bereavement leave in the event of a death in the immediate family up to (3) three paid working days.

B. Immediate family for this purpose shall be deemed to include the parents, grandparents, spouse, children, brothers, sisters, father-in-law, mother-in-law, stepfather, stepmother, step children, aunts, uncles, and other family members with the approval of the Department Head or his designee.

C. In the event an employee desires to extend leave beyond three (3) working days due to a death in the immediate family, the employee may use sick leave, vacation leave, or time without pay upon receiving approval.

### **SECTION 5.33 Special Leave**

A. In addition to authorized leaves, the official holder may authorize an employee to be absent, without pay, for personal reasons for a period or periods not to exceed 30 working days.

B. Leave of absence without pay will not be granted until all vacation leave has been exhausted.

C. Request for leave for personal reasons shall be submitted in writing to the County Judge or Elected Official, stating reasons for the request, the date the leave shall begin and the probable date of return.

D. An employee who has been on leave without pay status for thirty (30) working days may be terminated. The County Judge or Elected Official shall have the authority to make exceptions to this rule.

**SECTION 5.34 Maternity Leave**

A. The County Judge or Elected Official may grant maternity leave based on standards set forth by FMLA policy for full-time employees with temporary disability due to pregnancy, childbirth, adoption, or any impairment thereof, and miscarriage for a period not to exceed six weeks. An additional period may be extended if requested by the employee's physician.

B. An employee granted maternity leave shall use any accrued sick leave and vacation time with the remaining periods as time off without pay.

C. The employee must notify the County Judge or Elected Official as far as possible in advance of the employee's intention to request Maternity Leave, including approximate dates, in order to allow the County Judge or Elected Official time to prepare for any staff adjustments.

D. The maximum allowable Maternity Leave, including the use of sick leave, sick leave without pay, and leave of absence without pay is six (6) months. If the employee returns to work at any time prior to the six (6) months maximum, she will return to full time pay status at the regular salary without loss of seniority or fringe benefits.

E. The Calloway County Fiscal Court recognizes and approves the same allowable unpaid time off for Paternity leave that is outlined in the standards set by FMLA policy.

**SECTION 5.35 Military Leave**

Pursuant to KRS 61.394 and 61.396, all employees of this county, or of any department or agency thereof, who are members of the National Guard or of any reserve component of the Armed Forces of the United States, or of the reserve corps of the United States Public Health Service, shall be entitled to leave of absence from their respective duties, without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits to which they are entitled, while in the performance of duty or training in the service of this state or of the United States under competent orders as specified in this section. In any one (1) federal fiscal year, officers or employees, while on military leave, shall be paid their salaries or compensations for a period or periods not exceeding twenty-one (21) calendar days. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued. The employee shall give the County two (2) weeks' notice prior to the scheduled leave if time permits.

**SECTION 5.36 Civil Leave**

A. Jury Duty: Upon receipt of the order requiring the employee to report for jury duty, the employee must show the order to the office supervisor. There will be no

deduction from accumulated leave. The employee will be allowed to keep pay received for serving on a jury without deduction from full regular salary.

B. Voting: Any person entitled to vote in any election in this state shall be entitled to absent himself/herself from any services or employment in which he/she is then engaged or employed for a period of up to four (4) hours on the day of the election between the time of opening and closing the polls.

### **SECTION 5.37 Court Appearance**

A. Upon receipt of the order requiring the employee to make a court appearance, the employee shall make arrangements with the employee's department head to comply with the order.

B. If appearing in an official capacity in connection with the County as an expert witness because of professional or observed knowledge, the employee's court time is considered working time and no charge is made against leave time.

C. If the employee is involved in a personal case, either as plaintiff or defendant in a suit not resulting from his duties with the County, he may be granted leave, but the time off he takes must be charged to his accrued vacation time or to leave of absence without pay.

### **SECTION 5.38 Overtime/Compensation Time**

- A. In order to determine whether an employee will receive overtime pay for hours worked in excess of 40 hours per week, each class shall be declared "exempt" (salary) or "non-exempt" (hourly) in accordance with the provisions of federal and state wage and hour laws.
- B. Employees in exempt classes shall not receive overtime pay.
- C. Employees in non-exempt classes shall receive overtime pay at a rate of one and one-half times the regular hourly wages for actual hours worked in excess of 40 hours in any work week. However, non-exempt employees may be required by the supervisor to take off during the same pay period to avoid overtime hours.
- D. Overtime pay will be granted for actual hours worked. Time off with pay will be considered as hours worked for overtime pay purposes.
- E. Overtime work shall be approved in advanced by the immediate supervisor whenever possible and shall be kept at the minimum consistent with maintenance of essential services and the County's financial resources.
- F. No compensatory time shall be accrued by any employee for any reason.

### **SECTION 5.39 County Vehicles**

A. County owned vehicles are to be used exclusively for county related business. County owned vehicles are to be left at the appropriate department at the end of each shift/day unless traveling over night to trainings or related County business. No car should be taken home over night, except for the following County vehicles:

- (1) Clearly marked police and fire vehicles
- (2) Ambulances and hearses
- (3) Unmarked law enforcement officer vehicles if officially authorized
- (4) Road Department vehicle with Fiscal Court approval

B. Employees driving a County vehicle must be in good standing with the Department of Transportation and further maintain a valid operator's license.

C. Anyone driving a County vehicle will be responsible for that vehicle in case of an accident. All accidents, traffic violations, theft or malicious damage involving a County vehicle must be reported immediately to the department supervisor and individual in the Judge's office responsible for insurance regardless of the extent of damage or lack of injuries.

D. Alcohol and drug testing shall be required, and refusal will result in automatic dismissal of the County employee.

E. Any employee found to be under the influence of alcoholic beverages or unauthorized drugs or controlled substances while operating a County vehicle or equipment shall be subject to dismissal from employment.

F. The County reserves the right to check any employee's motor vehicle report where that employee drives a county vehicle as a component of their employment.

G. It shall be the general policy that no County employee shall allow a "passenger" to ride in a County vehicle unless that passenger is a County employee, or the passenger represents County Government. Should an emergency exist, or extraordinary circumstances exist, it shall be permissible for a passenger to ride in a County vehicle. However, should such an event exist, the County employee allowing the passenger to ride in the County vehicle shall report same to his/her supervisor as soon as possible.

H. Any employee who is involved in an accident, the first "could have been prevented" accident will be on the County to pay the deductible. If that employee has another "could have been prevented" accident within 5 years, the employee will pay the deductible.

#### **SECTION 5.40 Health and Hospital Insurance**

A. Comprehensive Major Medical - All full-time employees of the County are provided with a health insurance plan. The County and employee pay appropriate share of the cost of an individual policy, as determined annually by the fiscal court. County employees may purchase family coverage at group rates.

B. All participating employees are subject to the terms and conditions of the group insurance plan provided by the county.

C. Eligibility for benefits is the first of the month following 60 days of employment or status change from part-time to full-time.

D. Additional supplemental plans are offered and may be purchased at the expense of the employee.

E. During plan year, employees who are receiving pre-tax deductions, will not be able to change or cancel benefits unless a “change in family status” occurs (as defined under the Internal Revenue Code), and the change is caused by and consistent with the change in family status. Examples: Marriage, divorce, birth/adoption of child, death of spouse or child, loss of job.

#### **SECTION 5.41 Consolidated Omnibus Budget Reconciliation Act (COBRA)**

The Cobra Act requires employers sponsoring group health plans to offer employees and certain eligible dependents the opportunity to purchase a temporary extension of health coverage, at group rates, in certain instances when coverage under the plan would otherwise end. The County will follow its obligations under this federal legislation.

#### **SECTION 5.42 Life Insurance**

A. The County provides full-time employees with a \$25,000 group life insurance policy which includes a \$25,000 accidental death and dismemberment component.

B. Employees may elect to purchase an additional \$10,000 dependent life insurance policy for their spouse and \$5,000 for each child at a cost determined annually by the agency.

C. Rates and amounts will be reviewed annually and are subject to change.

#### **SECTION 5.43 Worker’s Compensation Insurance**

Workers Compensation Insurance provides medical and hospitalization expense benefits as well as partial payment in lieu of salary for workers injured on the job. The County provides this form of insurance. All employees are required to report any accident or injury incurred on the job immediately to the supervisor. Failure to do so may and can result in lack of insurance for the employee and the county. If you are off work and receiving workers compensation benefits, you will be required to pay your portion of your health insurance premium to the county. Employees do not accrue sick days or vacation time while receiving workers compensation benefits.

#### **SECTION 5.44 Unemployment Insurance**

All employees are covered under this program. Calloway County pays 100% of the cost for this coverage. An individual who terminates his/her employment with the county may or may not be eligible to receive payments under this program, depending upon the circumstances involved in the termination.

#### **SECTION 5.45 Social Security**

The county and the employee both contribute to the social security program at

rates specified by the U.S. Congress.

**SECTION 5.46 Liability Insurance**

The County maintains comprehensive liability insurance for all employees.

**SECTION 5.47 Deferred Compensation, 401K, Cafeteria Plans**

County employees may elect to participate in a Deferred Compensation Program, 401K Retirement Program, and a Cafeteria Plan. All costs related to participation in these programs are the responsibility of the employee.

**SECTION 5.48 Kentucky County Employees Retirement Program**

The provision of this program may change from time-to-time. The County shall conduct the retirement program in accordance with the guidelines and directives of the Kentucky Employees Retirement System (CERS). Currently, any employee that works over 100 hours per month must participate in the Kentucky Retirement System, unless exempted by KRS 61.637.

**SECTION 5.49 Employee Provisions Training and Career Development**

The County Judge may permit or direct the attendance of employees at meetings, conferences, workshops or seminars intended to improve the knowledge, abilities and skills of County employees. The County Judge may release an employee from his regular duties during work days to attend classes at a recognized institution of learning if, in the department head's judgment, such classes contribute favorably to the County's goals and objectives and the career development of the employees. Only state required and/or accredited training will be paid by the county unless authorized by the County Judge. All other education and/or training will be taken at the employee's expense. Training hours should not exceed a total of 80 hours in a calendar year. Travel to and from training will be paid at regular rate within the normal work schedule and only for actual travel time. Travel that falls outside of the normal work week will not be paid as over time or accrued as comp, but the employees work schedule can be adjusted to compensate for the travel within that calendar week.

**SECTION 5.50 Performance Evaluation**

The County Judge and each supervisor are responsible for appraising the performance and merit for personnel under their respective jurisdiction on an annual basis.

**SECTION 5.51 Disciplinary Action**

It is the County's intention to work proactively with employees to correct performance or behavior problems before they escalate to an unacceptable level. Calloway County utilizes a progressive discipline system consisting of verbal, written reprimands, demotion or suspensions, and terminations. Department Heads are strongly encouraged to use the Employee Discipline Form (see attached form) and put

a copy on file with Human Resources.

Grounds for disciplinary action of County employees, ranging from warnings to immediate dismissal, depending upon the seriousness of the offense in the judgment of the supervisor or office holder, shall include, but not be limited to the following:

- (A) Dishonesty or falsification of records;
- (B) Use of alcoholic beverages or drugs which affect job performance. This shall include the consumption of alcoholic beverages or drugs during working hours as well as the abuse of alcoholic beverages or drugs during non-working hours which, as a result of said abuse, affect the job performance of the employee during actual working hours;
- (C) Unauthorized use or abuse of County equipment or property;
- (D) Theft or destruction of County equipment or property;
- (E) Habitual tardiness, unauthorized/excessive absence, abuse of sick leave;
- (F) Disregard or repeated violations of safety rules and regulations;
- (G) Unsatisfactory performance of duties;
- (H) Disobeying a supervisor;
- (I) Performing outside work during working hours;
- (J) Displaying or distributing campaign material for a political campaign during normal working hours; the placement of any campaign or political material on a County vehicle; or participating in political activities while on the job site or during normal working hours.

**SECTION 5.52 Suspension**

A. The County Judge may suspend, any County employee, with or without pay, for not more than thirty (30) calendar days, for the following reasons:

- (1) For disciplinary reasons;
- (2) While investigating charges or allegations against an employee.

B. Any suspended employee shall receive written notice of suspension. The notice shall state:

- (1) The reasons for the suspension;
- (2) The duration of the suspension.

**SECTION 5.53 Separation**

An employee may be separated by:

- (1) Dismissal;

- (2) Resignation;
- (3) Retirement;
- (4) Lay off due to lack of work or funds or abolishment of position.

**SECTION 5.54 Dismissal**

- A. The County Judge, with Fiscal Court approval, may dismiss an employee.
- B. Written notice shall be given to the employee prior to dismissal.

**SECTION 5.55 Resignation**

A. An employee shall, in order to resign in good standing, give the County Judge written notice at least two weeks before the date of the resignation is to take effect. The County Judge may agree to a shorter notice because of extenuating circumstances.

B. A resignation made without the notice required by these rules may be regarded as cause for denying the resigning employee future employment by the County.

C. An employee's resignation and the circumstances pertinent to it shall be recorded in his personnel file.

D. The employment date of an employee who resigns and is reinstated or is dismissed and is re-employed shall be the date of re-employment.

**SECTION 5.56 Layoff**

A. The County Judge with the approval of the Fiscal Court may layoff County workers as needed because of lack of work or funds.

- B. In layoff
  - (1) The order of layoff shall be established by the Fiscal Court based on the needs of the County;
  - (2) Consideration shall be given to both the seniority and merit of the persons considered for layoff;
  - (3) Part-time, temporary and seasonal employees in a class of positions shall be laid off before other persons in the class are laid off.

C. Two weeks before the effective date of the layoff of a full-time employee, the County Judge shall:

- (1) Notify the employee of the layoff
- (2) Explain the reason for the layoff and the duration (if known)
- (3) Certify whether his service has been satisfactory

D. A copy of the notice shall be retained in the employee's personnel file.

E. An employee who has given satisfactory service, and is laid off, shall be eligible for re-employment in other positions for which the employee qualifies,

providing that employee meets the qualifications for the position and that the position is vacant and shall be entitled to any unused sick leave upon reemployment.

F. In the event of a temporary layoff due to a catastrophic event or mandatory government shut down employee may choose to file for unemployment.

#### **SECTION 5.57 Reinstatement**

The County Judge with the Fiscal Court's approval:

- A. May re-employ any former employee:
- (1) Who has resigned from County employment with a good record
  - (2) Who has been laid off because of lack of work or funds

B. Shall reinstate any employee who has been demoted or dismissed for a reason prohibited by local, state or federal employment regulations.

**NOTE:** It is the policy of the Calloway County Fiscal Court that they may rehire an employee to a full-time position where the employee has retired from the Kentucky Retirement System, and all requirements for successful employment, according to the KRS 61.637, guidelines are completed.

#### **SECTION 5.58 Miscellaneous Provisions**

A. For each County employee, a personnel file shall be maintained in the office of the Calloway County Judge. The supervisor will also maintain a file in the county office where the employee works.

- B. The file shall include, but not limited to:
- (1) The employee's name;
  - (2) The title of his position;
  - (3) The department or office to which he is assigned;
  - (4) Salary;
  - (5) Changes in his status as a County employee; status changes must be documented on the employee data form and faxed to the County Judge's Office.
  - (6) Whatever additional information deemed relevant or required by this Administrative Code;
  - (7) Employee's application for employment.

#### **SECTION 5.59 Political Activity**

Any employee while in the service of the County is not required to contribute to any political fund or be denied the rights of political activity. No employee of the County shall engage in political activity during his/her assigned duty hours or while in uniform. This section does not apply to Elected Officials.

#### **SECTION 5.60 Harassment Policy**

The Calloway County Fiscal Court is committed to maintaining a work environment that is free of discrimination and harassment. In keeping with this

commitment, the county will not tolerate harassing conduct that interferes with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment by anyone, including any superior, co-worker, vendor, client or citizen.

Harassment based on race, color, religion, gender, national origin, sexual orientation, marital status, age, or physical or mental disability constitutes discrimination in the terms, conditions, and privileges of employment.

A. Purpose

- (1) To advise employees that harassment is a violation of law.
- (2) To clearly state that employees or employee applicants should not be subjected to unwelcome conduct, on or off the job, regardless of whether such action results from conduct of co employees, supervisory staff, department heads, the public or others.
- (3) To provide for disciplinary action in the event this policy is not followed.

B. Policy

(1) Harassment is verbal, physical, or visual conduct that denigrate or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age or disability, or that of his/her friends, or associates, and that has the purpose or effect of creating and intimidating, a hostile or offensive work environment, unreasonable interfering with an individual's performance, or otherwise adversely affecting an individual's employment opportunities.

(2) Examples of harassing conduct include, but is not limited to, the following:

a. Epithets, slurs, negative stereotyping or threatening, intimidation, or hostile acts, that relate to race, color, religion, gender, national origin, age or disability.

b. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age or disability that is placed on walls, bulletin boards, or elsewhere on the employer's premises, or circulated in the workplace or electronically.

(3) Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

b. Submission to or rejection of any such conduct by an individual is used as the basis for employment decisions; or

c. Such conduct has the result of unreasonably interfering with an individual's work performance or creating an intimidating or offensive work environment.

(4) Examples of specific conduct, include but are not limited to:

a. Sexual propositions, proposals, innuendo, obscene language;

b. Visual displays of sexually explicit or suggestive materials;

c. Sexually explicit or suggestive comments, jokes, teasing,

etc.;

- d. Sexually explicit or suggestive gestures;
- e. Sexually explicit or suggestive e-mail;
- f. Using the internet to view sexually explicit or suggestive

material;

- g. Viewing or showing sexually explicit videos;
- h. Touching co-workers in sexually suggestive or explicit

manners; Removal of clothing that involves actual or threatened physical conduct or that involves a sexually explicit or suggestive element.

(5) The activities described above are prohibited on the part of all employees, department heads, supervisors and all elected county officials. It is not necessary that there be a supervisory relationship between the involved persons for the activity to be unlawful.

(6) Any employee or employee applicant who feels that he or she has been subjected to any prohibited activity described above, should report the incident immediately to his or her immediate supervisor or the County Judge. If the immediate supervisor is involved in the activity, the violation should be reported immediately to the County Judge. In the event the County Judge is the subject of the problem, the employees should notify the County Attorney. All resulting investigations shall be kept confidential, to the fullest extent practicable by the County.

(7) Any employee violating this policy will be subjected immediately to disciplinary action ranging from a written warning to discharge, depending upon the nature and severity of the violation in this case.

(8) In addition, capricious and unfounded charges of sexual harassment by an employee may be a cause for disciplinary action. Refusal by a supervisor to act in legitimate cases of harassment may be a cause for disciplinary action.

## **SECTION 5.61 Drug Free Workplace**

It shall be the policy of the Calloway County Fiscal Court that its workplace shall be drug-free in compliance with the Drug-Free Workplace Act of 1988 (PL 100-690, Title V, Subtitle D), including any future amendments. This publication provides details of this policy, a statement on dangers of drugs in the workplace, sources of information and assistance and is the basis of a form each employee is required to sign assuring compliance.

It is the policy of Calloway County that no county employee shall engage in unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace. Controlled substances mean a controlled substance in schedules I through V of the Controlled Substances Act (21 U.S.C. 812), and as further defined by regulation at 21 CFR 1308.11 through 1308.15, including any future additions or amendments.

### **A. Purpose**

Consistent with the County's policy to maintain a safe, healthy drug-free work environment in compliance with the Drug Free Work Place Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991 (Rev. Oct. 2000), and in the interest of assuring the safety sensitive positions that do not abuse alcohol or illegal

drugs, the following policies are adopted and strictly adhered to by Calloway County. For purposes of complying with federal drug and alcohol regulations, the substance abuse testing procedures for employees covered by the Omnibus Transportation Employee Testing Act of 1991 (Rev. Oct. 2000) (Commercial Driver's License) shall be established and administered separately from the county's overall substance abuse testing program.

B. Statement of Purpose

(1) INTRODUCTION. The purpose of this drug and alcohol policy is to intervene with employees who may be working in an impaired condition or under the influence that may harm themselves, fellow employees, the public or the County. "Drug or alcohol induced impairment" or "under the influence" under this policy includes impairment as a result of: (a) over-the-counter drugs; (b) prescribed drugs; (c) illegal drugs; or (d) alcohol.

(2) POLICY STATEMENT. It shall be the policy of the County that any county employee found to be in the possession of, under the influence of, impaired by, using, selling, offering for sale, or trading (whether or not for profit or pecuniary gain) drugs or alcohol during working hours or on County property will be subject to disciplinary action, up to and including immediate discharge. Nothing contained in this policy shall make an employee subject to discipline for mere possession of an over-the-counter drug or prescribed drug for an employee if taken as prescribed by their physician. However, if the prescribed drug affects the employee's ability to operate machinery, then the department head may temporarily reassign them to another position, if available.

All employees shall be provided a copy of this policy and procedure. (See Addendum) The County shall contract annually with a licensed facility to perform drug and alcohol testing.

**SECTION 5.62 Smoking Policy**

The Calloway County Fiscal Court requires employees to comply with all local ordinances. The City of Murray has a Smoke-Free Ordinance No. 2018-1757, which prohibits smoking in all enclosed public spaces and places of employment within the City Limits. In addition, smoking will not be allowed in parking lots and areas within 15 feet of entrances in the city. In order to be consistent among all departments, Calloway County employees shall not smoke in any County building. Smoking includes cigarettes, cigars and e-cigs/vapors. In addition, employees may only smoke in designated smoking areas as identified by their department heads with approval by the County Judge.

**SECTION 5.63 Dress Code**

The Calloway County Fiscal Court requires all employees to adhere to dress code standards that exude a professional standard as well as ensures safety and OSHA compliance. Calloway County employees are expected to be neat, clean and well-groomed while performing professional duties. The standard applies to all county employees including full-time, part-time, seasonal, temporary, and interns:

**Administrative Personnel Attire:** All non-uniform personnel are expected to wear standard business attire that is consistent with standards for a professional environment at all times.

**Uniformed Personnel Attire:** All uniformed personnel are expected to wear the uniforms set forth for the department by the Supervisor. Uniforms are expected to fit properly, be clean and well maintained at all times.

## **SECTION 5.64      Expense Reimbursement**

### A.      Guidelines

Subject to budgetary limitations, any officer or employee of the County incurring expenses for approved travel on behalf of the County shall be reimbursed for allowable out-of-County travel expenses as follows:

(1)      Costs: Reimbursement for actual amount of room only. No room service, movies, etc. will be reimbursed. Request government discount rates when possible.

(2)      Meal Costs: An employee shall be reimbursed for meals only if the employee's travel is outside of his/her required work area. If meal expenses are included in registration fees, duplicate meals are not reimbursable. Amount for those daily allowances are as follows: Breakfast - \$8.00, Lunch - \$10.00, Dinner - \$14.00 upon submission of travel voucher.

(3)      Mileage: The mileage reimbursement rate is set at 5 cents less than the Federal Rate if traveled by a personal vehicle. The rate is updated January 1, April 1, July 1 and October 1 of each calendar year. This information can be found on this website: <https://www.irs.gov/tax-professionals/standard-mileage-rates>

(4)      Air Fare: Lowest coach fare. County Judge approval required.

(5)      Other Expenses: Tolls, parking and similar expenses. Expenses shall be necessary and reasonable. No expenses shall be reimbursed which are not directly related to job related purposes or other County business purpose and must include receipt. Elected Officials may approve additional reimbursements for special circumstances.

(6)      Conference and registration fees shall be approved in advance by the Elected Official and may be prepaid when necessary and appropriate.

(7)      Higher reimbursement rates may be authorized due to travel site (i.e. high rate areas). Commonwealth of Kentucky regulations shall be utilized.

<http://finance.ky.gov/services/statewideacct/pages/travel.aspx>

### B.      Authorization

All travel by County employees must be approved in advance by the Elected Official or the County Judge. Meeting notices supporting travel shall be submitted with the travel request, when available.

### C.      Reimbursement

(1)      The request for reimbursement form must be completed and submitted to the County Judge within (30) thirty days after returning from travel.

(2)      The request for reimbursement form must be signed by the employee requesting reimbursement, the department director, and the County Judge.

(3)      The following items are not subject to reimbursement.

- a. Alcoholic beverages
- b. Entertainment
- c. Laundry and dry cleaning
- d. Expense of spouse traveling with employee

**NOTE:** Employees violating this section will be subject to appropriate disciplinary action

### **SECTION 5.65 Direct Deposit**

The Calloway County Fiscal Court utilizes direct deposit to deliver payroll. Employee pay will be electronically deposited directly into a checking or savings account designated by each employee. Accounts must be established with banks or credit unions that support direct deposit. An employee may set up multiple accounts at the same or different banking institutions for receipt of direct deposits. Participation in direct deposit will be a condition of employment.

### **SECTION 5.66 Whistleblower Protection**

A “whistleblower” as defined by this policy is a Calloway County Government employee who reports an activity that he/she considers to be illegal or dishonest to one or more of the parties specified in this Code. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact his/her immediate supervisor or the Human Resources Department. The employee must exercise sound judgement to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Whistleblower protections are provided in two important areas – confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The County will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment actions such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Human Resources Director immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated. All reports of illegal and dishonest activities will be promptly submitted to the Human Resources Department, who is responsible for investigating and coordinating corrective action.

### **SECTION 5.67 Wellness/Employee Assistance Program**

The Employee Assistance Program (EAP) is a free, value-added service provided for employees and family members of the Calloway County Fiscal Court. It provides confidential, professional, short-term counseling, assessment, education, referral and

follow-up for a variety of areas. It is designed to help County employees prevent or resolve personal, family and workplace problems affecting that employee's well-being and job performance. Examples include but are not limited to: marital, family, alcohol/drug, anger, stress, depression, grief & loss, parenting, anxiety, legal, financial. Use of EAP is voluntary and administered by Maxwell EAP, an independent group. This benefit includes eight face-to-face counseling sessions per person per issue. All calls and appointments will be kept in strictest confidence.

To access these services, contact MaxWell EAP at (888) 550-5535. This service is available 24 hours a day to respond to your call. An initial appointment will be scheduled locally with a licensed professional to assist you. You can also log on to [www.maxwselleap.com](http://www.maxwselleap.com) (username: ccfc, password: employee) to find basic information on a number of valuable services.

Peer Assistance Program (PAP) is an exclusive KACo program provided by Calloway County Fiscal Court at no cost for the Calloway County first responders, as well as their family members. Being exposed to unique stressors and situations, this program provides confidential access to their own peers. First responders can access PAP by calling Maxwell EAP at number listed above and requesting Peer Assistance.

## **SECTION 5.68 Return to Work Policy**

### **A. Purpose**

It is the goal of the Calloway County Fiscal Court to prevent work-related illness or injuries from happening. Such absences cost the County and its employee. Therefore, when an injury or illness occurs it is the Counties responsibility to assist employees to return to work at the earliest possible date in order to help speed recovery and reduce insurance costs.

### **B. Eligibility**

This policy applies to all paid employees recovering from a work-related injury or illness and receiving worker's compensation benefits within time parameters established by the employer.

### **C. Transitional Work**

The Calloway County Fiscal Court defines "Transitional Work" as temporary, modified work assignments within the Eligible Employee's physical abilities, knowledge and skills.

When possible, Transitional Work will be made available to Eligible Employees to minimize or eliminate time lost from work. The County cannot guarantee a Transitional Work position and is under no obligation to offer, create or encumber any specific position for purposes of offering placement to such a position. Transitional Work positions are developed based on the physical capability of the Eligible Employee, the business needs of the company, and the availability of Transitional Work. The supervisor will determine appropriate work hours, compensation, shifts, duration, and locations of all work assignments, which may be modified at any time at the supervisor's discretion. The supervisor will also determine the availability, appropriateness, continuation, or cessation of all Transitional Work assignments. It should be noted that in all cases, duration of Transitional Work shall not run beyond

(1) the date the Eligible Employee reaches maximum medical improvement (MMI); (2) the date Eligible Employee is released to full duty by a physician; or (3) six (6) months from the claimed date of injury or illness; whichever occurs first.

In the event an Eligible Employee is offered Transitional Work but refuses to accept the offer, the County is not obligated to provide alternative Transitional Work and will notify the insurance carrier of the refusal. Such notice may affect the Eligible Employee's workers' compensation benefits.

#### D. Procedures

In the event an Eligible Employee sustains a work-related injury or illness necessitating medical treatment, the County shall provide the employee with documentation to present to his or her attending physician. This documentation will consist of [1] a release to return to work form, and [2] the Eligible Employee's up-to-date job description (collectively referred to as the "Release to Return to Work").

At the first medical treatment, the attending physician should complete and/or approve the Release to Return to Work. The completed Release to Return to Work should be submitted to HR within 24 hours following medical treatment. If not submitted within this time period, the County will request one from the attending physician. Once received, the Release to Return to Work will be reviewed by HR to determine the work status of the Eligible Employee and determine whether they retain the physical capacity to perform their regular job. If not, HR will further determine whether they can perform available Transitional Work.

If the Eligible Employee is able to perform Transitional Work, and it is determined that Transitional Work is available and appropriate to the County needs, the employee will be considered for a Transitional Work position. A job description form for the Transitional Work position will be produced in accordance with the physical restrictions assigned and resubmitted to the attending physician for review and approval.

During pendency of Transitional Work position development by HR, the Eligible Employee shall notify HR within 24 hours of any & all substantive changes in medical condition connected to the work-related injury or illness.

#### E. Offer of Transitional Work

Upon HR's receipt of an approved Transitional Work job description form signed by the attending physician, a written offer of Transitional Work will be prepared by the Human Resource Department noting the doctor's approval and explaining the job duties and requirements.

The Eligible Employee will be asked to sign the offer of Transitional Work, specifically indicating his or her acceptance or refusal of the Transitional Work offer. Copies of the Transitional Work job description, work releases, and signed offer of Transitional Work will be forwarded to the insurance carrier.

Any Eligible Employee returning to a Transitional Work position must not exceed the duties of the position or go beyond the doctor's restrictions. The

employee's Supervisor shall monitor work performance to ensure adherence.

Eligible Employee or his or her supervisor shall notify HR immediately if the employee misses time from Transitional Work.

If Eligible Employee's work status or medical restrictions change, Eligible Employee must immediately notify his or her supervisor and provide the supervisor with evidence of a new Release to Return to Work.

The Eligible Employee's Supervisor will monitor their recovery process through regular contact to assess when and how often duties may be changed. The Supervisor will assess the employee ability to adjust work assignments upon receipt of changes in physical capacities.

### **SECTION 5.69 Kentucky Pregnant Worker Act**

The Calloway County Fiscal Court recognizes and supports the Kentucky Pregnant Workers Act (KRS 344.030-.110) which became law effective June 27, 2019.

The Pregnant Workers Act amends the Kentucky Civil Rights Act to expressly prohibit employment discrimination in relation to an employee's pregnancy, childbirth, and related medical conditions. Employers must make reasonable accommodations for any employee with limitations related to pregnancy, childbirth, or a related medical condition who requests an accommodation, including but not limited to:

- More frequent or longer breaks;
- Time off to recover from childbirth;
- Acquisition or modification of equipment;
- Appropriate seating;
- Temporary transfer to a less strenuous or less hazardous position;
- Job restructuring;
- Light duty;
- Modified work schedule; and
- Private space that is not a bathroom for expressing breast milk.

### **SECTION 5.70 Inclement Weather Policy**

In times of inclement weather when the courthouse remains open, employees who do not report to work will be required to charge their absence against any vacation, sick, or personal day they may have accrued. If no such time is available, the employee will forfeit his pay for the time absent. In the event that the County Judge orders the courthouse and/or all other County facilities temporarily closed, employees who normally work in the affected facilities, who leave work or do not report for the time closed, will be paid their regular wages for the day(s). Essential workers who report to work will be paid at the rate of overtime policy

## **CHAPTER 6 COUNTY ROAD DEPARTMENT**

### **SECTION 6.1 Establishment of Department**

A. There is hereby created and established a Calloway County Road Department consisting of a Certified County Road Supervisor (Pursuant to KRS 179.020) and such other employees of said department as may from time to time be provided for by the County Judge and the Fiscal Court.

B. The Calloway County Road Department shall be responsible for the maintenance, construction, and upkeep of all roads and bridges in the County Road System, utilizing the adopted Federal Highway Control Guidelines as listed in the Manual for Uniformed Traffic Control Devices. The County Road Supervisor shall head this department.

C. The County Road Supervisor shall be appointed by the Fiscal Court and shall serve a period of two (2) years and be renewed on the 6 month of the new County Judge's term. The road supervisor shall be under the direct supervision of the County Judge.

### **SECTION 6.2 Duties of Road Supervisor**

A. The County Road Supervisor shall be the head of the Road Department subject to the order and direction of the County Judge and the Fiscal Court.

B. The County Road Supervisor shall be responsible for the performance of the road department and its functions, and all persons who are employees of the road department shall be subject to the supervision and direction of the County Road Supervisor.

### **SECTION 6.3 Duties of Road Employees**

A. All employees are required to follow the directives of the County Road Supervisor. Failure or refusal to do so may, and can, result in disciplinary action including time off without pay or discharge from your job.

B. All jobs of the County Road Department may require some or all, but not limited to, the following: lifting, stooping, standing, walking, shoveling, digging and the operation of various motor vehicles including heavy equipment. All employees will be required to fulfill all duties of any specific job assigned to them.

C. All full-time new hires to the Road Department whose job duties require driving heavy equipment will be required to have a CDL license within six (6) months of hire date.

D. All employees are required by the county to read, and agree to all safety rules and regulations as mandated by the county, including the use and care of all safety equipment provided by the county, such as safety vests, safety glasses, signs, etc. See Environmental Safety Policy posted at the County Road Department.

E. Any incident involving county employees that results in the failure of a job performance or hinders the daily routine of the Road Department must be reported to the Road Supervisor.

F. Employees of the Road Department shall not return to the County Barn at the end of the day no earlier than thirty (30) minutes prior to end of shift. That thirty (30) minutes shall be used for preparation of the next day's assignments, i.e. fueling vehicles, equipment etc. This does not include any and all emergencies or at the request of the Road Department Supervisor. Employees that consistently return to the barn without a request from the Road Department Supervisor and are not under an emergency, may be requested by the Road Department Supervisor to clock out and end their shift.

#### **SECTION 6.4 Road Department Property**

A. Employees of the Road Department shall be responsible for the care of departmental equipment and property assigned to them and shall promptly report to their supervisor the loss or damage to or unserviceable condition of such property.

B. No departmental property or equipment shall be used for private purposes or on private property. School bus turnarounds and public cemetery work must be approved, in advance, by the Road Supervisor, after consultation with the County Judge.

C. Equipment and materials for the road department shall be acquired in accordance with the provisions of this code.

D. Any employee found to be purchasing or consuming alcoholic beverages during work hours, while using or operating County equipment or on County property, will be suspended immediately.

E. Uniformed Personnel Attire as referenced in Dress Code Section 5.63 for employees of the Road Department will be established by the Road Supervisor in compliance with the KY Transportation Cabinet Highway Safety Standards Dress Policy. All full-time road department employees will be allotted a stipend of up to \$300.00 per year and seasonal/part-time/temporary road department employees will be allotted a stipend of up to \$150.00 per year, which is to be used exclusively for uniformed personnel attire (leather work boots, work pants, short or long sleeve work shirts, and/or sweatshirts). Reimbursement for work attire from stipend must be approved by the Road Supervisor and will be evaluated by the Fiscal Court for final approval of purchases.

F. Any equipment assigned to an individual is their responsibility. Safety checks sheets must be filed out and any performance problems must be reported to the Road Department Office. Failure to do so may result in being found negligent.

G. Dump trucks equipped with tarps are always by law required to have them engaged when loaded. Any equipment problems or deficiencies should be reported immediately to the Road Department office. Trucks and equipment shall be cleaned as such need arises.

#### **SECTION 6.5 County Road Inventory/Condition**

A. The Fiscal Court shall designate by resolution which roads will be in the

County Road System and maintained by the County Road Department.

B. The County Judge shall update and maintain a road list that clearly identifies all County maintained roads.

C. The Road Supervisor or his appointee shall inventory and review all County roads for identification and condition at least annually.

D. The inventory shall identify all roads by name and/or number; list the number and location of all bridges; and any other information that may identify County roads and the condition thereof.

#### **SECTION 6.6 Procedures for County Road Repairs and Maintenance**

A. Each Magistrate shall inspect roads in his district periodically to determine needs.

B. When the Fiscal Court has approved proposed county road work, the County Judge shall direct the Road Supervisor to perform these activities subject to budgetary constraints.

#### **SECTION 6.7 Miscellaneous Requirements**

A. Any Road Department employee who notices any deficiencies in the roads maintained by the County shall report them to the Road Department office as soon as possible and no later than the end of the same workday. Any problems noticed during off duty hours shall be reported to the department office during the following workday.

B. Any time taken off at the Road Department must be requested in writing, signed and approved by the Road Department Supervisor.

C. Employees of the Road Department shall be aware of and be responsible for reporting any safety concerns, issues, etc. immediately to the Road Department Supervisor, Magistrate or Elected Official.

#### **SECTION 6.8 Overtime Procedures for Road Department**

A. Overtime must be requested and approved by the Road Supervisor in order to receive overtime rate. This rule may not apply in emergency situations.

B. Employees will be considered based on abilities in operation of equipment for necessary jobs.

C. Overtime Pay Scale is as follows:  
(1) Any time worked over 40 physical hours will be paid at the rate of one (1) and a half (1/2) of hourly wage.  
(2) Holidays will be paid at the rate of two (2) times the hourly wage plus overtime.  
(3) Emergency call in will be paid at the regular hourly wage but at a

minimum of two (2) hours per call in.

**SECTION 6.9 Time Clock**

A. No employee may clock in or out for another employee or they will be sent home immediately with the remainder of the day being unpaid.

B. All hours worked must be clocked in and out. Road supervisor or his designee may clock persons in and out when needed.

**CHAPTER 7 COUNTY PROPERTY and PROPERTY INVENTORY**

A. No official or employee shall use any County property for non-County business, nor shall they permit the use of any publicly owned or supported property for personal convenience or private advantage, unless such use has been formally authorized by a resolution of Fiscal Court.

B. County property includes any item that has been purchased, inventoried, donated or acquired due to business related activities by or to the Calloway County Fiscal Court. This includes, but not limited to cell phones, laptops, tablets, keys, vehicles, office supplies, furniture, tools, equipment, materials, gasoline, etc. The only means by which an employee may take possession of county property is through purchase at a County surplus auction.

C. In the event that an employee separates from Calloway County Fiscal Court, all County property must be returned within 2 business days after their last day of employment. All County property must be returned to the employee's supervisor or the Human Resources Department.

D. Any County employee discovered to be causing damage to, or destruction of County property or equipment, either through willfulness or negligence, shall be required to pay all costs of repairs or replacement of the property and may be subject to discipline, up to and including dismissal.

E. Each office holder or supervisor is responsible for the equipment that is used in their office. An inventory list of each office's equipment that costs more than \$500.00 is to be kept current. A copy of the list shall be sent to the County Judge's office annually or as any changes are made. The inventory should include such information as the Date Purchased, Cost, item Description – Make, Model, Year, Model Number or Vin Number and Location/ Department where item will be used. When items are removed from inventory, record should be kept of the Disposition Reason and Disposition Date.

F. Employees must report any accident, theft or malicious damage involving a county property to their department head and the Human Resources Department, regardless of the extent of damage or lack of injuries. Such reports must be made as soon as possible but no later than 48 hours after the incident. Employees are expected to cooperate fully with authorities in the event of an accident. However, employees should make no voluntary statement other than in the reply to questions of investigating officers.

## **CHAPTER 8 PURCHASES AND CONTRACTS**

### **SECTION 8.1 Authorization of County Contracts**

Every contract, change or amendment thereto, shall be authorized or approved by the Fiscal Court before being executed by the County Judge, except for small purchases. The County Attorney shall review every contract of the County, as to form and legality, except for contracts for small purchases.

### **SECTION 8.2 Selection of Vendors and Contractors (Procedures for Sealed Bidding)**

A. The agency, department or person requiring supplies, services or construction shall submit to the County Judge a request containing specifications and quantities desired.

B. The County Judge shall determine the need for each item requested, the approximate cost and whether or not the expenditure is provided for in the budget.

C. Any expenditure or contract for materials, supplies (except perishable meat, fish, and vegetables), equipment, or for contractual services other than professional, involving an expenditure of more than the amount required by Kentucky State Law shall be subject to competitive bidding.

D. The County Judge shall advertise to the public in the County at least once, not less than seven nor more than twenty-one days before bid opening. The advertisement shall include the time and place where the specifications may be obtained. If the durability of the product, the quality of service or other factors is to be considered in bid selection, such factors shall be stated in the advertisement.

E. The County Judge shall open all bids publicly at the time and place stated in the advertisements and shall select the lowest and/or best bid by qualified bidder. If the lowest bid is not selected, the reasons for the selection shall be stated in writing.

F. The County Judge shall submit the bid selected to Fiscal Court for approval.

G. The County Judge shall sign the contract if one is required.

### **SECTION 8.3 Procedures for Determination of Qualification of Bidders**

A. The County Judge may require all bidders to provide sufficient information to determine their qualification to provide the services or product that is the subject of the competitive bidding.

B. Contractors who have demonstrated, by past performance, the ability to perform satisfactorily in accordance with the contracts on a timely basis and have shown a sound financial structure may be determined to be qualified bidders without

additional documentation otherwise required of other potential bidders.

**SECTION 8.4        Procedures Prerequisite to Use of Negotiated Process**

A.     The negotiated process may be used instead of advertisement for bids if the amount exceeds the amount required by Kentucky State Law in the following circumstances:

- (1)     An emergency exists;
- (2)     Bids exceed available funds; or
- (3)     The contract is for professional services.

B.     Before an emergency is declared the County Judge shall determine whether or not the delay in obtaining bids will result in danger to health, safety or property.

C.     The County Judge shall certify the existence of any emergency and file a copy of such certificate with the County Treasurer.

D.     In the event all bids submitted are in excess of funds available, the County Judge shall prepare a written determination that there are no additional funds available as to permit an award to the responsible bidder with the lowest and best bid and delay in advertising for additional bids is not in the best interest of the County.

E.     The Fiscal Court must approve all circumstances in which the negotiation process is used.

**SECTION 8.5        Procedures for Negotiated Process**

A.     When the prerequisites have been met for use of the negotiated process, the County Judge shall proceed to negotiate with one or more suppliers in order to obtain the most advantageous terms for the County.

B.     The County Judge shall prepare a record of all negotiated contracts, showing the items and quantities acquired, name of suppliers, cost and date of contract.

C.     Professional services shall be negotiated with such persons as are properly licensed to perform such services.

D.     Where more than one bid was received and all were in excess of the amount available, the lowest three bidders shall be notified that the County desires to negotiate a contract for a lesser amount based on revised quantities or specifications and fix a time limit for submission of proposals.

E.     The County Judge shall examine the proposals received and shall negotiate with the suppliers for the terms most advantageous to the County.

F.     The best negotiated proposal shall be submitted to the Fiscal Court for approval and award.

## **SECTION 8.6 Purchase Procedures**

A. All expenditures of less than the amount required by Kentucky State Law shall be considered a “small purchase”, which under ordinary circumstances should not be subject to competitive bidding so long as said expenditure is provided for in the budget unless the Fiscal Court shall direct otherwise, according to KRS 45A.385.

B. The County Judge determines the need for any item requested and whether or not the contract is for less than the amount required by Kentucky State Law and the expenditure is provided for in the budget.

C. Any purchase exceeding the amount required by Kentucky State Law, the County Judge or his designee shall obtain three competitive bid quotes from prospective suppliers or vendors prior to the purchase and then select the purchase most advantageous to the County, in the judgment and discretion of the County Judge.

## **SECTION 8.7 Hold Harmless Clause**

All contracts executed on behalf of the County concerning the purchase of services or products may contain a “hold harmless clause”, whereby the vendor, provider of services, or seller agrees to hold the County harmless from any liability concerning the use of their product or the receipt of their service.

## **SECTION 8.8 Disposition of County Surplus Property**

- A. Real Property:
- (1) In the event the County Judge determines that the County retains surplus real property and that it will be in the best interest of the County to dispose of said real property, the County Judge shall make a written statement containing:
    - (a) The real or personal property
    - (b) Its intended use at the time of acquisition
    - (c) The reasons why it is in the public interest to dispose of it
    - (d) The method of disposition to be used
  - (2) The property may be transferred via the following method:
    - (a) Transferred, with or without compensation, to another governmental agency;
    - (b) Sold at public auction following publication of the auction in accordance with KRS 424.130(1)(b);
    - (c) Sold by electronic auction following publication of the auction, including the uniform resource link (URL) for the site of the electronic auction, in accordance with KRS 424.130(1)(b); or
    - (d) Sold by sealed bids.
  - (3) The aforementioned statement shall be submitted to the Fiscal Court for their action.
  - (4) In the event there are no bids for the property, the property shall be sold by the County Judge in the best interests of the County. No County real property shall be sold on a negotiated basis for less than the appraised value, according to KRS 67.080(2).

B. Tangible Property:

(1) The County office, agency, or person to which responsibility has been assigned by the County Judge to use and take care of a particular tangible item or items will notify the County Judge that a particular item is no longer needed or serviceable. The County Judge shall inquire of other County offices to determine if they have need of, or want to use, the item.

(2) If no use for the property can be found, the property shall be disposed of in the same manner as real property except that no appraisal is required.

C. All other Property/Material of Value:

In addition to real and tangible property the County periodically processes waste and excess material of value, in addition to recyclable goods and materials collected in conjunction with its solid waste management program. All waste and excess material of value (e.g. scrap metal, used car parts, material dropped off by the public, etc.) is the property of the County. All departments receiving and/or processing waste and excess material shall ensure that the County receives the highest possible return for redemption of these items and all proceeds are returned to the Treasurer's Office. All proceeds for waste and excess material should be collected via check made payable to the Calloway County Fiscal Court. No county employee shall be allowed to seize or purchase such property for personal gain.

**SECTION 8.9 County Credit Card Policy**

Policies and Procedures for Employee use of Calloway County Fiscal Court Credit Card

A. Authorization – The Calloway County Fiscal Court must provide written authorization prior to use of the County credit card by an employee.

B. Employee Agreement – The employee must sign an agreement acknowledging he or she has read and understands the policies and procedures governing the use of the County credit card.

C. Restricted Use – The use of the County credit card is subject to the following restrictions:

(1) No personal or private expenditure shall be charged to the County.

(2) No regular operating expense (e.g. monthly telephone bills, internet agreement, etc.) shall be charged to the County credit card.

(3) Each expense charged must be accompanied by the actual receipt and brief explanation. For example, if the expense is for supplies, note on the receipt what it was for and the department it was supplied to. Each expense will also have a purchase order for that expenditure.

(4) An expense in excess of \$500 should be pre-approved by the Finance Officer. Capital purchases should never be charged to the credit card.

(5) Travel expenses such as airfare, hotel rooms and conference registrations should be scheduled through County Finance Officer, who will reserve a Purchase Order upon confirmation. In the case a personal credit card is used for such expenses, the conference and travel expense should be pre-approved by the appropriate authority or reimbursement will not be granted.

(6) Documentation of each expense shall be submitted as soon as possible, and no later than five days from the date of purchase.

(7) No cash advances will be permitted on the County credit card.

(8) Any credit card issued to an employee will have a maximum monthly balance of \$5,000.

D. Card Payments – Payments, late charges, and interest related to unauthorized or undocumented charges shall be the responsibility of the employee.

E. Violations of the County’s credit card policy may result in disciplinary action, including termination of employment or prosecution and removal and cancellation of the employees issued card.

F. Personal Credit Card Reimbursement - Purchases for the county, if not through an existing account with the vendor, should only be done with the use and approval of purchase order using the Calloway County Fiscal Court credit card available at the Judge/Executive's office.

Requests for reimbursements to county employees using personal credit/debit cards for county purchases will ONLY be made if:

1. An attempt to use the county card/approval was not available
2. A receipt with full description of purchase is delivered
3. Sales tax is not reimbursed

#### **SECTION 8.10 Small Purchase Procedures**

A. All department heads have permission to purchase materials or supplies for \$500.00 or less without obtaining quotes.

B. All department heads may purchase materials or supplies for more than \$500.00 but less than \$2,500.00 provided they obtain three or more quotes for the particular items. These quotes must be written quotes submitted by vendors or quotes obtained by telephone, email, or online purchasing. If the lowest quote is not selected, a written explanation must be provided. If there are fewer than three vendors who supply the particular product the department head should notify the County Judge of this situation. Purchases less than \$2,500 for which a price is set by the state or county pricing contact shall not be require separate quotes.

C. Purchases over \$2,500 must first be verified and approved by the issuance of a purchase order. The request will state the purpose of the goods, the preferred vendor, need date, prices from at least three vendors, etc. The County Judge or his/her designee will compare the request with the particular department's budget plan to determine if funds have been correctly allocated. If the request is approved, a purchase order number will be issued for the purchase.

D. The deadline for purchase orders to be turned in for payment is five (5) business days preceding the following Fiscal Court meeting.

E. Sole Source Procurement: A situation created due to the inability to obtain competition. Sole source procurement may occur when only one vendor or supplier possesses the unique ability or capability to meet the particular requirements

of the solicitation. The purchasing authority may require a justification from the requesting department explaining why this is the only source for the requirement. If sole source procurement is required, the department head must submit a written explanation about why no other would be suitable to meet its needs. The County Judge shall make the final determination that the procurement is a sole source. Single Source Procurement: A procurement decision whereby purchases are directed to one source because of standardization, warranty, or other factors, even though other competitive sources may be available.

F. In the case of an emergency the County Judge shall have the authority to approve small purchases notwithstanding the provisions of this section.

## **CHAPTER 9 BOARDS AND COMMISSIONS**

### **SECTION 9.1 Maintenance of Records of Administrative Agencies and County Departments**

A. All agencies which receive county funding shall file a copy of the agency's annual budget with the County Judge. It shall also file a copy of each audit required by law with the County Judge and the Calloway County Clerk.

B. All agencies which receive county funding shall maintain a financial record of the agency activities containing the amount budgeted for the year, the amount expended to date and the balance available.

### **SECTION 9.2 Regular Meetings**

A. All meetings at which County business is discussed by an agency which receives County funds, or any action taken by said agency, shall be open to the public, unless exempt by KRS 61.810.

B. A majority of the members of the agency board shall constitute a quorum for the conduct of official business.

C. A record of all motions on official actions taken by the agency shall be kept and made available to the County Judge upon his request.

## **CHAPTER 10 SPECIAL DISTRICTS**

### **SECTION 10.1 Procedures for Dissemination of Information**

For the purpose of efficient and successful administration of County boards, districts, and commissions, the governing body of such board, district, or commission shall develop and present copies of minutes, audits, and fiscal year budgets to the County Judge for the purpose of sharing information.

### **SECTION 10.2 Procedures for Dissolution**

A. A plan of dissolution of any special district shall be made by the County Judge in writing and shall be submitted to the Fiscal Court for approval for any

district which was created by the County.

B. The County Judge shall notify the chairperson of the special district which is the subject of the plan of dissolution. The notice shall be in writing and shall be provided at least five (5) days before the plan of dissolution is submitted to the Fiscal Court.

C. All plans of dissolution shall contain:

- (1) A list of the reasons for dissolving the special district;
- (2) A list of the services and functions, if any, which are to be transferred to another special district, agency, board, commission, or department, and the names of which agency, board, etc., is to receive the transferred services or functions;
- (3) A list of all property owned or controlled by the special district and the method of disposing of such property;
- (4) A list of all creditors of the special district and a plan for satisfying all creditors.

D. If a plan of dissolution transfers services or functions to another special district, the goals and objectives (or charter of the recipient district) shall require amendment in order to provide the services transferred.

E. The Fiscal Court shall vote on the plan of dissolution within sixty (60) days of its submission to the Fiscal Court by the County Judge, provided the Fiscal Court shall not vote on said plan of dissolution during the meeting in which it shall be submitted by the County Judge. If the plan is not disapproved within sixty (60) days, the plan shall become effective.

### **SECTION 10.3 Removal and Appeal Process**

A. Unless otherwise provided by state law, an appointed member of the governing body of a special district may be removed from office by the appointing authority after a hearing with notice, as required by KRS Chapter 424, for inefficiency, neglect of duty, malfeasance, or conflict of interest. The hearing shall be initiated and chaired by the appointing authority, who shall prepare a written statement setting forth the reason for the removal. The member to be removed shall be notified of the proposed removal and the reasons therefore by registered mail sent to their last known address at least ten (10) days prior to the hearing. The person to be removed may be represented by counsel at their own expense. The official record of the hearing shall be made by the appointing authority.

B. Where the removal of an appointed member of a special district governing body is by the County Judge pursuant to the preceding section, the removal shall be subject to approval by the Fiscal Court.

C. A member removed pursuant to this section may appeal within ten (10) days of the rendering of a decision or the approval of the Fiscal Court, if required, to the Circuit Court of the County of the appointing authority. The scope of the appeal shall be limited to whether the appointing authority or the Fiscal Court abused their discretion in removing the member.

#### **SECTION 10.4      Single County Special Districts**

A.      The governing body of each special district shall annually prepare a budget and shall classify budget units in the same fashion as County budgets are classified pursuant to KRS 68.240 (2) through (5). The state local finance officer shall prepare standard budget forms for district use and shall furnish them to County Clerks for distribution to the district officers.

B.      The governing body of each special district shall, at least once every four years, employ an independent certified public accountant, or contact with the auditor of public accounts to perform an audit of the funds in the district budget. The audit shall conform to standard audit programs for governmental accounting which are approved by the Auditor of Public Accounts or to other generally accepted accounting procedures as set forth by the Kentucky Board of Accountancy.

C.      At least once every twelve (12) months, a district shall:  
      (1)     File with the County Clerk of each County with territory in the district, a certification showing the name of the district, a map or general description of its service area, the statutory authority under which it was created, and the names and addresses of the members of its governing body and County Judge.  
      (2)     File a copy of the district budget, financial statement if prepared, and audit when performed, with the County Judge.

D.      Each district board shall elect from its membership a chairman, secretary, and treasurer.

E.      Vacancies shall be filled by the same appointing authority which is empowered to make the original appointment.

#### **SECTION 10.5      Multicounty Special Districts**

A.      Upon approval of the Fiscal Court, the County may join another County to form a special purpose district to fulfill any purpose which the County is authorized by state law to fulfill or may be authorized to fulfill in the future.

B.      Before the County may participate in a multicounty special purpose district, the Fiscal Court shall determine that participation is feasible and necessary. The determination shall be made only after a duly advertised public hearing has been held by the Fiscal Court.

C.      The membership of the governing body of any new multicounty special districts are to be appointed among the counties in ratio to their population which each County having at least one (1) member on the board.

### **CHAPTER 11            INTERNET/E-MAIL & CELL PHONE POLICY**

Use of the Calloway County Fiscal Court Internet and Email resource is a privilege, which may be revoked at any time for inappropriate conduct. Abuse may result in revocation of access and will result in notification of management.

### **Section 11.1            Acceptable Uses of the Internet and County E-mail**

The County-provided internet and e-mail access is intended for business purposes only. The County encourages the use of the internet and e-mail because it makes communication more efficient and effective. However, internet service and e-mail are County property, and their purpose is to facilitate County business. Every staff member has a responsibility to maintain and enhance the county's public image and to use County e-mail and access to the internet in a productive manner. To ensure that all employees are responsible, the following guidelines have been established for using e-mail and the internet. Any improper use of the internet or e-mail is not acceptable and will result in appropriate disciplinary action, up to and including dismissal.

### **Section 11.2            Unacceptable uses of the Internet and County E-mail**

The County internet and e-mail access may not be used for transmitting, retrieving or storage of any communications of a discriminatory or harassing nature or materials that are obscene or X-rated. Harassment of any kind is prohibited. No messages with derogatory or inflammatory remarks about race, age, disability, religion, national origin, physical attributes or sexual preference shall be transmitted. No abusive, profane or offensive language is allowed to be transmitted through the County's e-mail or Internet system. Electronic media may not be used for any purpose which is illegal, deceptive or against County policy or contrary to the County's best interest. Solicitation of non-county e-mail or Internet for personal gain is prohibited. Employees are prohibited from chat room interchange unless established by government agencies. **Excessive personal internet use is prohibited** along with internet use that interferes with your work. Any and all personnel granted access or have the means through physical or electronic media to access employee personal information shall be familiar with and adhere to the Calloway County Securities Policy created under the authority of HB5.

### **Section 11.3            Communications**

Each employee is personally responsible for the content of all text, audio or images that they place or send over the county's e-mail/internet system. No e-mail or other electronic communications may be sent which hides the identity of the sender or represents the sender as someone else or someone from another entity. All messages communicated on the County's e-mail/internet system should contain the employee's name.

Any messages or information sent by an employee to another individual outside the County via an electronic network (e.g., bulletin board, online service or Internet) are statements that reflect on the County. While some users include personal "disclaimers" in electronic messages, there is still a connection to the County and the statements may be tied to the County.

All communications sent by employees via the County's e-mail/internet system must comply with this and other County policies and may not disclose any confidential or proprietary information.

Personal use of employee e-mail/internet account is permissible as long as it does not conflict with any other policies of the County or the department head. Personal use of e-mail/internet is done at the user's risk and the user should have no expectation of privacy due to open records request law.

#### **Section 11.4        Software**

To prevent computer viruses from being transmitted through the Calloway County's e-mail/internet system, there will be no unauthorized downloading of any unauthorized software. All software downloaded must be registered to the County. Employees should contact the County Judge if they have any questions.

#### **Section 11.5        Copyright Issues**

Copyrighted material belonging to entities other than Calloway County may not be transmitted by employees on the County's e-mail/internet system. All employees obtaining access to other companies' or individuals' materials must respect all copyrights and shall not copy, retrieve, modify or forward copyrighted materials, except with permission, or as a single copy, to reference only. Failure to observe copyright or license agreements may result in disciplinary action up to and including termination.

#### **Section 11.6        Security**

The County routinely monitors usage patterns for its e-mail/internet communications. The reasons for this monitoring are many, including cost analysis/allocation and the management of the County's gateway to the internet. All messages created, sent or retrieved over the county's e-mail/internet are the property of the County and should be considered public information. The County reserves the right to access and monitor all messages and files on the County's e-mail/internet system. Employees should not assume electronic communications are totally private and should transmit highly confidential data in other ways. Passwords and sign-on access codes shall not be shared with anyone including co-workers, family members, or other unauthorized personnel. A county employee will be designated as system administrator for e-mail/internet purposes.

#### **Section 11.7        Violations**

Any employee who abuses the privilege of County-facilitated access to e-mail or the internet will be subject to corrective action up to and including termination. If necessary, the County reserves the right to advise appropriate officials of any suspected illegal violations.

#### **Section 11.8        Data Breach Policy**

The Calloway County Fiscal Court recognizes the importance of protection of personal information; therefore, adopting the Security and Incident Investigation Procedures and Practices for Local Government Units established January 1, 2015 by the Department of Local Government in Policy Number: DLG-PP1 100.

## **Section 11.9 County Cell Phone/Wireless Usage**

The County provides telephone and wireless communication devices/services for staff in support of the mission-related activities and to promote the cost-effective, appropriate and secure use of those devices. Cell phones and other wireless devices will only be provided to county employees who hold an elected or salaried position unless authorized by the County Judge in which their duties require them to work outside of an office or after regular work hours.

A. County issued cell phones and wireless devices are to be used exclusively for county business.

B. All employees are expected to follow applicable local, state, and federal laws and regulations regarding the use of cellphones at all times, including open record request.

C. The County Judge retains the right to monitor employees for excessive or inappropriate use of their cell phones. If an employee's phone usage causes a decline in productivity, interferes with operations or causes significant cost to the county, that employee may face disciplinary action up to and including termination.

**CALLOWAY COUNTY ADMINISTRATIVE CODE**

**EMPLOYEE AGREEMENT**

I have received a copy of Calloway County Fiscal Court's Administrative Code, dated \_\_\_\_\_.

I understand that it is my obligation to read the Calloway County Administrative Code and agree to follow all policies and procedures that are set forth therein. I agree to abide by the standards outlined in the document for the duration of my employment with Calloway County Fiscal Court. I understand that this Administrative Code, and my signature below, does not constitute an employment contract and that the County is an at-will employer. This means employment can be terminated at any time, with or without cause and the County has the right to reassign, transfer, or otherwise alter or amend the terms and conditions of the employment relationship at any time, at the sole discretion of the County. Should I have any questions related to the Calloway County Administrative Code, it is my obligation to seek assistance from my supervisor, director, department head, and/or Human Resources.

Furthermore, I understand that this policy may be amended at any time.

\_\_\_\_\_  
**Employee Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Employee Printed Name**

**Received by:**

\_\_\_\_\_  
**County Judge/Executive Signature or designee**

\_\_\_\_\_  
**Date**

**CALLOWAY COUNTY E-MAIL AND INTERNET USER AGREEMENT**

**EMPLOYEE AGREEMENT**

I have received a copy of Calloway County Fiscal Court's Policy Guidelines with regard to e-mail/internet acceptable usage (Chapter 11). I recognize that the County's e-mail/internet is to be used for conducting the County's business only. I understand that use of this service for private purposes is prohibited.

As part of Calloway County and user of Calloway County's gateway to the internet/ e-mail system, I understand that this e-mail/internet County guideline applies to me.

I understand that it is my obligation to read the aforementioned document including data breach policy and agree to follow all policies and procedures that are set forth therein. I further agree to abide by the standards set in the document for the duration of my employment with Calloway County Fiscal Court. Should I have any questions related to the Calloway County Administrative Code, it is my obligation to seek assistance from my supervisor, director or department head and/or Human Resources.

I am aware that violations of this County guideline on acceptable e-mail/internet use may subject me to disciplinary action, up to and including dismissal from employment.

I further understand that my communications on the internet and e-mail reflect on the Calloway County Fiscal Court. Furthermore, I understand that this policy can be amended at any time or that I may receive further direction from my superiors related to proper e-mail/internet usage.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Printed Name

Received by:

\_\_\_\_\_  
County Judge/Executive Signature or designee

\_\_\_\_\_  
Date

## APPLICATION FOR SICK LEAVE SHARING

Name of Recipient: \_\_\_\_\_

Department: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Amount of Sick Leave Needed: \_\_\_\_\_

Please provide a reason transferred leave is needed, including a brief description of the nature, severity, and anticipated duration of the medical emergency. (If this is an amended request, provide reason for extension.)

Please attach certification by one or more physicians of the medical reason that employee will be unable to perform the duties and responsibilities of his/her position for ten (10) or more consecutive working days or the reason for extension, if an amended request.

\_\_\_\_\_, 20\_\_  
Recipient or Representative                      Date

\_\_\_\_\_, 20\_\_  
Department Head/Supervisor                      Date

The above-named employee has been approved to receive donated sick leave in accordance with the provisions of the sick leave sharing policy.

\_\_\_\_\_, 20\_\_  
Appointing Authority                                      Date

\*The original should be kept by the Recipient's Supervisor.

## SICK LEAVE DONATION FORM

Name of Donor: \_\_\_\_\_

Department:  
\_\_\_\_\_

Soc. Sec. #: \_\_\_\_\_

Amount of Donation to be credited to Recipient: \_\_\_\_\_

(Employee must have 80 hours remaining after donation. Minimum amount employee may donate is 8.0 hours.)

Recipient: \_\_\_\_\_

Department: \_\_\_\_\_

I hereby certify that this donation is given without expectation or promise for any purpose other than that authorized by the sick leave sharing policy.

\_\_\_\_\_, 20\_\_  
Donor

\_\_\_\_\_, 20\_\_  
Appointing Authority

\*The original should remain with the Donor's supervisor. A copy should be transmitted to the Recipient's Payroll Officer so that Sick Leave balances may be adjusted.



# Sick Leave Request Form

Employee Name and Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I request sick leave for the following dates and for the following reason:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A doctor's note is attached:     **Yes**     **No**

\_\_\_\_\_, 20\_\_  
Signature

Recommended for Approval By:

\_\_\_\_\_, 20\_\_  
Signature

Approved By:

\_\_\_\_\_, 20\_\_  
Signature

**Credit Card Use Signature Form**

**Agreement Associated with Improper Use of County Credit Cards**

I hereby certify that I understand and agree to abide by the County's policy regarding use of the County issued credit cards, a copy of which I have received in the Administrative Code. I agree that if I make any personal purchases in violation of that policy, the amount of such purchases is an advance of future wages payable to me and the County may deduct that amount from my next paycheck and if there is a balance remaining after such deduction, the County may deduct the balance of the wage advance from my future paychecks until the amount is repaid in full.

I also understand that violations of the County's credit card policy may result in disciplinary action including termination, prosecution, and removal and cancellation of County issued card.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Printed Name

\_\_\_\_\_  
County Representative

\_\_\_\_\_  
Date

## **CALLOWAY COUNTY FISCAL COURT**

### **Waiver, Release, and Indemnification Agreement**

This agreement is entered into with Calloway County Fiscal Court jointly by the undersigned \_\_\_\_\_ (print name), in order to permit participation in a Calloway County Volunteer program.

This Agreement is for the benefit of the Calloway County Fiscal Court, its staff members, employees, officers, directors, elected officials and representatives (know individually as an "Indemnitee" and collectively as "Indemnites").

Volunteers have been advised that the activity of working with the program can be hazardous and involves contact that may be unpredictable. As such, Calloway County Fiscal Court cannot be held liable for injuries or accidents that may occur as a result of working with the Volunteer program.

Volunteers are also aware that injuries, loss of or damage of personal property, and death may occur as a result of Volunteer's participation. Volunteers agree that Calloway County and Indemnites shall not be held responsible or liable for any injury, damage, loss or expense to Volunteer or his/her property, whether or not such injury, death, damage, loss or expense is caused by negligence of Calloway County, any Indemnitee, or a third party.

Volunteers and their heirs, executors and administrators agree to hold harmless each Indemnitee against any and all manner of legal actions, such as suits, debts, claims, or liability of any kind incurred while the Volunteer participates.

Volunteers fully, completely, and unconditionally waive and release each Indemnitee from all rights, liabilities, duties, claims, charges, demands, actions, damages, cost, attorney fees, or expenses of any kind that Volunteers may have now or in the future against Calloway County or any Indemnitee relating to participation.

Volunteers represent and warrant that he/she is physically and mentally fit to safely work with the public in the volunteer program. Should an accident or other medical emergency occur while participating in the program or while volunteering is in route to or from Calloway County sponsored events and staff members are unable to timely reach emergency contacts for medical authorizations, then Volunteer hereby gives consent for Calloway County staff members to authorize medical treatment.

Volunteer represents and warrants that Volunteer has current medical insurance coverage and agrees to be responsible for any and all billings and debts incurred with respect to such medical treatment or services.

Volunteers represent and warrant that each of them has the authority to enter into this agreement.

If any provision of this Agreement is found to be unenforceable in any way, it shall be enforced to the maximum extent possible and all other provisions of this Agreement shall remain in full force and effect.

I have read this **Waiver, Release, and Indemnification Agreement** fully and understand the terms, understand that I have given up substantial rights by signing it, and sign it freely and voluntarily without any inducement.

Volunteer: \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature)

Parent Signature if volunteer is under 18:

\_\_\_\_\_ Date: \_\_\_\_\_  
—

Daytime Telephone Number \_\_\_\_\_

Evening Telephone Number: \_\_\_\_\_

Emergency Contact/Number: \_\_\_\_\_

Medical Information:

\_\_\_\_\_  
(Name of Insurer)

\_\_\_\_\_  
(Policy Number)

\_\_\_\_\_  
(Insurer's telephone number)

\_\_\_\_\_  
(Physician's Name)

\_\_\_\_\_  
(Physician's Telephone Number)