

ORANGEBURG COUNTY

Employee Handbook

(NOT A CONTRACT)

June 15, 2009

IMPORTANT NOTICE

NOTHING IN THIS EMPLOYEE HANDBOOK OR IN ANY SEPARATE POLICY OF ORANGEBURG COUNTY (“THE COUNTY”) SHALL BE DEEMED TO CONSTITUTE A CONTRACT OF EMPLOYMENT. ALL EMPLOYEES OF THE COUNTY ARE EMPLOYEES “AT WILL” WHOSE EMPLOYMENT MAY BE TERMINATED AT ANY TIME, WITH OR WITHOUT NOTICE OR CAUSE. ONLY THE COUNTY ADMINISTRATOR AS APPROVED BY COUNTY COUNCIL HAS THE AUTHORITY TO ENTER INTO ANY AGREEMENT REGARDING LENGTH OF SERVICE OR GROUNDS FOR TERMINATION AND ANY SUCH AGREEMENT MUST BE IN WRITING AND SIGNED BY THE ADMINISTRATOR AS APPROVED BY COUNTY COUNCIL.

EVERY EMPLOYEE NEEDS TO UNDERSTAND THAT
THE POLICIES SET FORTH IN THIS HANDBOOK ARE
MERELY GENERAL GUIDELINE POLICIES WHICH MAY
NOT APPLY TO EVERY EMPLOYEE IN EVERY SITUATION.
WHEN IT IS NOT PRACTICAL OR DESIRABLE TO FOLLOW
THESE GENERAL GUIDELINE POLICIES, THE COUNTY
WILL HANDLE THESE SITUATIONS AS THE COUNTY
DEEMS APPROPRIATE.

I UNDERSTAND THAT THIS EMPLOYEE HANDBOOK IS
NOT A CONTRACT OF EMPLOYMENT.

[Signature]

Date

Printed Name

ORANGEBURG COUNTY

The County of Orangeburg currently operates under the Council-Administrator form of government. This form of government was selected by the people of the County in a 1976 referendum.

Briefly, the main features of the Council–Administrator form of government are as follows:

The County Council is the governing body of the County of Orangeburg and sets all County policies. The Council is composed of seven members who are elected from single member districts. The Council employs a County Administrator who is the administrative head of the County government, and is responsible for carrying out Council policies and for seeing that County services are rendered efficiently and effectively.

As an employee of the County of Orangeburg, you are now involved in public service work. This can be both a demanding and a rewarding career choice. Your responsibilities are many and your work is valuable.

Prompt, courteous and efficient service is important in all your dealings with the public because your actions directly affect how the public feels about Orangeburg County Government and its services.

County Council has approved this Employee Handbook and the policies contained therein. These policies are subject to change by the County at any time, with or without notice.

The policies set forth in this manual may not apply to every employee in every situation. When following these policies is not practical, the County will handle special situations, as it deems appropriate.

ALL EMPLOYEES OF ORANGEBURG COUNTY ARE EMPLOYEES “AT WILL”
WHOSE EMPLOYMENT MAY BE TERMINATED AT ANY TIME, WITH OR
WITHOUT NOTICE OR CAUSE. ONLY THE COUNTY ADMINISTRATOR WITH
THE APPROVAL OF COUNTY COUNCIL HAS THE AUTHORITY TO ENTER INTO
ANY AGREEMENT REGARDING LENGTH OF SERVICE OR GROUNDS FOR
TERMINATION AND ANY SUCH AGREEMENT MUST BE IN WRITING AND
SIGNED BY THE ADMINISTRATOR WITH THE APPROVAL OF COUNTY
COUNCIL.

Table of Contents

IMPORTANT NOTICE.....	2
ORANGEBURG COUNTY	4
Equal Employment Opportunity	7
Affirmative Action.....	7
Anti-Harassment Policy	7
Anti-Sexual Harassment Policy	8
Immigration.....	9
Public Service Expectations.....	9
Introductory Period	10
Payment of Wages	11
Rest Breaks	12
Advance of Wages	12
Overtime	12
Salary Basis Policy.....	13
Promotion.....	14
Transfer	14
Performance Appraisal.....	15
Nepotism.....	17
Professional Ethics.....	17
Political Activity	18
Inclement Weather/Emergency Situations	19
Medical Information	19
Safety	21
Travel and Transportation.....	22
Outside Employment.....	23
Group Insurance.....	23
Retirement.....	24
Credit for Military Service in the South Carolina Retirement System	25
Law Enforcement Retirement Benefits.....	25
Workers' Compensation Insurance.....	25
On the Job Injuries	25
Automobile Accidents/Property Damage	26
Temporary Light Duty	26
Holiday Pay.....	27
Annual Leave	28
Sick Leave.....	29
Absenteeism/Tardiness	30
Leave of Absence.....	30
Military Leave.....	30
Physical Disability and Personal Leave.....	30
Family and Medical Leave.....	31
Jury Duty Pay	35
Bereavement Leave.....	36

Employee Alcohol Use and Alcohol Testing.....	36
General Rule	37
Current Employees.....	37
Testing Procedure	38
Notice To Employees.....	38
Consequences of Violating This Policy	39
Coming Forward With Alcohol Abuse Problems	40
Confidentiality	40
Testing Costs.....	40
Not A Contract.....	40
Employee Assistance Program.....	40
Employee Drug Use and Drug Testing Policy	41
General Rule	41
Applicants for Employment	42
Current Employees.....	42
Testing Procedure	43
Notice to Employees	44
Notice to Employer, State and Federal Grantor/Contracting Agencies, and Law Enforcement Authorities.....	44
Consequences of Violating This Policy	44
Coming Forward With Substance Abuse Problems.....	45
Confidentiality	46
Testing Costs.....	46
Notification of Results	46
Employee Assistance Program.....	46
Not A Contract.....	47
Notice of Right to Health Care Continuation Coverage	47
Neutral Reference	48
Workplace Privacy and Computer Internet Use.....	48
Electronic Devices	49
Disciplinary Action	50
Termination of Employment.....	51
Employee Complaint and Grievance Procedure	53
Personal Appearance.....	59
Amendments and Supplements to Employee Handbook.....	60

Special Note: *For ease of readability, these policies follow the traditional English practice of referring to unidentified individuals by the use of masculine pronouns. Whenever such a pronoun is used, it is intended to apply to both males and females.*

Equal Employment Opportunity

It is the policy of Orangeburg County to recruit, hire, train, and promote employees without discrimination because of race, religion, color, political affiliation, physical disability, national origin, sex or age except when sex, age, or physical condition is a bona fide occupational qualification. This policy applies to all aspects of personnel administration including, but not limited to, recruiting, testing, interviewing, hiring, training, promoting, disciplining, transferring, adjusting salaries, and administering benefit programs.

Orangeburg County adheres to this policy to maintain and build an organization of the highest quality that provides equal employment opportunities to all persons on the basis of individual merit.

Affirmative Action

Orangeburg County promotes a policy of equal employment and advancement opportunity to all persons without regard to their race, color, religion, sex, national origin, age, disability or veteran status.

Anti-Harassment Policy

The County policies, as well as various laws and regulations, generally prohibit employment decisions from being made on the basis of race, sex, religion, national origin, age, disability, veteran status, or similar distinctions. In addition, it is our policy to provide a working environment in which employees are free from discomfort or pressure resulting from jokes, ridicule, slurs, and harassment either relating to such distinctions or simply resulting from a lack of consideration for a fellow human being.

If you feel that this policy has been violated by anyone with whom you come into contact on the job, regardless of whether it is by a fellow worker, a supervisor, or a member of the general public, you **must immediately** report this incident to your supervisor, another member of management, or the County Administrator or whoever is in charge in the event he is unavailable. Your complaint will be kept as confidential as possible, consistent with its effective investigation.

In the event you believe that the County Administrator is the alleged harasser or you are uncomfortable reporting the matter to a member of management, you **must immediately** contact the Orangeburg County Attorney.

Employees, including supervisors, who are determined to have violated this policy, will be subject to serious disciplinary action up to and including termination, commensurate with the seriousness of the conduct.

Anti-Sexual Harassment Policy

The County has taken special steps to prevent employees from being subjected to inappropriate conduct in the workplace. The County believes that all employees desire a professional, productive, and pleasant work environment. Providing such a work environment necessarily requires the cooperation of all employees.

The County's "Anti-Harassment" policy addresses all forms of harassment in a single policy. The County wishes to highlight in this policy a particular form of harassment which is often described as "sexual harassment."

Sexual harassment includes but is not limited to any inappropriate behavior which, because of an individual's gender, has the effect of creating a hostile, intimidating, or otherwise unpleasant work environment. The following, in no particular order, are some of the more obvious types of behavior that the County considers to be highly inappropriate in the workplace:

- *** Displays of sexually explicit pictures, or objects;
- *** Demands or requests for sexual favors;
- *** Sexually oriented banter, jokes, or commentary;
- *** Repeated social invitations;
- *** Compliments of a sexual or suggestive nature.

If you feel that you have been subjected to any of the above conduct or otherwise made to feel uncomfortable in the workplace because of your gender, you MUST IMMEDIATELY report this conduct to your supervisor, another member of management, or the County Administrator or whoever is in charge in the event he is unavailable. Your complaint will be kept as confidential as possible, consistent with its effective investigation.

In the event you believe that the County Administrator is the alleged harasser or you are uncomfortable reporting the matter to a member of management, you **must immediately** contact the Orangeburg County Attorney.

Employees, including supervisors, who are determined to have violated this policy, will be subject to serious disciplinary action up to and including termination, commensurate with the seriousness of the conduct.

Special Note: Listed above are general descriptions of some of the types of conduct which may constitute sexual harassment or which can lead up to sexual harassment, depending upon the circumstances. Importantly, not all of the prohibited conduct listed above rises to the level of what would meet the legal definition of this term. The County, however, does not want you to have to worry about whether conduct which makes you feel uncomfortable meets or does not meet a particular legal definition. What the County wants, and insists upon, is that you notify the County immediately in the event someone else's conduct offends you or otherwise makes you feel uncomfortable.

Immigration

Orangeburg County is committed to employing individuals who are United States citizens or who are aliens legally authorized to work in the United States. We do not illegally discriminate because of a person's citizenship or national origin.

Orangeburg County complies with the South Carolina Illegal Immigration and Reform Act of 2008 and will verify the legal status of all new employees through the E-Verify federal work authorization program administered by the U.S. Department of Homeland Security as outlined in the statute.

The County complies with the federal immigration laws, namely the Immigration Reform and Control Act of 1986, and as a result, every new employee at the Firm is required to complete the Employment Eligibility Verification Form I-9 and show documents that prove identity and employment eligibility.

If you leave the County and are rehired, you must complete another Form I-9 if the previous I-9 with the County is more than three years old, or if the original I-9 is no longer accurate or if we no longer have the original I-9.

If you have questions or want information on the immigration laws, contact the Personnel Director. If you ask questions or want to complain about the immigration law, the County will prohibit any form of retaliation against you for this protected activity.

Public Service Expectations

The first and foremost duty of Orangeburg County is service to the public. Courtesy and a spirit of service are the primary requisites of a staff member. Each employee has a special place of importance in the operation of the County and should accept the responsibility of that position with dignity and a dedication to excellence. Each employee is to exhibit a high degree of professionalism, including, work-place appropriate attire and keeping his assigned work area neat and clean.

The teamwork concept under which Orangeburg County operates means that no single department is more important than another. Each department is interdependent on the others, and

all are equal in the overall goal of providing the best possible service to the citizens of Orangeburg County.

Each employee is a public relations officer for the County. In all contacts with the public, YOU are perceived to be Orangeburg County. You can make a greater impact in developing and maintaining good public relations for the County than can a professional advertising firm. All members of the public should be acknowledged with a greeting upon entering a particular department and when leaving the department and the County.

All public contacts should be handled in a friendly and courteous manner. Staff should respect personal feelings and endeavor to answer all expressed needs to the citizen's satisfaction. Staff should not engage in confrontational situations with citizens. If a problem is escalating, seek assistance from another department member or supervisor. If necessary, do not hesitate to call in another supervisor if the immediate supervisor is not present. Do not let the situation escalate to the point where it becomes a crisis.

Visiting with friends, acquaintances, or any discussion of personal affairs is discouraged while on duty at a public service desk.

The use of the telephone for personal calls, either outgoing or incoming, should be kept to a minimum so as not to interfere with essential County business. Personal calls should not be made or accepted while at a public service desk. Telephones in workroom areas should be used sparingly for this purpose. Long distance calls may only be placed under emergency circumstances and must be approved by your supervisor unless your job duties include the routine placement of such calls. Employees may be personally liable for the cost of unauthorized calls.

The use of cell phones is prohibited while at a public service desk.

It is the responsibility of all staff members to make all the resources, services, and programs of the County known to potential users.

Confidential information, obtained through any source, shall not be repeated.

Introductory Period

Introductory period. All new employees, including former employees who have been rehired, will be considered to be in an introductory period for at least the first six (6) months of their employment. This "trial" period is actually an extension of the selection process and is designed to provide the new employee with the opportunity to demonstrate that he is well suited for the job and that the job is well suited for him.

If the immediate supervisor concludes during the introductory period that the new employee is not well suited for the position into which he was hired, the employee may be terminated. The supervisor may also, at his discretion, recommend extending the introductory

period for a minimum of an additional ninety (90) days for a particularly difficult or highly technical position.

The introductory period will end when the supervisor evaluates the new employee in writing, and the supervisor recommends the employee's change in status from "introductory" to "regular."

Special Note: The introductory period is not to be construed as a minimum guarantee of employment. All employees of the County are employed "at will" which means that both the employee and the County can terminate the employment relationship at any time, with or without notice.

Promotions. All newly promoted employees will be considered to be in an introductory period in their new jobs for three (3) months after they begin working in the new job. This "trial" period is an extension of the selection process and is designed to provide the newly promoted employee an opportunity to demonstrate that he is well suited for the job and that the job is well suited for him.

If the supervisor concludes during the introductory period that the newly promoted employee is not well suited for his new position, the employee may be removed from that position. If there is a vacancy in his former position, the employee in most cases may be returned to it. If there is no such vacancy, he may be considered for the filling of other vacancies for which he is qualified. If no other position is found for him, the employee may either be placed on a personal leave of absence or terminated.

This introductory period is not to be construed as a minimum guarantee of employment. All County employees are employed on an "at-will" basis.

Payment of Wages

Employees will be paid bi-weekly through direct deposit unless the County makes other arrangements with a particular employee. When a payday falls on a scheduled holiday, employees shall be paid on the workday preceding the holiday.

The County shall make deductions from employees' paychecks as required by law. Upon the written authorization of the employee, the County may make deductions for insurance, other benefits, etc.

To insure maximum efficiency and coordination of services, it is the policy of the County of Orangeburg to provide uniform working hours for all departments, excepting those departments which maintain continuous operations seven days per week and those departments otherwise specified by the County Administrator.

The office hours for all departments of the County of Orangeburg will be no less than 8:30 a.m. to 5:00 p.m., five (5) days per week, except holidays. Those County departments

where seven day/24 hour services or emergency services are maintained may have workweeks in excess of the normally scheduled hours. Overtime may be scheduled as required by business necessity.

Rest Breaks

Breaks are a voluntary benefit provided for our employees by the County. They are not required by federal, state or any other laws. Department Heads may voluntarily grant a break period that is not to exceed a total of two (2) per day and for no longer than fifteen (15) minutes each break. The specific time may be determined by the Department Head to ensure sufficient personnel are available to staff the department. Breaks are not to be used as an excuse to report to work late or to leave early or to make up any missed time. Break time does not accumulate from day to day. Abuse of break time may result in disciplinary action.

Advance of Wages

Cash, debts owed by the employee to the County, fringe benefits, uniforms, tools, equipment, vehicles, instruction manuals, keys, beepers, computers, and other items belonging to the County and advanced or issued to an employee and not repaid or returned by him at the time of termination are considered "advances of wages," the value of which may be deducted from the employee's final paycheck(s). By accepting or continuing employment, the employee authorizes these deductions.

Failure to Receive Proper Pay/Benefits

If an employee does not submit a grievance or otherwise complain in writing within fourteen (14) calendar days of the date on which he knew or reasonably should have known that he failed to receive a benefit(s) or proper wages in accordance with the County policies, he forfeits all rights to such benefit(s) or wages.

Overtime

The County recognizes that occasionally non-exempt employees may be required to work overtime in order to provide essential governmental services. It is the policy of the County, and in compliance with the Fair Labor Standards Act, that non-exempt employees who are required to work overtime be compensated for their extra efforts. Since uncontrolled overtime can result in dramatically heightened costs, the County must ensure that adequate management of overtime situations is instituted.

Overtime must be approved in advance by the supervisor in accordance with the guidelines established by the County Administrator, except in the case of an emergency. Employees who

refuse to work overtime or fail to appear when notified and scheduled to work overtime may be subject to disciplinary action. Working unauthorized overtime may also subject an employee to disciplinary action.

Compensation for non-exempt employees covered by the Fair Labor Standards Act, who are authorized by their supervisor and/or the Administrator to work more than forty (40) hours in a work week, will be at the rate of 1.5 times the hourly rate of pay for each hour in excess of forty (40) hours within the seven day, defined work week. Overtime for law enforcement and fire fighters shall be based on a twenty-eight (28) day cycle with overtime being paid for any hours worked in excess of 171 hours for law enforcement and 212 hours for fire fighters during the cycle.

Holiday, vacation, sick or bereavement time taken will not be counted as hours worked when computing overtime or compensatory time. The Supervisor may, at his discretion, make an exception to this provision.

At the request of the employee concerned, and with the approval of the County Administrator, an eligible employee may be granted compensatory time off at the rate of time and one-half for hours actually worked in lieu of cash compensation for overtime as provided by the Fair Labor Standards Act. Compensatory time off must be taken within thirty (30) workdays, unless otherwise approved by the County Administrator, and is subject to maximum limits as defined by the Fair Labor Standards Act. An employee may not accumulate more than 240 hours of compensatory time.

Exempt employees, by definition, are exempt from the overtime and compensatory time off requirements of the Fair Labor Standards Act. Hence, exempt employees have no legal entitlement to compensatory time off. Compensatory time off *may* be granted to exempt employees at the discretion of the Administrator. Any decision to provide compensatory time off to an exempt employee would be purely gratuitous on the part of the County.

Salary Basis Policy

It is the policy of the County to comply with the Fair Labor Standards Act ("FLSA"). The FLSA is a federal law which requires that most employees be paid at least the federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek. The FLSA does provide exemptions from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional, outside sales employees and certain computer employees. To qualify for exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis of a minimum of \$455 per week. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the FLSA regulations. You will be classified as an exempt or a non-exempt employee upon your employment with the County.

“Salary basis” is defined as a predetermined amount of compensation each pay period on a weekly or less frequent basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee’s work. Subject to exceptions that follow, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work. If the employer makes deductions from an employee’s predetermined salary, i.e., because of the business necessity, that employee is not paid on a “salary basis.” If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

Deductions from pay are permissible when an exempt employee is (a) absent from work for one or more full days for personal reasons other than sickness or disability; (b) for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; (c) to offset amounts employees receive as jury or witness fees, or for military pay, or (d) for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions. The County is not required to pay the full salary for the initial week of employment where the employee has not worked the entire work week, nor in a week where the employee has been terminated and has not worked the entire work week; for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. Under these circumstances, either a partial day or full day deduction may be made.

Improper deductions are prohibited from the salaries of exempt employees or any other such deductions that violate the FLSA. If you believe that an improper deduction has been made to your salary, you must report this information immediately to your supervisor or the Administrator. Reports of improper deductions will be promptly investigated, and if it is determined that an improper deduction has occurred, you will be promptly reimbursed.

Promotion

Orangeburg County personnel shall be able to apply for any vacancy that occurs in the work force. Decisions will be made on the basis of an employee’s potential and merit as determined and recommended by the respective Department Head, subject to the approval of the County Administrator. The County will always seek the most qualified individual for the position and therefore may not always hire from within.

Promoted employees shall be required to serve a three-month introductory period in the new position.

Transfer

The County is not required to transfer an employee to another position, nor is it required to create a position. However, transfer opportunities may be made available to employees as

vacancies occur or as special requests and circumstances warrant. Transfers shall be made only with the agreement of the Department Heads involved and with the approval of the County Administrator.

Transferred employees shall be required to serve a three (3) month introductory period in the new position.

Performance Appraisal

The purpose of performance appraisals is to formally assess and appraise the employee's performance over a designated period and to provide an opportunity for the supervisor and the employee to discuss all aspects of the individual's performance with respect to fulfilling the requirements, duties and responsibilities of the position held by the employee.

Formal employee performance appraisals are to be conducted at established intervals of an individual's employment. For new employees, performance appraisals may be scheduled at the end of six (6) months and for promoted and transferred employees, at the end of three (3) months. After an employee has achieved regular status, the employee's job performance shall be appraised once a year thereafter. Informal appraisals may be conducted periodically, as each supervisor deems necessary.

All performance appraisals shall be conducted by the appropriate supervisor, reviewed by the appropriate Department Head and County Administrator, and discussed with the employee under the following guidelines:

1. New Employees
 - a. Satisfactory performance appraisal. If the introductory employee receives a satisfactory rating and is recommended for regular status by the employee's supervisor, then the employee shall be granted regular status as an at-will employee of the County.
 - b. Marginal performance appraisal. If the introductory evaluation is marginal, a three (3) month extension of the introductory status may be granted. The extension shall be based on the judgments of the supervisor, the Department Head, and the County Administrator that the employee can improve in deficient areas. If an extension is granted, a subsequent marginal rating at the completion of the extended time may result in termination of the employee. If an employee is not granted an extension, the employee will be terminated.
 - c. Unsatisfactory performance appraisal. If the introductory employee receives an unsatisfactory performance rating, the employee will be terminated.
 - d. During the introductory period, a new employee may be terminated at any time if his work performance is considered to be below

expected levels. **All employees of the Orangeburg County are at-will employees.**

2. Promoted Employees

- a. Satisfactory performance appraisal. If the promoted employee receives a satisfactory rating and is recommended for regular status by the Department Head, the employee shall be granted regular status as an at-will employee of the County.
- b. Marginal performance appraisal. If the promoted employee receives a marginal performance appraisal, a three (3) month extension may be granted. The extension shall be based on the judgments of the supervisor, the Department Head, and the County Administrator that the employee can improve in deficient areas. If an extension is granted, a subsequent marginal rating at the completion of the extended time may result in either transfer or demotion of the employee to an existing vacancy of a lower classification or the employee may be terminated.
- c. Unsatisfactory performance appraisal. If the promoted employee receives an unsatisfactory performance rating, the employee may either be transferred or removed to an existing vacancy of a lower classification, or terminated. If transferred or removed, the employee shall be subject to a three (3) month introductory period in the new position.

3. Transferred Employees

- a. The preceding performance appraisal procedures for promoted employees will apply to transferred employees.

4. Regular Employees

- a. Exceptional. Employee consistently meets and frequently exceeds the requirements of the job. This level of performance is characterized by exemplary accomplishments throughout the review period. Accomplishments must be documented and justified.
- b. Exceeds Requirements. Employee consistently meets and sometimes exceeds the requirements of the job throughout the review period.
- c. Meets Requirements. Employee consistently meets the requirements of the job throughout the review period.
- d. Needs Improvement. Employee sometimes meets the requirements of the job; however, employee occasionally fails to meet the requirements of the job. An employee who receives an overall evaluation of Needs Improvement will be placed on a Performance Improvement Plan. The Performance Improvement Plan will be completed by the evaluator and the employee. This plan shall

provide the employee an opportunity to improve the substandard performance.

- e. Unsatisfactory. Employee consistently fails to meet the requirements of the job. When an employee receives an Unsatisfactory performance appraisal, the employee may be terminated or placed on a Performance Improvement Plan.

5. Merit Pay. Merit pay may be awarded to regular employees on a schedule prescribed by County Council based upon the performance appraisal system. The amount of funding for the merit pay program, if any, shall be determined by County Council during the annual budgetary process.

Nepotism

Employees in the same immediate family will not be employed or continue to be employed with the County if one directly or indirectly supervises another or has responsibility for reviewing the work of the other family member. For purposes of this policy, immediate family includes: spouse, parent, child, grandparent, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, and sister-in-law. Step-relatives are considered family members under this policy.

If employees become related by marriage and create a situation prohibited by this policy, one of the employees must give up his position. If the employees cannot choose which of them it will be, the employee having the lowest budgeted annual compensation will be removed. The County will make an effort to find another position for the removed employee but the County does not guarantee the result of such an effort.

Professional Ethics

It is the policy of the County to prohibit its employees from engaging in any activity, practice, or act which conflicts with, or appears to conflict with, the interest of the County, its residents, or its suppliers. Employees are also expected to adhere to the provisions of the South Carolina Ethics Act. Since it is impossible to describe all of the situations which may cause or give the appearance of a conflict of interest, the prohibitions included in this policy are not intended to be exhaustive and only include some of the more clear cut examples:

- The County employees are prohibited from having a direct financial interest in any contract with the County or to be directly financially interested in the sale to the County of any material, supplies, equipment, or services;
- The County employees are prohibited from engaging in financial transactions with the County where the employee may have direct or indirect access to information regarding the transaction, including but not limited to sales of surplus property or sales of delinquent real property;

- No employee may engage in any business or transaction, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest or would tend to impair his independence of judgment or action in the performance of his official duties;
- County employees may not accept gifts of value, whether in the form of service, loan promise, or any other form from any person which, to his knowledge, is interested directly or indirectly, in any matter whatsoever in business dealings with the County;
- Employees may not disclose information nor shall he use such information that would serve to advance the financial or other private interest of himself or others;
- County employees are prohibited from engaging in or accepting private employment or rendering service for private interest when such employment or service is incompatible with the proper discharge of his official duties;
- County employees may not sell or barter anything to the County, or make any contract with the County, or purchase anything from the County other than those things which the County offers generally to the public and then only on the same terms as are offered to the public;
- County employees may not request or permit the use of County-owned property for any purpose except the conduct of official business, unless specifically authorized by the Administrator.
- The South Carolina Ethics Act requires a statement of economic interests to be filed by the County Administrator no later than April 15th of each year.
- The South Carolina Ethics Act requires a public official or employee to remove himself from possible conflict of interest actions or decisions. Business dealings with a governmental agency can take place only after;
 - Public disclosure of the possible conflict of interest; and
 - Public notice and competitive bidding when that is the normal contract award process; and
 - Complete removal of the interested official or employee from the agency's decision-making process.

Employees are expected to represent the County in a positive and ethical manner at all times and have an obligation both to avoid conflicts of interest and to refer questions and concerns about potential conflicts to the Administrator.

Violations of this policy may be subject to disciplinary action up to and including dismissal.

Political Activity

No employee shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position within the County, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing a vote or political action of any person.

County employees may participate in both partisan and nonpartisan political activities other than County elections. Employees are prohibited from taking part in any political campaign or referenda while on duty. Employees may not directly or indirectly, solicit, receive or be of any manner involved in soliciting, obtaining, or receiving any monetary contribution or assistance, financial or otherwise, for any political purpose whatsoever from any officer or employee of the County.

Employees who are paid either in full or in part by federal monies are covered under the Federal Hatch Act and the Federal Campaign Act and will be required to conform to the regulations of those acts. These acts state that such employees may engage in any legal partisan political activity with the exception of the following:

- Make on-duty financial solicitations
- Use official authority to influence nominations or elections; or
- Be a candidate for an elective office.

Violations of this policy may be subject to disciplinary action up to and including dismissal.

Inclement Weather/Emergency Situations

Every effort will be made to keep the County open during inclement weather unless extremely hazardous conditions exist. The decision to close the County offices or delay their opening is made by the County Administrator. Every effort will be made to notify local radio stations between 7:00 a.m. and 7:30 a.m. as to how the hours of County operations are to be altered. Accordingly, County employees will be granted administrative leave with pay as long as hazardous conditions exist, as determined by the County Administrator. However, if regular hours of operation are not to be altered, no announcement will be made. It is the responsibility of the employee to be at work at the designated starting time. Unauthorized absences will be charged to the employee as leave without pay and may result in other disciplinary actions.

Medical Information

This policy describes how health information about you may be used and disclosed and how you can get access to this information. If you have any questions, ask your supervisor or the Personnel Department.

Orangeburg County is committed to keeping our employees' personal information private. This policy of privacy applies to our health plans that are covered by state or federal law, for

example health benefit plans, dental plans, employee assistance plans, and pharmacy benefit programs. We will refer to all of these plans in this policy as the Benefit Plans.

The Benefit Plans are required by federal and state law to protect the privacy of your health information and other personal information, and to provide you with notice about our policies and protections. When the Benefit Plans use or disclose your protected health information, the Benefit Plans promise to respect the privacy of that information.

The Benefit Plans will not use your protected health information or disclose it to others without your permission, except for the following reasons:

- * Treatment
- * Payment
- * Health Care Operations
- * Disclosure to Employer or Operating Company
- * Disclosure to Health Care Vendors and Accreditation Organizations
- * Public Health Activities
- * Health Oversight Activities
- * Research
- * To Comply with the Law
- * Judicial and Administrative Proceedings
- * When required by Law Enforcement Officials
- * Health or Safety
- * Government Functions
- * Workers' Compensation

The Benefit Plans may also disclose your protected health information when necessary to file claims with other insurance carriers.

The Benefit Plans will not use or disclose your protected health information for any purpose other than the purposes described in this policy without your written agreement. You may take back an authorization that you gave before by sending a written request to the Personnel Department but not about any actions the Benefit Plans have already taken.

The Benefit Plans may disclose protected health information about you to a relative, a friend or any other person you identify, provided the information is directly relevant to that person's involvement with your health care or payment for your care. For example, if a family member or a caregiver calls us with knowledge of your protected health information, we may confirm it or answer questions about it.

You have the right to stop or limit this type of disclosure by contacting the Personnel Department. If you are a minor, you also may have the right to block your parents' access to your protected health information, if permitted by state law.

You have the right to additional restrictions on who can see your protected health information. While the Benefit Plans will consider all requests for restrictions carefully, they are not required to agree to a requested restriction.

You have the right to confidential communications about your protected health information. While the Benefit Plans will consider reasonable requests carefully, the Benefit Plans are not required to agree to all requests.

You have the right to see and copy your protected health information. If you ask for copies, the Benefit Plans may charge reasonable copying and mailing costs.

You have the right to request corrections to your protected health information. If your doctor or another person created the information that you want to change, you should ask that person to change the information.

You have the right to know who your protected health information is disclosed to. If you request an accounting more than once during any 12-month period, the Benefit Plans will charge you a reasonable fee for each accounting statement after the first one.

If you want to make any of the requests listed above, you must contact the Personnel Director.

If you want more information about your privacy rights, do not understand your privacy rights, are concerned that the Benefit Plans have not respected your privacy rights, or disagree with a decision that the Plans made about who can see your protected health information, you may contact the Personnel Department. You may also file written complaints with the Secretary of the U.S. Department of Health and Human Services. We will not take any action against you if you file a complaint with the Secretary of Health and Human Services or the Personnel Department.

Finally, the Benefit Plans may change this policy at any time. If the policy is changed, the Benefit Plans may make the new policy effective for all of your protected health information that the Benefit Plans maintain, including any information created or received before the new policy. If the Benefit Plans change this policy, you will be notified of the change.

The County complies with the privacy laws concerning protected health information as established under The Health Insurance Portability and Accountability Act (HIPAA).

Safety

Safe working conditions are of primary importance for all County employees and the goal of all departments. It shall be the responsibility of every employee to observe safe practices in all daily activities. Each employee should completely understand the following in order to have a good foundation in safety training:

1. Orangeburg County is sincerely interested in preventing accidents.
2. Accidents may occur, however, accident prevention is required.

3. Safeguarding of equipment and of the workplace shall be done thoroughly. Management shall take all necessary precautions.
4. Each employee shall be expected to report any unsafe conditions encountered in the workplace to the supervisor.
5. The supervisor will provide job instructions. No employee shall be expected to undertake any job until authorized to do so by the supervisor.
6. If an injury does occur, regardless of degree, it shall be reported to the supervisor and the Safety Manager immediately.

In addition to these points, any safety rules such as the wearing of eye protection or hard hats, etc., shall be understood and enforced. Any flagrant violation of safety rules will result in immediate disciplinary action up to and including termination.

Travel and Transportation

The County Administrator or his designee will approve or reject all requests received from supervisors on behalf of their employees for reimbursable travel in order to conduct County business or to receive training that will benefit the County. Approval for the travel **must** be obtained in advance of the travel. A copy of the meeting agenda, training agenda, seminar agenda or other appropriate documentation must be attached to all requests for reimbursable travel. The Administrator may authorize advance funding in excess of fifty (\$50.00) dollars for authorized travel subject to strict accountability. Requests for such advances must be submitted to the Administrator through the respective Department Head for approval not less than seven (7) working days prior to the scheduled time of departure.

Employees who have received advance funding for authorized travel must submit a travel expense report with all receipts within five (5) working days of return. Travel advances may be granted only where expenses are expected to exceed \$50.00. If the employee has a balance from the advance funding, it must be returned with the travel expense report. If the employee fails to pay a balance of the advance owed to the County, the amount due will be deducted from his next payroll check as an advance of wages. All other travel expense reports shall be completed and returned within thirty (30) calendar days of completion of the authorized reimbursable travel. Receipts **must** be attached for all expenses. If an employee's personal vehicle is utilized, the employee shall be reimbursed using guidelines established by the Internal Revenue Service as of July 1 annually. Expense reports not properly completed or documented will not be honored.

While traveling on County business, employees are expected to select restaurants that are reasonably priced while providing meals. Employees will be reimbursed for meals using the guidelines established by County Council in the annual budget provisos that are adopted as part of the annual budget ordinances. Where a per diem has been provided, employees will be required to submit receipts. The County will not reimburse an employee for the purchase of alcoholic beverages.

Travel by public conveyance, whether it be by air, rail, bus or other mode of public transportation shall be accomplished by the employee in the most cost-efficient manner available which best serves the financial interests of the County. When public transportation is used, expenses for local transportation such as taxicabs and bus fare will be allowed wherever such transportation is necessary for the conduct of business.

Generally, overnight travel is not allowed for destinations within a 60-mile radius of the employee's normal work location. When lodging is required, employees are expected to utilize standard, medium-priced hotels and motels wherever possible. Receipts for lodging expenses must be attached to the expense report. Lodging at the single rate only (or double rate if single is not available) will be reimbursed by the County. Spouse and family member costs must be borne by the employee. If an employee is attending an organized convention or conference located in a specific motel or hotel, the employee may stay at the designated site of the conference. The employee will be required to register in a timely fashion so as to take advantage of any conference rates that are offered.

The County shall pay the full registration fee for employees representing the County with the following exception: if the registration fee has different rates for members and non-members, the County will pay the lesser rate and the staff member will pay the difference.

Whenever a County vehicle is unavailable and an employee is authorized to use his personal vehicle for the purpose of official business, the employee will be reimbursed at the current rate as published by the Internal Revenue Service as of July 1 annually.

Telephone charges will be permitted expenses when incurred in the conduct of official business. The County shall also reimburse the employee for registration fees, parking fees, tips, copying fees, or other necessary fees, upon presentation of receipt copies.

Outside Employment

Outside employment shall in no way conflict with or be detrimental to the employee's work for the County. Employees currently engaged in or considering outside employment must immediately report such activity or interest to their Department Heads in writing and may not continue or begin such employment without approval of the Department Head and the County Administrator. The letter along with the determination of the Department Head and County Administrator shall be placed in the employee's personnel file. Approved requests shall be subject to periodic review.

Group Insurance

Regular and introductory employees who normally work a minimum of thirty (30) hours per workweek are covered by the County's group Health and Life & Accidental Death & Dismemberment insurance programs. Premium costs for each eligible employee shall be set in accordance with the rate schedule established by the South Carolina Office of Insurance Services.

Additional coverage for employee dependent(s) must be paid by the employee through authorized payroll deductions. Additional information may be obtained through the Personnel Department.

Health insurance for retired employees (herein “retirees”) and retired county elected officials shall be handled as follows; however, this benefit is subject to change, including the elimination of the benefit, upon County Council’s formal action:

1. The county will contribute 50 percent of the monthly premium for a retiree with 15 years or more of service with the county provided the retiree is eligible for regular or disability retirement under the State Retirement System or the Police Officer’s Retirement System at the time the retiree leaves active county service.
2. The county will contribute the full monthly premium for a retiree with 30 or more years of service with the county provided the retiree is eligible for regular or disability retirement under the State Retirement System at the time the retiree leaves active county service. The county will contribute the full monthly premium for a retired county elected official with 15 or more years of service in county elected office provided the retired county elected official is eligible for regular or disability retirement under the State Retirement System at the time the county elected official leaves active county service.
3. The county will contribute the full monthly premium for a retiree with 25 or more years of service with the county provided the retiree is eligible for regular or disability retirement under the Police Officer’s Retirement System at the time the retiree leaves active county service.
4. The health insurance benefits received by a retiree are the same as those under the county’s group plan minus any payments attributable to Medicare. If a retiree desires to cover dependents, the retiree must pay the entire cost of the dependent’s insurance premium.

Retirement

Except where exempted by law, all regular County employees are members of the South Carolina Retirement System. Rules and regulations for eligible employees shall be set in accordance with the requirements of the South Carolina Retirement System.

Application for Retirement System benefits must reach the South Carolina State office up to six (6) months in advance, or ninety (90) days after the retirement date. Applications must be obtained from the Personnel Department or from the South Carolina Retirement System (1-800-868-9002) or their website at www.retirement.sc.gov.

Retiring employees may be eligible to reapply for employment under the South Carolina Teacher and Employee Retention Program (“TERI”), and those who are interested in future full time, temporary, or part time employment with Orangeburg County should make that interest known prior to retirement. Employees who retire with a break in service and who wish to return to employment with the County must formally reapply for employment. Importantly, employees who retire with a break in service are not guaranteed reemployment. For more information on the TERI program, contact the South Carolina Retirement System.

Credit for Military Service in the South Carolina Retirement System

Rules and regulations for eligible employees shall be set in accordance with the requirements of the South Carolina Retirement System.

Additional information may be obtained from the South Carolina Retirement System.

Law Enforcement Retirement Benefits

All eligible Law Enforcement Officers are members of the South Carolina Police Officers Retirement System (including Correction Officers). Rules and regulations for eligible employees shall be set in accordance with the requirements of the South Carolina Retirement System.

Employees contemplating retirement or leaving County service should promptly report such action to the Human Resources Department. In addition, any questions concerning Law Enforcement Retirement benefits or eligibility for membership should be directed to the Personnel Department or from the South Carolina Retirement System (1-800-868-9002) or their website at www.retirement.sc.gov.

Workers' Compensation Insurance

All County employees are covered under the provisions of the South Carolina Workers' Compensation Act. The County pays the entire cost of Workers' Compensation insurance. This program provides weekly benefits, where applicable, to be made to employees who are injured on the job with an injury arising out of and in the course of his employment, and are unable as determined by a physician to perform the essential functions of their job. The length of time and amount of these payments are determined and administered by the South Carolina Industrial Commission. Failure to immediately notify a supervisor of a work-related injury or illness may result in the loss or delay of benefits.

On the Job Injuries

When an employee is injured on the job, he **must immediately report the injury** to his supervisor. He must then obtain the necessary medical treatment as set forth below:

1. In an emergency situation, the employee should be taken by emergency vehicle to the nearest emergency facility. For all other injuries, the employee should be taken or directed to the designated County facility for treatment. Either the supervisor of the employee, the Personnel Department, the Safety Manager or the Administrator can provide the information regarding the treatment facility to be used. Unauthorized treatment may result in the employee paying for the treatment at his own expense.

Automobile Accidents/Property Damage

All incidents involving property damage or an automobile accident involving a County vehicle **must be reported immediately** to the Safety Manager. A police report should be obtained for all vehicle accidents from the governing jurisdiction. Property damage claims, if possible, should have a Police Report. All internal insurance forms required by the County for reporting must be turned in on the morning of the first day (Monday through Friday) subsequent to the incident or accident. Employees may be required to reimburse the County for the cost of the insurance deductible should the accident be determined to be the result of the employee's negligence.

Those employees whose work responsibilities require the assignment of a vehicle owned by the County will operate the assigned vehicle for the purpose of official business. The Administrator must authorize any exception to this policy.

Any unauthorized personal use of such assigned vehicle is forbidden and may subject the employee to disciplinary action. Operators must be responsible for all fines or damages resulting from their own negligence. Operators must possess a valid and appropriate driver's license for the vehicle being driven. Employees whose jobs may require them to operate a motor vehicle are **required to notify the County immediately** in the event that any restriction or revocation is imposed on an employee's ability to legally operate a motor vehicle. If possession of a valid and current driver's license is an essential function of the position as held by the employee, failure to possess such a driver's license may result in administrative action by the County up to and including termination.

DO NOT CALL OR PRESENT A CLAIM DIRECTLY TO THE COUNTY'S INSURANCE COMPANY OR INSURANCE AGENT. CALL THE COUNTY SAFETY MANAGER!

Temporary Light Duty

The County guarantees "light duty" to no one. As a general rule, an employee who is unable to perform all of the essential functions of his job will not be permitted to work. However, in limited circumstances and on a case by case basis, the County may choose to permit an employee who has been injured on the job to perform temporary light duty functions, provided the County determines that there is a legitimate need and to do so would be in the best interests of the County. The County shall determine compensation, duties, and hours as approved by the treating physician.

In such situations, the County will require clearance from the treating physician that the employee is able to perform the proposed temporary light duty functions. As required under the Health Insurance Portability and Accountability Act ("HIPAA"), the employee will be required to

sign a release form to authorize the doctor to discuss any limitations with regard to the injury. If the employee refuses to sign this form, the County may not consider the employee for the light duty position. The County, in its discretion, shall determine the duration of the temporary light duty period. If, at the conclusion of the period of temporary light duty, the employee is unable to perform the essential functions of his regular job, then he will be returned to leave of absence in accordance with the County policy.

Holiday Pay

1. The County recognizes the following holidays:

- New Year's Day
- Martin Luther King Jr.'s Birthday
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day and following Friday
- Christmas Day and either Christmas Eve or the day following Christmas

2. If a holiday falls on a Saturday, the preceding Friday will be observed. If a holiday falls on a Sunday, it will be celebrated on the following Monday.
3. To receive holiday pay, an eligible employee must be at work or taking an approved absence on the workdays immediately preceding and immediately following the day on which the holiday is observed. An approved absence is a day of paid vacation or paid short-term absence. If an employee is absent on one or both of these days because of an illness or injury, the County reserves the right to verify the reason for the absence before approving holiday pay.
4. Employees who are on a leave of absence are not eligible for holiday pay.
5. Due to the nature of services provided by the County, some employees are required to work on official County holidays. Should this be the case, the Department Head has the option of either granting the employee a day off with pay within thirty (30) days or granting the regular holiday allowance in addition to the pay for hours worked with the approval of the County Administrator. In the case of emergency response employees, i.e., 24 hours on and 48 off, the holiday hours granted or paid for will be a total of eight (8).

- 6. Holiday hours are not considered hours worked for overtime purposes.
- 7. Upon termination of employment with the County, employees may not be reimbursed for any unpaid holiday time.

Annual Leave

- 1. All regular, full-time employees accumulate annual leave as follows:
 - a. Employees are eligible for annual leave after completing the 180 calendar day introductory period.
 - b. Employees are encouraged to take time off from their jobs to rest and relax. Consequently, eligible employees are required to take at least five (5) continuous days (two continuous 24-hour shifts for 24-hour shift employees) of accumulated annual leave.
 - c. Annual leave will accumulate to the employee on a bi-weekly basis starting with the first payroll period according to the following schedule:

0-6 years-----	3.7 hours per pay period
7-14 years-----	4.6 hours per pay period
15 years or more-----	5.5 hours per pay period
 - d. All regular full time employees who work 24-hour shifts will accumulate annual leave at rates of 4.62, 5.78 and 6.94 hours respectively per pay period based on the provisions of (c) above.
- 2. Except in the case of an emergency, all annual leave must be approved a minimum of two (2) days in advance by the employee’s Department Head. Whenever possible, an employee wishing to take more than four (4) hours of annual leave time should request approval at least one (1) week in advance.
- 3. Employees may carry forward the equivalent of 30 days (240 hours) of unused but accumulated annual leave from one calendar year into the next.
- 4. All accumulated unused time shall be exhausted concurrent with Family and Medical Leave.
- 5. Department Heads are responsible for scheduling vacations based on employee seniority and must ensure that their departments are adequately staffed at all times. Consequently, the County may limit the number of employees that may be absent from a department at any one time.

6. All annual leave must be requested through channels by completion of a County leave slip/request form available from the Personnel Department.
7. The value of an employee's accumulated but unused leave will be paid to the employee at termination only if: (1) the employee gives and satisfactorily completes a two week notice of resignation; or (2) in the case of the employee's discharge by the County, the employee is not discharged for disciplinary reasons as determined by the County.

Sick Leave

1. All regular full time employees will accumulate sick leave at the rate of 3.7 hours (4.62 hours for 24-hour shift employees) per pay period.
2. Temporary employees are not eligible for paid sick leave.
3. The maximum number of sick leave hours which can be accumulated at any single point in time is ninety days (720 hours). If an employee's sick leave balance reaches 720 hours, then the employee will cease accumulating sick leave until the employee's sick leave balance falls below this figure.
4. Sick leave may be used, with prior approval, in minimum increments of 1/2 hour under the following circumstances:
 - a. The employee's own illness, injury, or incapacitation;
 - b. The employee's medical appointments; and
 - c. Serious injury or illness involving a member of the employee's immediate family.
5. The County reserves the right to require any employee to present a doctor's excuse prior to his return to duty. Employees who are absent for three (3) or more consecutive days may be required to present a doctor's excuse prior to their return to duty.
6. An employee must notify his immediate supervisor of his absence no less than one (1) hour before the beginning of his scheduled workday. Certainly, in an emergency situation, a family member may contact the supervisor on behalf of the employee. The supervisor **must be contacted on each subsequent day of absence**. Failure to appear for work and call the supervisor to notify the County of an absence for three consecutive days will be considered job abandonment and the employee will be administratively terminated.

7. Under no circumstances will accumulated but unused sick leave be paid at termination.
8. All accumulated but unused time shall be exhausted concurrent with Family and Medical Leave.

Absenteeism/Tardiness

If you find it necessary to be absent from work, you must notify your supervisor at least one (1) hour before your work day is scheduled to begin. Likewise, if you are tardy, you must contact your supervisor immediately to let him know that you will be late for work.

Any employee who fails to report to work as scheduled or to call in for three (3) consecutive days will be deemed to have voluntarily abandoned his job. Such an employee will not be eligible to receive pay for unused, accumulated vacation, and may be ineligible for rehire.

A doctor's release slip may be required if you are absent from work for three days or more.

Excessive absence or lateness may result in disciplinary action up to and including termination.

Leave of Absence

Military Leave

Employees are entitled to such leave of absence and reinstatement upon return from leave of absence for military service (including Reserve and National Guard duty) as may be provided by applicable state and federal law. An employee going on military leave shall present a copy of his orders to the appropriate Department Head not more than three (3) days after receiving them. Employees are entitled to reinstatement upon release from military service as provided in state and federal laws. The provisions of such laws change from time to time and for that reason no effort is made to set forth the law in this policy.

Employees requesting voluntary military leave shall do so under the Personal Leave policy and must request such leave with as much advance notice as possible.

Physical Disability and Personal Leave

Physical Disability and Personal Leave (Applies only to Employees Employed Less Than 12 Months, to Employees Who Have Worked Fewer Than 1250 Hours in the Preceding 12 Months, and to Regular County Employees Whose Reasons for Leave are Not Covered by the Family and Medical leave Act).

1. An employee who has completed his initial introductory period (and any extension thereof) is entitled to an unpaid leave of absence for up to six months when unable to work because of sickness, pregnancy, or injury on or off the job. Such an employee may also apply for leave of absence for personal reasons. Personal leaves are granted only in the discretion of the Administrator upon recommendation by the employee's immediate supervisor. Employees still in their introductory periods who are absent for more than five consecutive scheduled workdays because of any physical disability will be automatically terminated, but may be eligible for rehire.
2. Employees are requested to apply for leaves of absence as far in advance of need as is possible, but an employee may be placed on leave status without application when the circumstances warrant such action.
3. Physical disability leaves will begin on the first day of absence.
4. After the employee has exhausted his personal and annual leave, as a general rule, an employee on leave of absence is not entitled to wages or fringe benefits and does not accumulate fringe benefits. Certain exceptions may be established by law.
5. Employees desiring to return to work from an unpaid leave of absence should notify the Department Head in writing at least ten (10) days prior to their desired date of return. If the County finds that the employee is fit to resume his duties as determined by the employee's physician, the employee may be recalled to his former job if a vacancy exists which is to be filled. If no such vacancy exists, the employee may be recalled to any job in which there is a vacancy to be filled and for which he is qualified. If no such vacancy exists at the time the employee desires to return to work, the employee's leave of absence shall be continued. Any employee who has not been reinstated within six (6) months following the commencement of a leave of absence shall be terminated. This action shall not affect the employee's eligibility to be considered for hire as a new employee at some future time.
6. When an employee's leave of absence is due to pregnancy or the birth of a child, the employee, upon her release for duty within the prescribed leave time, will be placed in their former position or a similar position without loss of any benefits.

Family and Medical Leave

The federal Family & Medical Leave Act of 1993 (FMLA) as amended in 2008 requires employers with 50 or more employees to provide eligible employees with unpaid leave. There are two types of leave available, including the basic 12 week leave entitlement (Basic FMLA Leave), as well as the military family leave entitlements (Military Family Leave) described in this policy.

Eligibility for FMLA LEAVE

Employees are eligible for FMLA leave if they:

1. Have worked for the County for at least 12 months;
2. Have worked at least 1,250 hours for the County during the 12 calendar months immediately preceding the request for leave; *and*
3. Are employed at a work site that has 50 or more employees within a 75-mile radius.

Employees with any questions about their eligibility for FMLA leave should contact the Personnel Department for more information.

Basic FMLA Leave

Employees who meet the eligibility requirements described above are eligible to take up to 12 weeks of unpaid leave during a 12-month period for one of the following reasons:

1. To care for the employee's child after birth or placement for adoption or foster care;
2. To care for a spouse, son, daughter, or parent ("covered relation") with a serious health condition;
3. For incapacity due to the employee's pregnancy, prenatal medical or child birth; or
4. Because of the employee's own serious health condition that renders the employee unable to perform an essential function of his or her position.

Married Couples

In cases where a married couple is employed by the same County, the two spouses together may take a *combined total* of 12 weeks' leave during any 12-month period for reason #1, or to care for the same individual pursuant to reason #4.

Military Family Leave

There are two types of Military Family Leave available.

1. Qualifying exigency leave. Employees meeting the eligibility requirements described above may be entitled to use up to 12 weeks of their Basic FMLA Leave entitlement to address certain qualifying exigencies. Leave may be used if the employee's spouse, son, or daughter, is on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation. Qualifying exigencies may include:

- Short-notice deployment (up to 7 days of leave)
- Attending certain military events
- Arranging for alternative childcare
- Addressing certain financial and legal arrangements
- Periods of rest and recuperation for the service member (up to 5 days of leave)
- Attending certain counseling sessions

- Attending post-deployment activities (available for up to 90 days after the termination of the covered service member's active duty status)
- Other activities arising out of the service member's active duty or call to active duty and agreed upon by the County and the employee

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

When both husband and wife work for the same employer, the aggregate amount of leave that can be taken by the husband and wife to care for a covered service member is 26 weeks in a single 12- month period.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Military Family Leave due to qualifying exigencies may also be taken on an intermittent basis. Leave may not be taken on an intermittent basis when used to care for the employee's own child during the first year following birth, or to care for a child placed with the employee for foster care or adoption, unless both the employer and employee agree to such intermittent leave.

Pay, Benefits, and Protections during FMLA Leave

Leave is unpaid.

Family medical leave is unpaid leave (although employees may be eligible for short- or long-term disability payment and /or worker's compensation benefits under those insurance plans) if leave is taken because of an employee's own serious health condition (although employees may be eligible for short- or long-term disability payments and/or workers' compensation benefits under those insurance plans).

Coordination of Paid Time Off for Unpaid Leave.

An employee who must be absent for an FMLA-qualifying reason will be paid for time lost from work from accumulated paid time off balances, if any. Leave taken under this policy counts toward the employee's 12 weeks of leave (or 26 weeks, where appropriate) regardless of

whether all or part of the employee's leave is paid. An employee's family medical leave runs concurrently with other types of leave, i.e., paid vacation.

For leave taken for a qualifying exigency, the employee must use paid personal, vacation, or family leave time concurrent with unpaid FMLA leave. The same rules apply as if the employee took FMLA leave to care for a family member with a serious health condition or for the birth or placement of a child.

For leave to care for a seriously injured or ill family member in the military an employee must use paid personal, vacation, family leave, sick, or medical leave time concurrent with unpaid FMLA leave. The same rules apply as if the employee took leave for his or her own serious health condition. The employer will not provide paid sick leave or paid medical leave in any situation in which the employer would not normally provide any such paid leave.

Medical and Other Benefits

During an approved family medical leave, the County will maintain the employee's health benefits as if the employee continued to be actively employed. Where paid leave is used concurrently with unpaid family medical leave, the County will deduct the employee's portion of the health plan premium as a regular payroll deduction. If leave is unpaid, the employee must pay the employee and the employer portions of the premium by submitting payment through Finance Department on the same day that payroll would have been received by the employee.

An employee's healthcare coverage will cease if the employee's premium payment is more than 30 days late. If the payment is more than 15 days late, the County will send the employee a letter to this effect. If the County does not receive the co-payment within 15 days after the date of that letter, the employee's coverage may cease. If the employee elects not to return to work for at least 30 calendar days at the end of the leave period, the employee will be required to reimburse the County for the cost of the premiums paid by the County for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control.

Return to job at end of FMLA Leave

Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Employee Responsibilities When Requesting FMLA Leave

If the need to use FMLA leave is foreseeable, the employee must give the County at least 30 days' prior notice of the need to take leave. When 30 days' notice is not possible, the employee must give notice as soon as practicable (within 1 or 2 business days of learning of the need for leave except in extraordinary circumstance). Failure to provide such notice may be grounds for delaying the start of the FMLA leave.

Requests for FMLA leave must be submitted to the Personnel Director. When submitting a request for leave, the employee must provide sufficient information for the County to determine if the leave might qualify as FMLA leave, and also provide information on the anticipated date when the leave would start as well as the duration of the leave. Sufficient information may include that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or containing treatment by a healthcare provider; or the circumstances supporting the need for military family leave. Employees also must inform the County if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also will be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

When an employee requests leave, the County will inform the employee whether he or she is eligible under the FMLA. If the employee is, the employee will be given a written notice that includes details on any additional information he or she will be required to provide. If the employee is not eligible under the FMLA, the County will provide the employee with a written notice indicating the reason for ineligibility.

If leave will be designated as FMLA-protected, the County will inform the employee in writing and provide information on the amount of leave that will be counted against his 12 or 26 week entitlement.

An employee's employment will automatically terminate if he does not return to full active employment status at the conclusion of his leave of absence or the exhaustion of all paid leave time accumulated but unused.

Key Employees (salaried employees in highest paid 10% of all employees) –such employees may be denied reinstatement rights if reinstatement would cause substantial and grievous economic injury to operations.

Secondary employment (otherwise known as “moonlighting”) while out of work on FMLA or medical leave of absence without the express written permission of the County Administrator is prohibited.

This policy does not create contract rights. In no case will an employee have a greater right to a job than he would have had if he had not taken leave under this policy.

Jury Duty Pay

1. An employee will be paid for wages lost from scheduled straight-time work due to jury service for up to a maximum of ten (10) workdays per calendar year.

2. In order to qualify for this payment, an employee called for jury service must:
 - (a) provide his supervisor with at least two (2) workdays advance notice of the date on which the employee has been directed to report for jury service;
 - (b) report for work if released by the court before 12:00 noon on any day of jury service; and
 - (c) submit written documentation from the court indicating the days of jury service, the time released each day, and the amount received from the court as payment for jury duty.
3. Employees who have been subpoenaed or ordered to attend court as a witness or to testify in an official capacity on behalf of the County, the State or Federal government shall be provided with paid leave for an additional five (5) days.
4. The absence of an employee due to private litigation is charged to annual leave or leave without pay.

Bereavement Leave

An employee will be paid for time actually lost from straight time scheduled work up to three (3) work days due to attendance at the funeral of a member of his immediate family, which, for purposes of this policy is defined as spouse, parent, legal guardian, child or legal ward, grandparent, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, and sister-in-law. Step-relatives will be considered relatives within the meaning of this policy if the employee and the step relative lived in the same household for a substantial period of time.

Employees will be normally excused from work to attend the funerals of other family members or friends and, upon request, will be permitted to use personal leave for such absences. At the discretion of the Department Head and upon the approval of the County Administrator, an employee may be granted reasonable time off to attend the funeral of a fellow employee. There will be no loss of time if the time used is less than two (2) hours and is made up during the same workweek.

Employee Alcohol Use and Alcohol Testing

The abuse and misuse of alcohol is a very serious problem, and is especially dangerous in the workplace. The County is committed to maintaining a safe and productive work environment. It is the policy of the County to establish and maintain alcohol free workplaces, to comply with applicable government regulations, and to prohibit the unauthorized, improper, or unlawful use of alcohol on County premises or time.

Any employee reporting to work under the influence of either alcohol or drugs will be terminated immediately.

General Rule

Effective immediately, all employees of Orangeburg County are prohibited from using or possessing alcoholic beverages on County premises or time. (The term "County premises or time" includes: County vehicles and private vehicles on County premises; parking lots and recreation areas; and any circumstances in which an employee is representing the County, such as attending off-premises business meetings or conferences.)

Furthermore, all employees of the County are prohibited from reporting to or being at work while under the influence of alcohol. **(An employee shall be considered to be "under the influence of alcohol" if he has any detectable amount of alcohol in his system.)**

Current Employees

Effective immediately, all employees will be subject to alcohol testing where "particularized suspicion" of alcohol use in violation of this policy exists.

1. Particularized suspicion is deemed to exist when:
 - a. information that an employee has used or possessed alcohol in violation of this policy is provided by a reliable informant;
 - b. a serious accident occurs due to the apparent fault of an employee. "Serious accident" is defined as: 1) an accident involving a fatality; 2) an accident causing bodily injury which requires medical care away from the scene of the accident; 3) an accident causing total aggregate property damage of \$1,000 or more based on reliable estimates; or 4) an accident involving one or more Commercial Motor Vehicles which results in one of the vehicles having to be towed from the scene by a tow truck or other vehicle.
 - c. an employee exhibits behavior consistent with alcohol use such as but not limited to:
 - (1) erratic behavior (mood swings, slurred speech, staggering, bloodshot eyes, sleeping on the job or lethargy, excessive unexplained sweating, etc.);
 - (2) the apparent odor of an alcoholic beverage on an employee's breath;
 - (3) other aberrational behavior such as but not limited to excessive absenteeism or tardiness, significant deterioration in job performance, repeated errors or rules violations, etc.
 - d. an employee has admitted violating the County's alcohol policy;

- e. an employee is arrested for or convicted of an alcohol related offense;
 - f. an employee has tested positive for alcohol in violation of this policy within the past five years;
2. Particularized suspicion testing shall not be conducted without the approval of the County Administrator or his designee;

If an employee refuses to submit to an alcohol test when directed to do so, the employee shall be terminated.

Testing Procedure

- A. Employees will have an opportunity to provide any information which they consider to be relevant to the test.
- B. Alcohol tests will be conducted to determine if an employee has violated this policy.
- C. The County shall use only DOT approved non-evidential screening devices and DOT approved evidential breath testing (EBT) devices for alcohol testing pursuant to this policy.
- D. A non-evidential screening device will normally be utilized to initially determine compliance with this policy. If the screening device indicates the presence of alcohol, or if the results of the screening device are deemed questionable by the County, then a confirmatory test will be conducted utilizing an EBT device.
- E. The EBT confirmatory test will be conducted by an individual properly certified to use the equipment. (In situations involving DOT regulated employees, the EBT operator will be properly certified in accordance with applicable DOT regulations.)
- F. A confirmatory test result generated through the use of an EBT which indicates a presence of alcohol in violation of this policy will be conclusive for purposes of this policy.

Notice To Employees

The County shall attempt to distribute to all present employees a copy of this policy. Additional copies of this policy are available upon request. By continuing to work, the employee agrees that he will abide by the policy as a condition of employment.

Consequences of Violating This Policy

Violations of this policy will result in discipline up to and including discharge.

- A. The County shall terminate an introductory employee who violates this policy.
- B. The County shall impose discipline up to and including discharge for a non-introductory employee who violates this policy.
 - 1. The County, in lieu of terminating an employee who has violated this policy, may suspend the employee and condition his continued or future employment upon the successful completion of an alcohol counseling/rehabilitation program.
 - 2. If the County, after considering all of the relevant circumstances, allows an employee who has violated this policy to continue as a County employee, the County will do the following:
 - a. Refer the employee to a Substance Abuse Professional for assessment and require the employee to follow the SAP's prescribed program of counseling/treatment;
 - b. Require the employee to authorize the Employee Assistance Program or other facility to report periodically to the County during the course of counseling/treatment;
 - c. Retest the employee for alcohol use in violation of this policy before allowing the employee to return to duty;
 - d. Place the employee on probation for at least six months following the employee's return to duty; and
 - e. Require the employee to submit to unannounced follow-up alcohol testing for a period not to exceed five years. (The employee will be solely responsible for the total cost of all follow-up alcohol tests conducted pursuant to this policy.)
 - f. Employees who are offered participation in this program will be required to provide an authorization under HIPAA. Without this authorization, employees will not be considered for the program.
- C. Should an employee whose continued or future employment is conditioned upon the successful completion of a counseling or rehabilitation program refuse or fail to participate in a single counseling or treatment session, the employee will be terminated.

- D. An employee whose return-to-duty alcohol test indicates that the employee is in violation of this policy will be terminated.

Coming Forward With Alcohol Abuse Problems

Employees who have alcohol abuse problems and report them to the County Administrator before being selected for testing, and before the occurrence of an event which normally would result in testing, normally will not be disciplined but will be subject to Section (B)(2) of this policy.

If an employee admits to a violation of this policy or tests positive for use of alcohol in violation of this policy, but seeks counseling and remains an employee of the County, the employee will be discharged if he again either admits to a violation of this policy or tests positive for alcohol in violation of this policy.

Confidentiality

Any alcohol test results or information supplied by employees as part of the County's alcohol testing program will be kept as confidential as possible, consistent with the purposes of this policy.

Testing Costs

Orangeburg County will pay the costs of all alcohol tests to which the County requires an employee to submit. However, the employee will be solely responsible for the total cost of all follow-up alcohol tests conducted pursuant to Section (B)(2) of this policy.

Not A Contract

Nothing contained in this policy or in any other policy creates a contract right. Consistent with South Carolina law, all employees are employed "at will," which means that the employee has the right to terminate his or her employment at any time, with or without notice or cause, and that the County retains the same right. Exceptions to the policy that all employees are employed "at will" may be made only by written agreement signed by the County Administrator following a proper vote by the County Council.

Employee Assistance Program

In order to prevent the negative effects of alcohol abuse, Orangeburg County has implemented the above policy and made available to its employees an Employee Assistance Program. The program provides employees with professional help for problems such as alcohol and drug abuse, emotional stress, money management difficulties and unpleasant family situations.

Periodically, the County will make available to employees information regarding alcohol abuse. All employees are encouraged to attend such programs and to review any material supplied. Some employees may be required to attend such programs or to review such material. Information about the Employee Assistance Program is available through the County Personnel Department or the Tri-County Commission on Alcohol and Drug Abuse.

The use of illegal drugs and the abuse of alcohol are a serious threat to our nation's collective health, safety, and welfare. Alcohol use in the workplace is dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury and death. In order to prevent these consequences of alcohol use and abuse, the County has implemented this policy. If you feel that you have a substance abuse problem, you need to get help.

For additional information on where to obtain treatment or assistance for drug or alcohol problems, one of the best places to look is in your phone book's Yellow Pages under "Drug Abuse & Addiction Information & Treatment" or "Alcoholism Information & Treatment Centers." Under these headings, there is often a listing for a local "Council on Alcohol and Drug Abuse." These organizations are most helpful, as are Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) in identifying sources for treatment and assistance. Set forth below is a list of organizations that may provide information or referrals.

1. Tri-County Commission on Alcohol & Drug Abuse (The Dawn Center)
(803) 536-4900
2. National Clearinghouse on Alcohol and Drug Information:
1-800-729-6686
3. National Council on Alcoholism:
1-800-622-2255

Employee Drug Use and Drug Testing Policy

It is well recognized that drug abuse has a harmful effect on public health and safety, on the welfare of employees, on morale, and on productivity. Furthermore, it is the policy of Orangeburg County to comply with the Drug Free Workplace Act, to comply with applicable government regulations, to establish and maintain drug-free workplaces, and to prohibit the unauthorized or unlawful manufacture, distribution, dispensation, possession, and use of controlled substances on or off the job.

For these reasons, the County adopts the following policy:

General Rule

Effective immediately, all employees of Orangeburg County are prohibited from swallowing, inhaling, injecting, dealing in, or otherwise using illegal drugs and substances (such as marijuana, cocaine, LSD, heroin, etc.) and prescription drugs which are not prescribed for the employee's use. This prohibition applies to use at any time, both on-the-job and off-the-job. County law enforcement employees are, of course, permitted to possess any substance when required by their jobs or for the purpose of lawful delivery to another person.

Applicants for Employment

Effective immediately, the County will conduct pre-employment drug tests for all applicants tentatively selected for employment. The County shall not hire any applicant tentatively selected for employment who refuses to submit to a drug test or who tests positive for use of illegal or unauthorized substances. Any applicant who is rejected under this policy may be considered for future vacancies if he can demonstrate he is no longer a user of any unlawful substances. (This may include participation in and successful completion of a rehabilitation program as well as a negative drug test result.) Applicants will be required to provide an authorization under HIPAA. Applicants who fail to provide this authorization will not be considered for employment.

Current Employees

Effectively immediately, all County employees will be subject to drug testing by urinalysis where "particularized suspicion" of drug use in violation of this policy exists or under other lawful conditions.

Particularized suspicion is deemed to exist when:

1. Information that an employee has used illegal drugs or substances is provided by a reliable informant;
2. A serious accident occurs due to the apparent fault of the employee as determined by the County;
 - a. "serious accident" is defined as:
 - i. an accident involving a fatality;
 - ii. an accident causing bodily injury which requires medical care away from the scene of the accident;
 - iii. an accident resulting in aggregate property damage of \$1,000 or more based on reliable estimates;
 - iv. an accident in which one or more motor vehicles incurs disabling damages as a result of the accident, requiring the towing of one or more of the vehicles from the scene by a tow truck or other vehicle.
3. An employee exhibits any of the following:

- a. Extreme mood swings;
 - b. Slurred speech;
 - c. Unusual clumsiness;
 - d. Staggering;
 - e. Dilation of pupils;
 - f. Sleeping on the job or lethargy;
 - g. Excessive unexplained sweating; or
 - h. Other aberrational behavior;
4. An employee has been arrested for violation of drug laws;
 5. An employee has admitted violating the County's drug policy;
 6. An employee has tested positive previously for illegal drugs within the past five (5) years.

Particularized suspicion testing shall not be conducted without the approval of the County Administrator or his designee(s).

If an employee refuses to submit to a drug test when ordered to do so, the County shall terminate the employee.

Testing Procedure

- A. Drug testing will be by urinalysis.
- B. The collection of samples will be performed under reasonable and sanitary conditions.
- C. Urine normally will be collected under conditions of semi-privacy – that is, a person of the same gender will be in a position to observe obvious attempts to substitute or adulterate a urine sample. Collection of the urine sample may be directly observed by a person of the same gender, however, where the person supervising the collection believes an employee has tampered with an earlier urine sample or the employee has previously admitted or been proved to have used drugs in violation of this rule.
- D. Urine samples will be sealed, labeled, and documented in accordance with the procedure of the drug testing company. Labeling, storage, and transportation of samples shall be performed so as reasonably to preclude the probability of erroneous identification, sample contamination, or sample adulteration.
- E. Specimens will be checked for at least the following six drugs:
 1. marijuana

2. cocaine
 3. opiates
 4. amphetamines
 5. phencyclidine
 6. barbiturates
- F. Applicants and employees will have an opportunity to provide any information which they consider relevant to the test, including identification of currently used prescription or nonprescription drugs, or other relevant information.
- G. Samples which initially result in a positive finding for drug use will be re-tested by the gas chromatography/mass spectrometry (GCMS) method. If the GCMS test results in a positive finding of drug use, and is verified by the Medical Review Officer, the written report of the Medical Review Officer shall be conclusive for all employment-related purposes.
- H. The County's Medical Review Officer will normally allow an employee whose drug test results have been confirmed as positive the opportunity to justify the result before the Medical Review Officer notifies the County.

Notice to Employees

The County shall attempt to distribute to all employees a copy of this policy. Additional copies of this policy are available upon request. By continuing to work, the employee agrees that he will abide by the policy as a condition of employment.

Notice to Employer, State and Federal Grantor/Contracting Agencies, and Law Enforcement Authorities

As a condition of employment, employees agree to notify the County within five calendar days after any criminal conviction for the workplace manufacture, distribution, dispensation, possession, or use of illegal drugs and prescription drugs not prescribed for the individual employee's use. The County shall notify all state and federal grantors/contracting agencies of such employee convictions as required by the state and federal Drug Free Workplace Acts. "Conviction" means a finding of guilt, imposition of a sentence, a plea of no contest, or a plea of guilty.

The County shall notify law enforcement authorities whenever illegal drugs are found in the workplace.

Consequences of Violating This Policy

Violations of this policy will result in discipline up to and including discharge.

- A. For introductory employees, the County shall terminate the employee if he is found to be in violation of this policy.
- B. For all other employees, the County shall impose discipline up to and including discharge for an employee who is found to be in violation of this policy.
 - 1. The County, in lieu of terminating an employee, may condition the continued or future employment of an employee who tests positive for or admits to the use of illegal drugs, upon the successful completion of a drug counseling/rehabilitation program.
 - 2. If the County, after considering all of the relevant circumstances, agrees to allow an employee who is found to be in violation of this policy to continue as a County employee, the County will do the following:
 - (a) Refer the employee for drug abuse counseling;
 - (b) Require the employee to authorize the Employee Assistance Program or other facility to report periodically to the County during the course of treatment/counseling;
 - (c) Retest the employee for controlled substances before allowing the employee to return to duty;
 - (d) Place the employee on probation for at least six months following the employee's return to duty; and
 - (e) Require the employee to submit to unannounced follow-up drug testing for a period not to exceed five years.
 - (f) Employees who are offered participation in this program will be required to provide an authorization under HIPAA. Without this authorization, employees will not be considered for the program.
- C. Should an employee, whose continued or future employment is conditioned upon the successful completion of a counseling or rehabilitation program, refuse or fail to participate in a single counseling or treatment session, the employee will be terminated.
- D. An employee whose return to duty test sample does not indicate that the employee has discontinued use of illegal drugs will be terminated.

Coming Forward With Substance Abuse Problems

All employees who have substance abuse problems and report them to the County before being selected for testing, and before the occurrence of an event which normally would result in testing, normally will not be disciplined upon the first violation but will be subject to Part (B)(2) of this policy.

If an employee admits to a violation of this policy or tests positive for drugs in violation of this policy, but seeks counseling and remains an employee of the County, the employee will be discharged if he again either admits to a violation of this policy or tests positive for drugs in violation of this policy.

Confidentiality

Any drug test results or information supplied by employees and applicants as part of the County's drug testing program will be kept as confidential as possible, consistent with the purposes of this policy.

Testing Costs

The County will pay the costs of all drug tests to which the County requires an employee to submit. However, an employee subject to unannounced follow-up testing pursuant to Part (B)(2)(e) of this policy will be solely responsible for the cost of all follow-up tests.

Notification of Results

Applicants will be notified of the results of a pre-employment drug test, provided the applicant requests the results within 60 days of being notified of the disposition of the employment application.

Employees will be notified of the results [including the drug(s) discovered] of all drug tests, provided the results are positive.

Employee Assistance Program

The use of illegal drugs and similar substances is a serious threat to our nation's collective health, safety, and welfare. Drug abuse in the workplace is dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury and death. In order to prevent these consequences of drug abuse, the County has implemented the above policy and made available to its employees an Employee Assistance Program. The program provides employees with professional help for problems such as alcohol and drug abuse, emotional stress, money management difficulties and unpleasant family situations.

Periodically, the County will make available to employees information regarding alcohol abuse. All employees are encouraged to attend such programs and to review any material supplied. Some employees may be required to attend such programs or to review such material. Information about the Employee Assistance Program is available through the County Personnel Department or the Tri-County Commission on Alcohol and Drug Abuse.

A. For additional information on where to obtain treatment or assistance for drug or alcohol problems, one of the best places to look is in your phone book's Yellow Pages under "Drug Abuse & Addiction Information & Treatment" or "Alcoholism Information & Treatment Centers." Under these headings, there is often a listing for a local "Council on Alcohol and Drug Abuse." These organizations are most helpful, as are Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) in identifying sources for treatment and assistance. Set forth below is a list of organizations that may provide information or referrals.

1. National Clearinghouse on Alcohol and Drug Information:
1-800-729-6686
2. National Council on Alcoholism:
1-800-622-2255

B. Periodically, the County will make available to employees information regarding substance abuse. All employees are encouraged to attend such programs and to review any material supplied. Some employees may be required to attend such programs or to review such material.

Not A Contract

Nothing contained in this policy or in any other policy creates a contract right or property interest in employment. Consistent with South Carolina law, all employees are employed "at will," which means that the employee has the right to terminate his or her employment at any time, with or without notice or cause, and that the County retains the same right. Exceptions to the policy that all employees are employed "at will" may be made only by written agreement signed by the County Administrator following a proper vote by the County Council.

Notice of Right to Health Care Continuation Coverage

Federal law provides that most employers sponsoring a group health plan offer covered employees and their covered dependents the opportunity for a temporary continuation of health coverage (called "continuation coverage") at group rates in certain instances where coverage under the plan would otherwise end.

A notice is provided to all new employees at orientation to inform them, in a summary fashion, of their rights and obligations under the continuation coverage provisions of the federal law. Both the employee and his covered spouse should take the time to read this summary notice carefully. A more detailed notice will be provided separately.

Continuation coverage under the group health plan at the employee's expense is available if you become ineligible for coverage under the plan due to the occurrence of one of the following events:

1. The covered employee's voluntary or involuntary termination (other than by reason of gross misconduct) of employment or loss of eligibility to participate in the plan due to reduced hours;
2. The covered employee's death;
3. The covered employee's divorce or legal separation;
4. The covered employee's dependent child ceases to be a dependent (as that term is defined by the plan);
5. The covered employee becomes eligible to receive Medicare benefits;
6. Bankruptcy proceedings of the employer under Title 11.
7. As provided for under USERRA.

If you elect continuation coverage, the employer is required to offer group health insurance, which as of the time coverage is being provided, is identical to the coverage provided under the plan to similarly situated employees or dependents. The full cost of the insurance is passed on to the employee plus an administrative fee as determined by the insurance carrier.

Neutral Reference

Only the Administrator or his designee will be authorized to provide job references or employment-related information regarding current or former employees. Such inquiries must immediately be directed to one of these individuals. Violation of this policy may result in disciplinary action up to and including termination.

The County's general policy is to provide only neutral references in response to inquiries by prospective employers seeking information about current or former employees. This means that the County normally will provide to prospective employers only the following information: the beginning and ending dates of employment, position(s) held, and confirmation of a former employee's compensation rate or range at termination.

Special Note: This policy is not intended to prohibit County employees who are listed as personal references on an application form from responding to inquiries from prospective employers, provided the employee who is asked to provide the reference did not/does not supervise, directly or indirectly, the current or former County employee who is the subject of the reference.

Workplace Privacy and Computer Internet Use

The workplace is intended to be a place of work. An important part of work is communications and record keeping. No employee is at work 24 hours a day, seven days a week, and there are times when management needs access to communications or records maintained by employees in their individual workplaces. Each employee must understand that personal items and personal communications received or stored on County premises are not entitled to a guarantee of privacy.

The County reserves the right to search for County property and documents in employee desks, lockers, file cabinets, etc.

Electronic media raises similar issues. The County provides electronic and telephone communication and, when necessary, computers to employees. Although assigned to the employee, these items are the property of the County. Similarly, any computer files created on a County computer belong to the County. Employees are prohibited from using County computers for personal business without the express written permission of the County Administrator. This includes but is not limited to the transmission of mass or bulk emails and any non-County related materials. Unauthorized programs and files may not be used on County computers without the written permission of the Systems Administrator. The County reserves the right to review voice mail, electronic mail, computer files, and other electronic information generated by or stored in County electronic systems.

The following activities are prohibited and may be subject to disciplinary action up to and including termination:

- Downloading or uploading any material which may be deemed as offensive or harassing by any employee or customer.
- Violating copyright laws.
- Using threatening or obscene material.
- Distributing material protected by trade secret.
- Utilizing the County's system for commercial purposes.
- Sending or soliciting sexually oriented messages or images is prohibited.

Should you enter a prohibited site in error, you must notify the Systems Administrator immediately.

Employees who regularly use County vehicles in the course of their job or employees who may have the occasional need for a County vehicle should be aware that Orangeburg County may deploy GPS and/or AVL devices in some or all of its vehicles. Employees who attempt to disconnect or tamper in any way with these devices may be subject to discipline up to and including termination.

Electronic Devices

Orangeburg County prohibits employees from using cell phones while they are driving. If you are driving and need to use the phone, you should pull off the road and stop before you place a call or talk on the phone. You may use hands free equipment for cell phone use and continue driving. Personal cell phone usage is prohibited on the job-site during work related tasks. Keep personal cell phones in your car for use on breaks. Talking on the phone while performing tasks is dangerous to you and those around you. Violations to this policy may result in disciplinary actions up to and including termination.

This policy includes telephone calls, texting, blogging, instant messaging, etc.

Disciplinary Action

The County expects employees to meet its standards of performance and behavior and to comply with and carry out County rules and directives. As is the case with all organizations and entities, instances arise when an employee must be reprimanded, suspended, or discharged, with or without notice. Although "progressive discipline" may be applied, the County will administer discipline according to the situation and the County's needs.

1. Types of disciplinary action:

Disciplinary action taken against an employee may include:

- 1) Informal counseling;
- 2) Oral reprimand;
- 3) Written reprimand;
- 4) Suspension without pay;
- 5) Probation;
- 6) Demotion; and/or
- 7) Dismissal.

2. Examples of Conduct Warranting Disciplinary Action

It is not possible to list all acts and omissions which may result in disciplinary action. The disciplinary action, which is appropriate for any particular misconduct, depends upon a number of factors including but not limited to the length of the employee's service, the quality of that service, the employee's prior disciplinary record, the seriousness of the misconduct, and the impact of the misconduct on others. **THE DISCIPLINARY ACTION WHICH IS ADMINISTERED FOR ANY PARTICULAR ACT OR ACTS OF MISCONDUCT RESTS IN THE SOLE DISCRETION OF THE COUNTY.** The following list is merely representative of some of the more obvious types of misconduct which may result in discipline up to and including discharge:

- a. Incompetence.
- b. Unauthorized absence.
- c. Insubordination, including disrespect for the County, or other conduct which tends to undermine the County.
- d. Intentional failure or refusal to carry out instructions.
- e. Unauthorized possession or removal, misappropriation, willful destruction, theft or conversion of County property or the property of others.
- f. Violation of safety rules, neglect, or engaging in unsafe practices.
- g. Interference with the work of other employees.
- h. Threatening, coercing, or intimidating fellow employees.

- i. Dishonesty.
- j. Willful disregard of others.
- k. Excessive tardiness or absenteeism.
- l. Failure to provide or falsification of any information required in the employment application.
- m. Failure to report properly an accident or personal injury.
- n. Neglect or carelessness resulting in damage to County property or equipment or the property or equipment of others.
- o. Repeated convictions during employment on misdemeanor and/or traffic charges.
- p. Introduction, possession, or use of illegal or unauthorized prescription drugs or intoxicating beverages on County property or while on duty anywhere; working while under the influence of illegal or unauthorized drugs or intoxicating beverages; or the off-the job illegal use or possession of drugs. (For purposes of this policy, an employee shall be determined to be "under the influence" if he has any detectable amount of any such substance in his system.)
- q. Acts of misconduct at any time which are unbecoming of a representative of the County and which reflect unfavorably upon it. (This necessarily includes "charges" of misconduct.)
- r. Unsatisfactory performance.
- s. Sleeping on the job, or giving the appearance of sleeping on the job.
- t. Inappropriate behavior or conduct directed toward or affecting a co-worker or member of the public.
- u. Unauthorized possession of firearms in the workplace.
- v. Violation of the County policies and procedures.

Termination of Employment

Ordinarily, termination of employment with the County may occur under four general conditions:

1. Voluntary Termination. All employees of the County are at-will and employees may terminate their employment with or without reason, and with or without notice. Employees giving **and** working a two week notification of their resignation will be eligible to receive their accumulated but unused vacation pay not to exceed two hundred forty (240) hours. Whether the employee will be required to work that notice is at the discretion of the County. Employees who do not give **and** work the proper notice or who are terminated for disciplinary reasons will not be paid for accumulated but unused vacation.

2. Involuntary Termination. All employees of the County are at-will and employees may be terminated involuntarily by the County. The value of an employee's accumulated but unused leave will be paid to the employee at termination only if: (1) the employee gives and satisfactorily completes a two week notice of resignation; or (2) in the case of the employee's discharge by the County, the employee is not discharged for disciplinary reasons as determined by the County.

3. Financial Exigency Termination. The County may terminate the employment of any individual whose position is dependent upon funding by an agency other than the County wherein such funding is declined, withheld, or withdrawn. The County may also terminate the employment of any individual whose position is funded by the County's annual operating budget, but where funding for the position is eliminated, redesigned, withheld, or withdrawn by action of the Orangeburg County Council because of financial exigency.

4. Layoff or Reduction in Work Force Termination. The County may terminate the employment of an individual when financial exigency, reallocation of resources, job obsolescence, or other conditions necessitate or warrant a layoff or reduction in the County work force.

Employee Complaint and Grievance Procedure

From time to time, conflicts and problems arise in the workplace. Orangeburg County has put in place a “complaint and grievance procedure” which is designed to give employees a swift and informal means of communicating their concerns to the County. The County firmly believes that the vast majority of concerns and disagreements can be resolved through thoughtful, informal discussion between the parties involved. This procedure is applicable to all regular employees who have successfully completed their introductory period except for the employees of county-wide elected officials, boards and commissions appointed by the Legislative Delegation, and joint governmental entity boards and commissions unless those officials or entities specifically opt to use a County policy.

If you feel you have been treated inappropriately, you may utilize the County’s grievance procedure. While the County cannot guarantee that initiating a grievance will result in a “change” or “correction” to the satisfaction of a grieving employee, the County believes it to be very important that employees have a clearly defined avenue through which significant concerns can be aired and, hopefully, quickly resolved.

Employee grievances may include but are not necessarily limited to, dismissal, suspension, involuntary transfer, and promotion. In most cases, compensation is not a proper subject for consideration under this procedure.

Other than the employees of county-wide elected officials, boards and commissions appointed by the Legislative Delegation, and joint governmental boards and commissions, any employee who feels that he has a grievance must use the following procedure:

Step 1.

- Step 1 may be oral or written.
- Within ten (10) calendar days of the decision that the employee grieves, the employee shall discuss the grievance with his immediate supervisor and the immediate supervisor will make a decision regarding the grievance.
- If the employee is not satisfied with the supervisor’s decision and wants to contest the decision, the employee must take Step 2.

Step 2.

- Step 2 may be oral or written.
- The employee must follow the chain of command in his department and division, appealing to each successive level of supervision through (A) the Department Head if the person is an introductory employee or (B) the Deputy Administrator level if the person is a regular employee.
 - At each level, each successive person in the chain of command shall have 2 working days to communicate a decision to the employee.

- If no decision is made within the two-day period, the grievance shall be considered denied.
 - If a person in the chain of command is unavailable to consider the grievance, the grievance shall be considered denied.
- Once the employee has timely exhausted the applicable successive levels within the chain of command, if the employee is not satisfied with the decision, then the employee shall act in accordance with Step 3.

Step 3.

- Introductory Employees. If the employee is an introductory employee, then the decision of the head of the employee's department is final.
- Regular Employees. A regular employee must appeal to the Employee Grievance Committee (EGC) the denial of his grievance by the Deputy Administrator over the employee's division by
 - Filing a written notice of appeal directed to the EGC via the Personnel Director
 - Which notice the employee must file within 14 calendar days of the date that the employee becomes aware that the Deputy Administrator has denied the employee's grievance
 - The written notice must include the following information:
 - The purpose of the appeal
 - What recommendation is requested of the EGC and
 - A statement that every step in the chain of command has been followed in the appeal as required by the grievance procedure and a description of that process by date and the corresponding supervisor's name.
 - "Filing" shall occur when the employee delivers the notice to the Director of the Personnel Department or the Director's designee. If the employee requests, staff in the Personnel Department will assist in preparing the notice
 - EGC Action.
 - Immediately upon receipt of the filing of the notice of appeal, the Personnel Director/Designee shall transmit it to the chairperson of the EGC
 - Within 10 days of receipt of the written notice of appeal
 - The Chair of the EGC shall
 - schedule a meeting of the EGC for purposes of hearing the appeal which hearing shall, if possible, occur within 30 days of the filing of the notice of appeal, and
 - notify the following of same

- the members of the EGC
 - the employee requesting the hearing
 - the head of the employee's department
 - the Deputy Administrator of the employee's division
 - the Personnel Director
 - the media as FOIA requires
- Within 20 days after hearing an appeal, the EGC shall
 - make written findings and a recommendation
 - distribute the written findings and recommendation to the employee, Department Head, and the relevant Deputy Administrator.
 - distribute the original of the written findings and recommendation along with the entire EGC file to the Director of the Personnel Department/Designee for secured retention with the relevant employee's personnel file
 - If the employee is not satisfied with the EGC decision and wants to contest it, the next level is an appeal to the County Administrator
 - If the employee does not timely appeal the EGC decision to the County Administrator, the decision of the EGC shall become final and the employee will have knowingly ended the matter short of exhausting his administrative appeals.
- The employee shall file a written request for appeal to be considered by the County Administrator whose decision shall be the final decision of the County
 - The employee must file the request within 3 work days of the employee's receipt of the EGC's written findings and recommendation
 - "Filing" shall occur when the employee delivers the request for appeal to the Director of the Personnel Department/Designee
 - Immediately upon receipt, the Director of the Personnel Department/Designee shall deliver the request for appeal to the County Administrator along with the entire EGC file on the matter
 - Within a reasonable time of receipt of the request and file, the County Administrator shall review the request for appeal and the EGC file without holding any further hearings.
 - If the County Administrator approves of the EGC's recommendation, then the recommendation of the EGC shall be the decision of the County Administrator and distribution of that decision shall follow the procedure set forth, below.
 - If the County Administrator rejects the decision of the EGC, then the Administrator shall make his own decision which he shall

reduce to writing and distribute in accordance with the procedure set forth below.

- If the employee appeals to the County Administrator, whether the County Administrator approves or rejects the EGC's recommendation, the action of the County Administrator **shall be the final action on the grievance.**
- The County Administrator shall cause the following distribution from his level of appeal
 - a copy of the Administrator's approval or rejection shall be transmitted to the chairperson of the EGC, the employee, the Department Head and the Deputy of the Division
 - the original of the Administrator's approval or rejection and the entire EGC file shall be transmitted to the Personnel Director/Designee for secured retention with the relevant employee's personnel file

Employees of county-wide elected officials, boards and commissions appointed by the Legislative Delegation, and joint governmental entity boards and commissions shall not be entitled to use the foregoing grievance procedure. However, if the relevant county-wide elected official, board or commission opts to use the County grievance procedure, then the employees of those shall be entitled to use Step 1, above, followed by Step 2, except that Step 2 is modified such that the chain of command shall end with the relevant county-wide elected official, board or commission. As to Step 3 for introductory employees of those offices, boards or commissions, the County Administrator shall not participate in the process; instead, all references to the County Administrator shall be deemed to be references to the relevant county-wide elected official, board or commission

The Orangeburg County Council shall appoint an Employee Grievance Committee composed of no less than three (3) and no more than five (5) employees with two (2) alternates to serve for terms of three (3) years, except that the members appointed initially shall be appointed so that their terms will be staggered, and approximately one-third continue to serve after the expiration of his term until a successor is appointed. Any interim appointment to fill a vacancy for any cause prior to the completion of a member's term shall be for the unexpired term. Any member may be reappointed for succeeding terms at the discretion of the County Council member who appointed that particular Committee member. All members shall be selected on a broadly representative basis from among County employees. Members employed in the same department as the grieving employee and members having formed an opinion on the issues prior to the hearing, shall not participate in that employee's hearing. In the event such a situation exists, the County Council member who originally appointed the Committee member with a conflict shall appoint an alternate member of the Committee.

EGC members shall take an oath of confidentiality regarding any and all matters that come to members' attention by virtue of being an EGC member. Any complaint that a member

of the EGC has breached confidentiality shall be brought to the attention of the Director of Personnel who shall, in turn, immediately bring the complaint to the attention of the chairman of the EGC or, if the complaint is against the chairperson of the EGC, to a chairperson chosen from the remaining EGC membership who shall be newly selected to preside over the EGC for purposes of handling the confidentiality complaint. For purposes of a confidentiality complaint, the EGC shall hear and render a decision regarding the complaint, and the County Administrator shall have the power to accept or reject the EGC's decision. Violation of the oath of confidentiality shall subject a member to (1) removal from the EGC and (2) disciplinary action up to and including termination.

The Committee annually shall select its own chairman from among its members. The chairman shall serve as the presiding officer at all hearings which he attends but may designate some other member to serve as presiding officer in his absence.

A quorum shall consist of at least two-thirds of committee members, and no hearings may be held without a quorum.

The presiding officer will have control of the proceedings. He shall take whatever action is necessary to ensure an equitable, orderly, and expeditious hearing. Parties shall abide by his decisions, except when a Committee member objects to a decision to accept or reject evidence, in which case the majority vote of the Committee will govern.

The Committee shall have the authority to call for files, records, and papers which are pertinent to any investigation and which are subject to the control of the County; to call for or consider affidavits of witnesses; to request and hear the testimony of; to consider the results of polygraph examinations; and to secure the services of a recording secretary in its discretion. The Committee shall have no authority to subpoena witnesses, documents, or other evidence, nor shall any County employee be compelled to attend any hearing. Minutes shall be taken of the proceeding. Witnesses, other than the grieving employee and the department representative, shall be sequestered when not testifying. All witnesses shall testify under oath.

Neither the grieving employee nor the department may be assisted by advisers or by attorneys during the hearing itself; however, the Committee shall have an attorney available to it at any and all times it considers necessary. The County Attorney shall serve as the Committee's attorney; however, if the County Attorney has participated in the underlying matter that gives rise to the grievance, then the County Attorney, at his option, may select another attorney who works for the County to assist the Committee. The Personnel Department shall provide assistance in reading written materials to the Committee at the request of a grieving employee. The Committee's attorney shall prepare the written decision of the Committee based on its input and notes.

In disciplinary actions by Department Heads and their subordinate supervisors, the employee must receive, in reasonable detail, written notice of the nature of the acts or omissions which are the basis for the disciplinary action. This notice may be amended at any time 24 hours or more before the commencement of the hearing. The department must demonstrate that the disciplinary action is for the good of the County. The department shall make the first

presentation. The Committee may base its findings and recommendations on any additional or different grounds developed from the employee's presentation.

In non-disciplinary grievances the employee must establish that something was denied him illegally or in violation of a County policy. The employee shall make the first presentation.

In all grievances, the grieving employee and the department shall each be limited to one (1) hour of initial presentation. The party required to make the first presentation shall be entitled to a ten (10) minute rebuttal of the other party's presentation. The chairman shall appoint himself or another member of the Committee as timekeeper.

In all grievances, presentations may be oral or in writing or both and may be supported by affidavits or unsworn signed statements from witnesses, by records, other documentary evidence, photographs, and other physical evidence. Presentations shall be made by the grieving employee (with reading assistance from a member of the Personnel Department if the employee desires) and by a managerial employee of the affected department. Neither party may call witnesses or question the other party, or question any witness called by the Committee.

Special Note: Nothing in this policy shall be construed to prohibit an employee from bringing a problem or concern to the attention of a superior outside the normal chain of command. However, all employees should understand that the superior may direct the complaining employee to attempt to first resolve the situation through his immediate supervisor or to follow the established grievance procedure framework.

[REST OF PAGE INTENTIONALLY LEFT BLANK]

Personal Appearance

Each employee's dress, grooming and personal hygiene should be appropriate to their own work situation. Any employee who is improperly dressed upon arriving at work may be asked to return home to change and will not be paid for the time that they are absent from their job.

Employees in administrative, professional, clerical, and all other personnel not engaged in outside activities are expected to present a professional image at all times. Jeans are not permitted unless a "casual day" has been authorized or is authorized by the Department Head. Other inappropriate attire would include backless garments, shorts, halter tops or midriff blouses, exercise clothing, t-shirts, cropped tops, or clothing that is see-through or provocative in any manner, including but not limited to excessively short, tight, sheer, low cut or revealing clothing of any type. If in doubt, don't wear it without asking your supervisor BEFORE coming to work dressed in such attire.

Safety concerns may prohibit an employee from wearing any dangling or loose jewelry.

Although "dress down days" may be designated at the discretion of the Department Head, all attire must be of a nature that is appropriate. All employees are expected to utilize good grooming habits and to exercise good personal hygiene at all times.

**AMENDMENTS AND SUPPLEMENTS TO
THE JUNE 15, 2009
ORANGEBURG COUNTY EMPLOYEE HANDBOOK**
As authorized by County Council after June 15, 2009

[The Personnel Director shall maintain any and all amendments and supplements to the Employee Handbook in chronological order behind this page.]

**THE AMENDMENTS AND SUPPLEMENTS TO THE
EMPLOYEE HANDBOOK, IF ANY,
SHALL NOT BE CONSIDERED CONTRACTUAL IN NATURE.
PLEASE REVIEW PAGES 2 AND 3 FOR THE IMPORTANT
NOTICE THAT APPLIES TO THE EMPLOYEE HANDBOOK
AND TO AMENDMENTS AND SUPPLEMENTS TO THE
EMPLOYEE HANDBOOK, IF ANY.**