



HUMAN RESOURCES STANDARDS OF PRACTICE

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TABLE OF CONTENTS

Article 1: OVERVIEW

Section

1.1	Introduction	1.1-1
1.2	General Provision and Definitions.....	1.2-1

Article 2: HUMAN RESOURCES FOUNDATIONS

Section

2.1	Accommodations for Disabilities	2.1-1
2.2	Equal Employment Opportunity	2.2-1
2.3	Employment at Will.....	2.3-1
2.4	Harassment; Workplace Violence	2.4-1

Article 3: EMPLOYMENT

Section

3.1	Recruitment and Selection.....	3.1-1
3.2	Reinstatement.....	3.2-1
3.3	Re-employment.....	3.3-1
3.4	Introductory Employment Period	3.4-1
3.5	Transfers and Promotions.....	3.5-1

Article 4: CONDITIONS OF EMPLOYMENT AND THE WORK ENVIRONMENT

Section

4.1	Attendance and Hours Worked	4.1-1
4.2	Annual (Vacation) Leave	4.2-1
4.3	Sick Leave	4.3-1
4.4	Holidays.....	4.4-1
4.5	Military Leave.....	4.5-1
4.6	Family and Medical Leave	4.6-1
4.7	Leave of Absence without Pay	4.7-1
4.8	Other Leave With or Without Pay.....	4.8-1
4.9	Other Employment and Conflicts of Interest	4.9-1
4.10	Political Activity.....	4.10-1
4.11	Gifts and Gratuities	4.11-1
4.12	Safety.....	4.12-1
4.13	Drug-Free Workplace	4.13-1
4.14	Uniform Dress Code	4.14-1
4.15	Equipment Use, Care, and Maintenance	4.15-1
4.16	Vehicle Use, Care, and Maintenance	4.16-1
4.17	No Smoking	4.17-1
4.18	Use of Communications Systems, Equipment, and Devices	4.18-1
4.19	Travel.....	4.19-1
4.20	Solicitation and Distribution of Literature	4.20-1

TABLE OF CONTENTS

Article 5: BENEFITS

Section

5.1	Group Health and Life Insurance	5.1-1
5.2	Flexible Benefits	5.2-1
5.3	Unemployment Insurance.....	5.3-1
5.4	Worker’s Compensation Insurance.....	5.4-1
5.5	Retirement	5.5-1
5.6	Education Assistance and Incentives	5.6-1

Article 6: CLASSIFICATION AND PAY PLAN

Section

6.1	Position Classification Plan.....	6.1-1
6.2	Pay Plan.....	6.2-1

Article 7: MANAGING PERFORMANCE

Section

7.1	Performance Evaluations	7.1-1
7.2	Performance Improvement Plans	7.2-1
7.3	Code of Conduct.....	7.3-1
7.4	Corrective Action and/or Disciplinary Action.....	7.4-1
7.5	Hearing and Disciplinary Appeals Process	7.5-1
7.6	Grievance and Appeals Process	7.6-1

Article 8: LEAVING THE ORGANIZATION

Section

8.1	Separation from Employment.....	8.1-1
8.2	Exit Interview	8.2-1

Article 9: RECORD KEEPING

Section

9.1	Personnel Records.....	9.1-1
9.2	Attendance Records.....	9.2-1
9.3	Public Inspection of Records; Confidential Information	9.3-1

**Brunswick-Glynn County
Joint Water & Sewer Commission
Human Resources Standards of Practice**

Article 1: OVERVIEW

Section

1.1 Introduction

1.2 General Provisions and Definitions

Section 1.1

INTRODUCTION

PURPOSE

The general purpose of this Human Resources Standards of Practice is to establish a system of personnel administration that ensures equal access based on merit to employment opportunities with the Brunswick-Glynn County Joint Water and Sewer Commission (“JWSC”), as well as develop and retain valued employees by providing managers and supervisors with guidelines to help them ensure that employees receive fair and consistent treatment in the workplace. All employees are expected to use these policies as a source of guidance and information.

The policies, practices, procedures, and benefits described herein do not create a contractual obligation on the part of the JWSC. The JWSC expressly reserves the right to modify, discontinue, or otherwise change the policies, practices, procedures, and benefits outlined in these policies at the discretion of the JWSC. While the JWSC recognizes the importance of having equitable personnel policies and procedures, nothing in these Standards of Practice shall be construed as conveying any property rights or any expectation of continued or tenured employment. All employees working for the JWSC are employed on an at-will-basis.

SCOPE

The JWSC was established in 2006 as a political subdivision of the State of Georgia and a public corporation under House Bill 1585 of the General Assembly of Georgia. These Standards of Practice and Guidelines are intended to comply with the Operational Agreement and Addendum thereto, executed by the JWSC pursuant to said Act.

These Standards of Practice and Guidelines pertain to all divisions and work units of the JWSC. Individual divisions may adopt more specific guidelines with respect to operations. Division operating guidelines will be consistent with these Standards and Guidelines and will be reviewed by the Director. These Standards and Guidelines will take precedent over conflicting division operating guidelines.

ADMINISTRATION; CONTENT

The responsibility for the administration and interpretation of the policies and procedures is vested in the Director. Contained herein are both Standards and Practice Guidelines. The Standards are general statements of policy. Practice Guidelines give directions for administering the Standard. Questions regarding the implementation of Human Resources Standards of Practice should be directed to the Director or to the Human Resources Department.

HOW TO USE THESE STANDARDS OF PRACTICE

The format is such that each Section describes the “Subject” or topic of discussion, followed by the “Standard” of practice. The Standard is a policy statement. It tells what the JWSC’s practice will be on particular issues. The “Guidelines” provide just that – guidelines for managers to use in ensuring that the Standard is met. The Guidelines provide details about how the Standard should be administered and what it means. The Guidelines also provide the basis for corrective and/or disciplinary actions. As revisions are made, division heads will receive the revised pages with instructions about what old pages should be deleted and replaced with the updates. Supervisors should share this new information with their employees and ensure that these Standards of Practice are available to each employee for inspection or reference.

GENERAL PROVISIONS AND DEFINITIONS

STANDARD

Human Resources matters shall be administered in a fair and consistent manner. These Standards of Practice shall provide the foundation and shall serve as a guide for implementation on a daily basis.

PRACTICE GUIDELINES

1. Amendments to These Standards of Practice:

The JWSC may amend these Standards of Practice from time to time at any meeting of the Commissioners of the JWSC by adoption of a resolution setting the specific language of the amendment. The JWSC expressly reserves the right to modify, discontinue, or otherwise change the policies, practices, procedures, and benefits outlined herein at the discretion of the JWSC. Proposed amendments may be distributed to division heads for review and comment.

2. Availability:

A copy of these Standards of Practice will be available to all employees for review in the office of the Director and in the Human Resources Department and distributed to all division heads.

3. Employees Subject to Personnel Policies:

Personnel policies of the JWSC shall apply to all positions in the personnel system except the following:

- Appointed members of the Joint Water and Sewer Commission.
- The Director.
- All division heads, who shall be covered employees for every other purpose, except that they are hired by the Director. Division heads who are covered employees shall be subject to discipline by the Director.
- Any covered employee to the extent these policies are prohibited by federal, state, or local law.

Employees subject to this Paragraph 3 have no expectation of a pre-dismissal hearing, evidentiary hearing, grievance, or appeal rights.

4. Definitions:

Adverse Action means a disciplinary action which results in a reprimand, suspension without pay, demotion, reduction in pay or dismissal. It does not include actions resulting from reduction in force, insufficient funds, decrease in funds, or changes in the personnel needs of the JWSC.

Appeal means a request made to the division head, or the Director, by an employee seeking review and reconsideration of a recommendation or decision regarding an adverse action.

Budgeted Position Listing means the official listing of positions budgeted within each division identifying the classification of the position, pay grade, incumbent, pay rate, position number, class code, and other related information.

Classification Plan means a comprehensive listing of all budgeted positions and the job classification titles to which they are assigned.

Commissioners mean the members of the governing body of the Brunswick-Glynn County Joint Water and Sewer Commission.

Covered Servicemember means a member or veteran of the Armed Forces, including the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

Demotion means reassignment of an employee to a position with a lower rate of pay.

Designee means the person to whom the Director or a division head delegates certain authority for decisions in the absence of the Director or division head, or to whom the authority is delegated to stand in for the Director or division head.

Director means the Executive Director of the JWSC.

Division means a principal operating unit or series of operating units as designated by the Director.

Division Head means the person designated by the Director and who has the responsibility and authority to manage and operate the division on behalf of the JWSC.

DOL means the U.S. Department of Labor, Wage and Hour Division.

Employee means an individual hired by the JWSC for an indefinite period of time and who is normally scheduled to work forty (40) hours per week. The appointment is continuous, subject to satisfactory performance and availability of funding.

Exempt Employee means an employee who is exempt from the overtime provisions of the FLSA.

FLSA means the Fair Labor Standards Act, 29 U.S.C.A. § 201 et seq.

FMLA means the Family and Medical Leave Act, 29 U.S.C.A. § 2601 et seq.

FMLA Leave means leave taken by an eligible employee for a serious health condition of the employee or the employee's immediate family or Qualifying Exigency Leave for a spouse, child, or parent for a period not to exceed twelve (12) work weeks or equivalent shifts during a 12-month period measuring backward from the date of leave, or such other Military Caregiver Leave (up to twenty-six (26) work weeks) calculated from the first date of leave taken and concludes twelve (12) months afterward pursuant to the FMLA.

Health Care Provider means a doctor of medicine, doctor of chiropractic, doctor of osteopathy, podiatrist, dentist, clinical psychologist, optometrist, nurse practitioner or nurse midwife, legally authorized to practice under the laws of the State of Georgia and performing within the scope of their practice, including a physician assistant. The term shall include any other practice area listed in the FMLA and regulations promulgated thereunder, as amended from time to time.

Immediate Family means spouse, parents, siblings, children, grandchildren, grandparents, or spouse of any of these; stepmother, stepfather, stepchild or spouse of any of these; or any other relative whom it can be demonstrated is a member of the employee's household, to include anyone permanently living in the house, or legal dependents of the employee. Also included is the child, parent, sibling, or grandparent of a spouse.

Incumbent means the employee occupying an existing position.

Introductory Employment Period means a period of time, one year (12 months) of service, during which a new employee, or an employee who has moved to a different position, is being observed for job capability and adequacy of performance, and who is expected to demonstrate to the satisfaction of the division head that the employee has the knowledge, ability or aptitude and other necessary qualities to perform satisfactorily the duties of the position.

Job Analysis means a systematic study of the tasks, duties, responsibilities and other job-related factors of a position.

Job Class means a position or group of positions having similar duties and responsibilities, requiring similar qualifications, which can be designated by one title indicative of the nature of the work performed and which is/are assigned to the same salary range.

Job Description means a written description of typical duties and responsibilities characteristic of positions assigned to a specific class, along with the required qualifications, knowledge, skills and abilities an individual must possess to be considered for a vacancy in the class.

Job Posting means a posted notice distributed within JWSC divisions listing an available job opening(s).

JWSC means the Brunswick-Glynn County Joint Water and Sewer Commission.

Military Caregiver Leave means leave taken by an eligible employee to care for a servicemember who is a spouse, child, parent, or next of kin (nearest blood relative) with a serious illness or injury incurred in the line of duty while on active duty in the Armed Forces, National Guard or Reserves. Such leave shall be for a period not to exceed twenty-six (26) work weeks or equivalent shifts in a single 12-month period pursuant to the FMLA.

Non-exempt Employee means an employee who is entitled to overtime pay under the provisions of the FLSA.

On-Call means the employee must remain available to report back to work on short notice after the end of the regular workday and weekends when the need arises.

Pay Grade means a level of pay associated with a minimum and maximum annual salary figure identified by its hierarchical relationship to other levels of pay.

Pay Plan means a schedule of pay grades and pay ranges systematized into sequential rates including minimum, intermediate, and maximum rates of pay along with guidelines for the administration of compensation.

Pay Range or Salary Range means the range or distance between the pay grade minimum and maximum pay rate.

Position means an integration of currently assigned duties and responsibilities requiring the full-time employment of one person. The position may be occupied or vacant.

Promotion means advancement to another position with a higher rate of pay.

Qualifying Exigency Leave means leave taken by an eligible employee for a period not to exceed twelve (12) work weeks or equivalent shifts pursuant to the FMLA when the employee's spouse, child, or parent who is in the National Guard, Reserves or retired and the family member is notified of an impending federal call or order to active duty in the Armed Forces for deployment to a foreign country. A call to

active duty refers to a federal call to active duty, and state calls to active duty are not covered unless under order of the President of the United States.

Reclassification means the reassignment of an existing position from one job class to another based on changes in job content, such as tasks, duties, difficulty, required skill, and responsibility of the work performed.

Reemployment means the rehiring of a former employee when the employee is not credited with prior years of service for the purpose of calculating leave accrual rates and other benefits associated with length of service.

Regular Employee means a full-time employee who has successfully completed the new hire introductory period.

Reinstatement means the rehiring of a former employee when the employee is credited with prior years of service for the purpose of calculating leave accrual rates and other benefits associated with length of service.

Serious Injury or Illness, as applied to a covered servicemember or veteran, means an injury or illness, including a physical or mental condition, incurred by the member in the line of duty while on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating, or one that existed before the beginning of active duty and was aggravated by service in the line of duty while on active duty. With regard to veterans, the injury or illness may manifest itself before or after the individual assumed veteran status.

Transfer means reassignment from one position to another vacant position within the same division or in a different division when the old and new positions are in the same pay grade.

5. Exempt and Non-exempt Status:

- Exempt Status: Employees are exempt from both the minimum wage and overtime requirements pursuant to the FLSA. Deductions from pay must not occur unless authorized by the Director in consultation with the Human Resources Department. Disciplinary pay deductions are allowed under the FLSA in full-day increments.
- Non-Exempt Status: Employees are entitled to both a minimum wage and overtime pay for overtime work at one and one-half (1½) times their regular rate of pay pursuant to the FLSA. Deductions from pay may be made pursuant to the policies herein and in accord with state and federal laws.
- Complaint Procedure: Complaints of improper payroll deductions shall be forwarded to the immediate supervisor and to the Human Resources Department for investigation and recommendation to the Director. Upon determination that an improper payroll deduction has been made, the JWSC will take prompt corrective measures to restore the employee's compensation to an amount equal to the improper deduction.

6. **Natural Language:** In keeping with the intent and purposes of these Standards of Practice, when the term "he" or "she" or its grammatical equivalent is used herein the term shall be deemed to include both male and female genders.

7. **Headings:** All section titles, headings, and captions are for the convenience of reference only and neither limit nor amplify any provision, right, or entitlement provided by the policies as stated herein.

**Brunswick-Glynn County
Joint Water & Sewer Commission
Human Resources Standards of Practice**

**Article 2:
HUMAN RESOURCES FOUNDATIONS**

Section

- 2.1 Accommodations for Disabilities**
- 2.2 Equal Employment Opportunity**
- 2.3 Employment at Will**
- 2.4 Harassment; Workplace Violence**

ACCOMMODATIONS FOR DISABILITIES

STANDARD

No JWSC employee will discriminate against any qualified individual because of disability with respect to any term, condition, or privilege of employment. The JWSC will make reasonable accommodations for the known physical and mental limitations of otherwise qualified individuals with disabilities, unless such accommodations would impose an undue hardship on JWSC's business operations. Both job applicants and employees are covered by the Americans with Disabilities Act and this Standard of Practice.

PRACTICE GUIDELINES

1. **Definition of Qualified Individual:** An individual with a disability who, with or without reasonable accommodation, can perform the essential function(s) of the position that such individual holds or desires.
2. **Scope:** The prohibition on discrimination applies to all terms, conditions, and privileges of employment, including but not limited to:
 - Recruitment, selection, and hiring
 - Job assignment and classification
 - Promotions, transfers, layoffs, reduction in force
 - Compensation
 - Leave and Benefits
 - Education and training
 - JWSC-sponsored activities
3. **Job Openings:** Information about job openings shall be accessible to people with disabilities and available in alternate formats upon request.
4. **Interviewing:** After reviewing the job description, interviewers may ask applicants if they are able to perform the essential job functions with or without reasonable accommodations. Interviewers may not ask direct questions about whether an applicant has a disability or about the nature of the disability. Medical information cannot be discussed until after an offer of employment has been extended.
5. **Medical Examinations:** The requirement of a medical exam of an applicant is prohibited before making an employment offer.
6. **Medical Information:** Information on an employee's medical condition or history is kept in a separate file from other employee information. Access to this information is limited to those who have a legitimate need to know.
7. **Confidentiality Regarding Disabilities:** All employees with responsibilities that may require knowledge of disabilities are to treat this knowledge in a confidential manner. All information regarding a disability or medical condition will be kept completely confidential except:
 - Supervisors who are responsible for assigning work responsibilities will be informed regarding restrictions on the work or duties of employees with disabilities and any accommodations that have been made.
 - First aid and safety personnel may be informed at appropriate times if the employee's condition may require emergency treatment.
 - Appropriate officials investigating compliance with federal, state, and local laws may be informed.
8. **Reasonable Accommodations:** Supervisors who have questions regarding JWSC's ability to make reasonable accommodations should contact the Human Resources Department.

Section 2.2

EQUAL EMPLOYMENT OPPORTUNITY

STANDARD

The JWSC supports equal employment, training, and advancement opportunities for all persons without regard to race, color, religion, sex, national origin, age, disability, veteran status or any other status protected by law. The JWSC provides employment, promotion, training, and transfer opportunities in a nondiscriminatory manner based on job-related qualifications and abilities.

PRACTICE GUIDELINES

1. **Scope:** These Standards of Practice applies to recruiting, hiring, placement, status assignment of job duties, assignment of equipment, assignment of overtime, compensation, corrective action, disciplinary action, termination, access to benefits and training, promotion, transfer, and any and all other conditions of employment.
2. **Identification as EEO Employer:** The JWSC identifies itself as an Equal Employment Opportunity Employer on materials including, but not limited to, the following:
 - Employment advertisements
 - Job Postings
 - Recruiting Materials
 - Application Forms
 - Employee Handbooks
 - Offer Letters
3. **Federal and State Posters:** All required state and federal posters regarding Equal Employment Opportunity will be posted on bulletin boards accessible to employees.
4. **Recruitment and Selection:** JWSC will maintain data regarding the composition of the workforce in the relevant market area compared with the makeup of the JWSC's workforce. Recruitment efforts will target minority and/or female candidates where divisions have underutilized a particular protected group, but will not exclude any applicant or group from consideration based on membership in a protected group. In all cases, the best applicant for the position will be selected based on job-related qualifications, experience, training, and/or education.
5. **Employee Concerns about Discrimination:** An employee who feels he or she has been discriminated against must report the matter to the supervisor. This includes any retaliatory action for having raised a discrimination issue. If, for any reason, the employee feels uncomfortable going to the supervisor, or is not satisfied with the supervisor's response, the employee must contact the next level of management. If the employee is not comfortable going to the next level of management, he or she must contact the Human Resources Department. The supervisor or manager receiving such a complaint or concern must promptly forward it to the Human Resources Department or be subject to disciplinary action up to and including termination of employment.
6. **Investigation of Complaints:** The Human Resources Department will promptly investigate all complaints and advise the Director immediately upon receipt of a complaint. All allegations will be treated confidentially to the extent possible, consistent with the best interests of the JWSC and the employee. Employees will not be subject to retaliation or reprisals for reporting suspected discrimination or for taking part in any investigation of the allegation.

Section 2.3
EMPLOYMENT AT WILL

STANDARD

Employment with the JWSC is at will. This means that either the employee or the JWSC has the right to terminate employment at any time, and for any reason, with or without cause.

PRACTICE GUIDELINES

- 1. Limitations:** No JWSC employee has the authority to make any agreement with an applicant or employee that alters at will status.
- 2. Human Resources Materials:** No express or implied contract concerning any term or condition of employment will be communicated to employees or contained in any JWSC materials, written correspondence or verbal conversations.
- 3. Introductory Employment Period:** Completion of an introductory employment period or grant of regular employment status will not change an employee's status as an employee at will.
- 4. Offer Letter:** Nothing contained in a letter extending an offer of employment shall be construed as to alter an employee's at will status.
- 5. Termination:** Nothing contained in materials provided to employees in connection with their employment shall require "just cause" to terminate an employee. Statements of specific grounds for termination set forth in these Standards of Practice are not all-inclusive and are not intended to restrict the JWSC's at will employment status.

HARASSMENT; WORKPLACE VIOLENCE

STANDARD

The JWSC will not tolerate any form of harassment of employees, applicants, customers, or visitors in the work environment. Nor will the JWSC tolerate any behavior which threatens to harm or intimidate others. Such behavior will be met with immediate response. The JWSC maintains a work environment where employees are treated with respect and are not subject to harassment, intimidation, or exploitation; and which is free from threatening behavior, acts of violence, or any related conduct. The JWSC will not tolerate such behavior of an employee because of race, sex, religion, color, age, national origin, disability, or veteran status. Any employee acting inappropriately will be subject to disciplinary action up to and including dismissal of employment and/or criminal charges, as appropriate.

PRACTICE GUIDELINES

1. Scope:

- A. **Harassment:** Harassment may include verbal or physical conduct, including gestures, and/or the display of written or graphic materials which:
 - (1) Degrade, show hostility, or lack of respect because of race, sex, religion, age, color, national origin, disability, or veteran status.
 - (2) Create an intimidating, hostile, or offensive work environment for an employee.
 - (3) Adversely affects an employee's employment opportunities.
- B. **Workplace violence:** Any employee who makes threats, exhibits threatening behavior, or engages in violent acts on JWSC-owned or leased property may be removed from the premises immediately pending the outcome of an investigation. Off-site threats include, but are not limited to, threats made via telephone, text, fax, electronic or conventional mail, or any other verbal or non-verbal communication medium.
- C. **Whistleblower protection:** Any employee who makes a good faith disclosure of the possible existence of any activity constituting fraud, waste, abuse, or workplace health and safety violations relating to JWSC operations shall be protected from harassment and retaliatory disciplinary action for the employee's disclosure of such misconduct. Notwithstanding, an employee may be subject to disciplinary action, up to and including termination from employment, when such disclosure is made with the knowledge of its falsity or with willful disregard of the truth or falsity of the matter disclosed.

2. Sexual Harassment: Sexual harassment is unwelcome sexual advances or requests for sexual favors and other verbal or physical conduct of a sexual nature based on gender, including when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of employment.
- B. Submission to or rejection of such conduct is used as the basis for employment decisions affecting the employee.

- C. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

3. Examples of Potential Sexual Harassment: Sexual harassment may include a range of subtle and not so subtle behaviors, materials, or verbal comments that are based on sex. These include materials, behaviors, or comments intended to offend, as well as those which inadvertently or accidentally may be made available to an employee, guest, or vendor by virtue of being in the workplace. Sexual harassment can include harassment between individuals of different sexes or individuals of the same sex. Depending on the circumstances, these behaviors may include, but are not limited to, the following:

- Unwanted sexual advances
- Subtle or overt pressure for sexual favors
- Sexual jokes, flirtations, sexual innuendoes, advances or propositions
- Verbal abuse of a sexual nature
- Graphic commentary about an employee's body
- Comments on sexual prowess, sexual deficiencies, sexual preferences or sexual habits
- Leering, whistling, touching, pinching, assaulting, or coercing sexual acts
- Suggestive, insulting, or obscene comments or gestures.
- Presence in the workplace of sexually suggestive objects or pictures, photos, drawings, text, or computer applications
- Intimidation, ridicule, and insults based on sex

4. Reporting an Incident of Harassment or Workplace Violence:

A. Harassment:

- (1) Employees who perceive that they are being harassed are encouraged to confront the alleged harasser and advise him or her that the behavior is offensive and unwelcome or that it makes the employee uncomfortable. The employee should request that the alleged harasser stop the behavior immediately.
- (2) The employee will report the incident to their immediate supervisor and then immediately to the Human Resources Department.
- (3) Failure to report any incident of harassment, at any level, may subject the employee to disciplinary action up to and including termination of employment.
- (4) Employees who are not comfortable confronting the alleged harasser shall take their concern to the immediate supervisor, and then immediately to the Human Resources Department. If the employee is not comfortable going to supervisory or management staff, the employee is encouraged to directly report to the Human Resources Department. The JWSC wishes to encourage employees who perceive sexual harassment to report the incident immediately without fear of reprisal or retaliation.

B. Workplace Violence: Employees will promptly notify their immediate supervisor and/or division head of any threats which they have witnessed, received, or have reason to believe that another person has witnessed or received. Employees will also report any behavior they have witnessed which they regard as threatening or violent when that behavior is job-related or might be carried out

on JWSC-owned or leased property or in connection with their employment. If the supervisor or division head is not immediately available, employees will contact any available supervisor/manager in the area, or contact the police. The division head, supervisor, Human Resources Department, and/or the Director will be notified as soon as reasonably possible.

- 5. Management Responsibility:** Division heads and supervisors are charged with the responsibility of ensuring that employees are provided an environment where they can be productive, satisfied, and safe. Division heads and supervisors who observe instances of harassment or any form of workplace violence, have reason to believe, or should reasonably have been expected to know that someone may have been harassed or threatened, shall promptly inform the next level of management and the Human Resources Department. Division heads and supervisors who receive an employee's report or concern of alleged harassment or allegations of workplace violence must inform their immediate supervisor, as applicable, and the Human Resources Department immediately. Any failure to so inform the proper supervisor and the Human Resources Department shall make the employee subject to disciplinary action, up to and including termination of employment.
- 6. Employee Responsibility:** Every employee shares responsibility to make the workplace a safe environment. The purpose is to maintain an awareness of all potential risks and to address such risks before they become harmful. Any employee who becomes aware that an employee, customer, or visitor to the workplace may have been harassed or has concerns related to workplace violence is expected to report such behavior to the supervisor, division head, or Human Resources Department immediately. Failure to do so will cause the employee to have shared responsibility for a safe workplace and may subject the employee to disciplinary action up to and including termination of employment.
- 7. Investigation of Complaints:** The Human Resources Department will promptly investigate all complaints and shall advise the Executive Director immediately upon receipt of a complaint, except that if the Executive Director is the subject of the complaint, the Human Resources Department shall advise the Chairperson of the JWSC. All allegations will be treated confidentially to the extent possible, consistent with legal requirements and the best interests of the JWSC and the employee. Information will be shared strictly on a "need to know" basis. Upon notice of an alleged harassment, both employees will be temporarily assigned to different sections as to now allow further contact between the accused harasser and the employee claiming they were harassed. This separation will continue until the investigation is concluded and no further possible threat of harassment exists.
- 8. Retaliation:** Employees will not be subject to retaliation or reprisal for reporting suspected harassment or threatening behavior or for taking part in an investigation of the allegation. Acts of retaliation must be reported to the Human Resources Department immediately. Notwithstanding, an employee will be subject to disciplinary action, up to and including termination from employment, when the employee reports such misconduct with the knowledge of its falsity or with willful disregard of the truth or falsity of the matter reported.
- 9. Responsive Action:** All employees have a shared responsibility to contribute to a positive and professional work environment. Any form of harassment or workplace violence constitutes failure of personal conduct and is subject to disciplinary and corrective action. Responsive action may include, but not be limited to, training and/or referral to counseling, and disciplinary action up to and including termination of employment.

**Brunswick-Glynn County
Joint Water & Sewer Commission
Human Resources Standards of Practice**

Article 3: EMPLOYMENT

Section

- 3.1 Recruitment and Selection**
- 3.2 Reinstatement**
- 3.3 Re-employment**
- 3.4 Introductory Employment Period**
- 3.5 Transfers and Promotions**

Section 3.1
RECRUITMENT AND SELECTION

STANDARD

The JWSC is an equal opportunity employer. All positions shall be filled by qualified individuals without regard to race, creed, color, sex, national origin, age, religion, disability, veteran status or other factors that are not related to the job.

PRACTICE GUIDELINES

1. Requesting to fill a vacancy:

- A. To initiate recruitment for a new or vacated position, the division head shall forward to the Human Resources Department notification of any anticipated or current vacancies in authorized positions as provided by the classification plan and the budget.
- B. The Human Resources Department shall review the request and verify proper classification in consultation with the Director.

2. Recruiting:

- A. All recruitment, advertising and testing shall be administered by and coordinated through the Human Resources Department.
- B. Vacant positions shall be advertised on a job announcement published by the Human Resources Department. The announcement shall be distributed internally to appropriate locations where it is to be posted immediately at work sites by the division head in a prominent location for employee viewing.
- C. Division heads may request internal and/or external recruiting.
- D. The division head may request that the vacancy **first be posted within the division** in order to determine whether qualified candidates exist within the division. Only employees within the division are eligible to apply during this time. Interested applicants should notify the Human Resources Department within the division posting period.
- E. The division head may request that the vacancy be posted or advertised **within all JWSC divisions before externally announcing the vacancy**. All JWSC employees are eligible to apply during this time. Interested applicants should notify the Human Resources Department within the JWSC's internal posting period.
- F. The division head may request that the vacancy be advertised internally and externally **at the same time**. In these circumstances, internal applicants shall follow the same application procedures as external applicants.
- G. Vacancies will be advertised for a period of no less than five (5) business days from the job posting publication date.

3. Emergency Appointments: When an emergency exists, and in order to prevent stoppage of public service, loss, or inconvenience to the public, an emergency appointment may be made for a period not to exceed thirty (30) calendar days. Emergency Appointments shall be made by the Director upon advisement from the Human Resources Department that the results of a job-related reference check are satisfactory. Persons hired on an emergency basis may be terminated with or without cause at any time. Nothing in these Standards of Practice shall be construed as creating any proprietary interest in a job held on the basis of an emergency appointment.

4. Consideration of Current Employees:

- Current employees may be given first consideration for vacant positions; however, the JWSC reserves the right to select external candidates without obligation to current employees.
- Internal applicants selected for a position shall normally provide at least two (2) weeks notification of intent to leave the current position.

5. Apply by closing date or until filled:

- All persons interested in employment with the JWSC shall comply with the application requirements stated in the posting, which may include, but is not limited to, completing the official application form and submitting it to the Human Resources Department on or before the established closing date after which applications will no longer be accepted.
- If the position is posted “open until filled”, the division reserves the right to stop accepting applications any time after the first five (5) business days, begin interviewing, and make a selection recommendation.

6. Screening Applications:

- A. The Human Resources Department shall receive and screen all applications for employment. The Human Resources Department will investigate any statement contained in the application, and obtain evidence regarding the applicant's suitability for employment. The Human Resources Department will perform in-depth reference checks regarding performance of applicants selected for prospective employment. All information gathered shall be forwarded to the hiring division head.
- B. Following the close of the recruiting period, the Human Resources Department will refer to the hiring division head all applicants whose education, training, experience and other job-related qualifications are best suited for the position when compared with all applicants. Criteria for comparison are based on job-related requirements as provided in position and job classification descriptions.
- C. The JWSC will not discriminate against applicants for employment because of a past history of drug addiction if the individual has successfully completed a supervised rehabilitation program or has otherwise been successfully rehabilitated and is no longer engaging in the current use of illegal drugs.

7. Disqualification: The Human Resources Department may disqualify and remove an applicant from further consideration for employment for reasons including, but not limited to, any one of the following:

- The applicant does not possess the minimum requirements for the class or position.
- Reference check or investigation evidences an unsatisfactory employment history or an unsatisfactory personal record that demonstrates unsuitability for employment.
- Fails to pass a physical examination, alcohol or drug screening test administered pursuant to these policies.
- The applicant has been convicted, plead nolo contendere or guilty, or sentenced in any court of competent jurisdiction for a felony or committing a pattern of misdemeanors exhibiting a disregard or lack of respect for the laws of this State, or any state of the United States; provided, however, that such convictions are deemed to be detrimental to the effective performance of the duties for which the applicant is being considered.
- The applicant has made a false statement of any material fact on application materials or pre-employment documents, or has omitted material information, or practices deception in his or her application.
- The applicant has previously been dismissed from any public service for reasons of conduct or other similar causes.
- The applicant has failed to submit an official application correctly or by the prescribed closing date.
- A safe driving record and valid driver's license shall be required for any applicant who will be required to drive a JWSC owned or leased vehicle or personal vehicle in the course of JWSC business. An unsafe driving record may be evidenced by any of the following:
 - (1) Any period of suspension of driver's license or driving with a suspended license at any time in the twelve (12) months preceding the date of application. Suspension arising from changes in insurance carriers will not be evidence of an unsafe driving record.
 - (2) A serious (major) traffic violation in the twelve (12) months preceding date of application including excessive speeding (speed 15 mph more than posted limit), reckless driving, improper or erratic lane changes, following the vehicle ahead too closely, a violation arising from a fatal accident, or driving under the influence of alcohol or drugs (DUI/DWI conviction, guilty plea or nolo contendere).
 - (3) Two or more at fault accidents in the twelve (12) months preceding the date of application.
 - (4) Three or more moving violations in the thirty-six (36) months preceding the date of application including speeding, violation of traffic signals, illegal turn or maneuver, and improper passing.

- (5) Cancellation of auto insurance because of a poor driving record in the twelve (12) months preceding the date of application.
- (6) Dismissal from previous employment because of improper or unsafe vehicle use in the twelve (12) months preceding the date of application.
- (7) Violations which may indicate a disregard for the law including, but not limited to, fleeing from police, hit and run, felony use of a vehicle.

8. Interviewing

- A. The hiring division shall review applications, conduct interviews, and make selections from only those applicants referred by the Human Resources Department.
- B. The Human Resources Department will participate in the interview and selection process upon request.
- C. Documentation of the interviews will be maintained and submitted to the Human Resources Department at the close of the recruitment effort and when selection is completed.

9. Confidential Selection and Testing Materials and Records: All selection and testing materials and records are confidential and are available only to those persons who have a need to know. Such materials will be secured in the Human Resources Department. Records that become outdated may be shredded so as to prevent disclosure of individual information.

10. Job Offer Procedures:

- 1. All hiring divisions shall complete and return the following materials to the Human Resources Department:
 - (1) Written notice describing reasons for selection or non-selection of all applicants that were referred.
 - (2) All applications of rejected applicants.
 - (3) A completed Wage/Hire form with application of successful applicant.
- 2. The Human Resources Department will:
 - (1) Receive the documents, review the selection recommendation, ensure that the process meets established standards, and ensure that references have been checked.
 - (2) Conduct Criminal History, Motor Vehicle Records, and Credit Checks, as appropriate.
 - (3) Forward the Wage/Hire form to the Director along with a recommendation to approve or disapprove.

- (4) Upon successful completion of the above, extend a conditional offer of employment based on successful completion of the pre-employment drug and alcohol screening. A pre-employment physical examination may be required pursuant to the position under consideration.

11. New Employee Orientation: The Human Resources Department will conduct new employee orientation.

12. Employment of Immediate Family Members:

- A. Line of Authority: A division head or any other person serving in a supervisory capacity is prohibited from hiring an immediate family member into a position within his or her line of authority and thereby affecting or influencing the terms and conditions of employment. *(See Section 1.2, General Provisions and Definitions, for "Immediate Family".)*
- B. Alternate Job Placement: At the discretion of the Director, employees may be relocated in an alternative job placement by removal of one or both of the effected employees from their current position to some other position so that immediate family members are not within the employee's line of supervision or responsibility. The Director's decision will be based on which employee's removal would be least disruptive to the productivity and morale of the division(s) involved.
- C. Acquisition of Status: Any person who becomes a member of the immediate family of an existing employee within the employee's line of authority during his or her employment with the JWSC shall notify immediately the Director of the acquisition of such status. The Director will confer with the Human Resources Department as soon as practicable that such a situation exists, and seek a recommendation whether alternative job placement is deemed desirable and what alternative job placements may be considered.
- D. Pay and Benefits: No employee who is reassigned pursuant to the terms of this Paragraph 12 shall suffer any decrease in salary or benefits.

Section 3.2

REINSTATEMENT

STANDARD

A regular employee who resigns while in good standing or who is dismissed because of reduction in force may be considered for reinstatement within one (1) year of the date of separation. If the position has been posted or advertised, the employee who desires reinstatement shall be considered for the position along with any other applicants for the position.

PRACTICE GUIDELINES

1. Reinstatement after a reduction in force may be made if a position becomes available for which the individual meets the job-specific qualifications.
2. Reinstatement for voluntary separations will be discretionary and will include consideration of documented past performance.
3. An employee may be reinstated to the same or different division or position.
4. An employee who enters extended active duty with the Armed Forces of the United States, or as a member of a Reserve component of the Armed Forces, will be granted reinstatement rights commensurate with federal law.
5. To be eligible for reinstatement, the individual must meet the current minimum qualifications for the job class to which appointment is being considered.
6. A reinstated employee will be required to serve an introductory employment period if reinstated to a job class different from the position previously held.
7. A reinstated employee may receive upon immediate employment or after the introductory period, as applicable, the following:
 - A. Pension Benefits: Retirement and pension benefits will be restored pursuant to the JWSC Defined Pension Plan.
 - B. Sick Leave: An employee will be given credit for previously accumulated and unused or unpaid sick leave which shall be revived and restored to the employee.
 - C. Vacation Leave: Annual (vacation) leave will begin accruing at the rate at which the employee accrued leave prior to the employee's separation from JWSC employment. The employee will not be credited for any leave for which the employee was paid or forfeited upon separation.
 - D. Review Date: Procedures for awarding additional salary increases shall apply as to longevity to an employee reinstated pursuant to this Section. The employee's performance reviews shall be scheduled as of the date of reinstatement.

Section 3.3
RE-EMPLOYMENT

STANDARD

A former employee who is re-hired more than twelve (12) months after the date of separation will be considered to be re-employed and will complete a new one year introductory period.

PRACTICE GUIDELINES

1. An individual who is re-employed will not be credited with prior years of service for the purpose of sick and vacation leave accrual rates. No previous unused leave will be restored to the employee. The re-employed individual will be treated as a new employee, except as noted in Paragraph 2, below.
2. Re-employed persons may receive credit for length-of-service for retirement benefits pursuant to the JWSC's Defined Pension Plan.

INTRODUCTORY EMPLOYMENT PERIOD

STANDARD

As a final part of the selection process, the introductory employment period provides time for effective adjustment of new, promoted, or transferred employees or elimination of those whose performance does not meet acceptable standards.

PRACTICE GUIDELINES

1. Effective 4-24-17, an employee appointed initially or who has been re-employed, promoted, or transferred will serve a one year introductory period. Newly hired employees and re-employed persons will have access of up to 30 hours of vacation time and up to 30 hours of sick time upon hire.

2. **Introductory Period Reports:**
 - A. During the introductory period, the employee's supervisor will confer with the employee as to progress made and acceptability of work performance on a quarterly basis. The employee will be given an Annual Performance Evaluation Report after one year of service to mark the end of their introductory period.
 - B. At least one (1) month prior to the expiration of the introductory period, the division head will complete and submit a performance evaluation to the Human Resources Department indicating whether the employee is recommended for continued employment, for extended introductory status, or separation from employment.
 - C. Performance evaluation forms will be provided to the division head by the Human Resources Department. Each report of performance shall be discussed directly with the employee by the employee's division head or his or her designee. If an employee disagrees with any statement in the evaluation report, the employee may, in a space provided on the evaluation report, list any disagreements and sign the report.
 - D. Employees within the probation period are required to sign the evaluation, stating that they have read and reviewed the evaluation.
 - E. Before completion of the employee's introductory employment period, introductory employment periods may be extended for not more than sixty (60) calendar days to allow marginally performing employees to reach satisfactory performance.
 - F. When an employee is authorized unpaid leave pursuant to Section 4.7, Leave of Absence Without Pay, for a period greater than five (5) working days, the new employee's introductory period will be extended for the same number of days the employee is absent beyond the initial five day grace period.
 - G. Supervisor's Responsibilities: Upon hiring a new JWSC employee or rehiring an employee, the immediate supervisor is required to set goals and objectives for the new employee in writing. The supervisor will review with the employee the goals and objectives prior to beginning and when completing the quarterly evaluation periods during the introductory year.

3. A new employee (one who is new to the JWSC), or a re-employed employee (an employee who has been re-hired after a separation period of more than twelve (12) months), may be dismissed without a pre-dismissal hearing or appeal rights at any time during the introductory employment period if the division head determines that the employee is not satisfactorily performing assigned duties. The reasons for dismissal shall be documented and filed with the Human Resources Department.
4. If the employee does not successfully complete the introductory employment period or extended introductory period, employment shall be terminated either during or immediately following the introductory period, unless the delay is necessitated by extenuating circumstances.

Section 3.5
TRANSFERS AND PROMOTIONS

STANDARD

Employees are encouraged to pursue career growth opportunities and apply for posted positions for which they meet the qualifications. Supervisors are required also to explain career paths with their subordinates and review growth opportunities during each annual evaluation.

PRACTICE GUIDELINES

- 1. Consideration of Current Employees:** Whenever possible, vacancies should be filled by promotion or transfer from among the qualified eligible employees within a division or from other divisions within the JWSC. In all cases, the most qualified person shall be selected for the position, based on objective job-related criteria. The selected person must meet the documented minimum qualifications for the position. An employee is not guaranteed a transfer if it is determined that the employee's current position is considered mission essential and that by moving that employee would cause a shortfall within their current position.
- 2. Eligibility for Transfer/Promotion:** An employee who has successfully completed the introductory employment period of one year may apply for a transfer or promotion. Employees that are currently considered in a Performance Improvement Plan or employees that have had any disciplinary action within the past six (6) months will not be considered eligible for transfer or promotion.
- 3. How to Apply:** An employee interested in a position listed on a Job Posting should make such interest known by following the application procedures specified in the posting. Applicants should not rely entirely on information currently in the personnel file, or on the interviewer's personal knowledge of the applicant. Applicants are expected to provide complete job-related information indicating why they are best qualified for the position.
- 4. Transfers are not to be Automatic:** If an employee requests to be transferred to another section within the organization, both the section gaining the transferred employee and the section losing the transferred employee must be in agreement of the transfer. If either section does not agree that the transfer is in the best interest of the organization or the employee requesting the transfer, the transfer will not be completed.

**Brunswick-Glynn County
Joint Water & Sewer Commission
Human Resources Standards of Practice**

Article 4: CONDITIONS OF EMPLOYMENT & THE WORK ENVIRONMENT

Section

- 4.1 Attendance and Hours Worked**
- 4.2 Annual (Vacation) Leave**
- 4.3 Sick Leave**
- 4.4 Holidays**
- 4.5 Military Leave**
- 4.6 Family and Medical Leave**
- 4.7 Leave of Absence Without Pay**
- 4.8 Other Leave With or Without Pay**
- 4.9 Other Employment and Conflicts of Interest**
- 4.10 Political Activity**
- 4.11 Gift and Gratuities**
- 4.12 Safety**
- 4.13 Drug-Free Workplace**
- 4.14 Uniform Dress Code**
- 4.15 Equipment Use, Care, and Maintenance**
- 4.16 Vehicle Use, Care, and Maintenance**
- 4.17 No Smoking**
- 4.18 Use of Communications Systems, Equipment, and Devices**
- 4.19 Travel**
- 4.20 Solicitation and Distribution of Literature**

Section 4.1

ATTENDANCE AND HOURS WORKED

STANDARD

Each and every job is important and plays a critical role within each work team and in the overall JWSC effort. All employees are to report to work promptly such that they are prepared to begin work at the scheduled time. Each employee must notify the immediate supervisor within prescribed time frames if he or she is unable to report to work promptly.

PRACTICE GUIDELINES

1. **The Work Week:** The standard workweek shall be from 12:01 a.m. Monday until 12:00 p.m. midnight on Sunday, a time span of seven (7) consecutive twenty-four (24) hour periods.
2. **Administrative Core Business Hours:** For administrative offices and employees, core business hours shall be from 8:00 a. m. until 5:00 p.m. with one hour for lunch. Administrative employees normally work five (5) eight (8) hour days per week, Monday through Friday.
3. **Field Operations:** Some operations employees may work hours that differ from the administrative core business hours. This is necessary to best serve the customers and deliver services.
4. **Shift Work:** JWSC operations require employees on duty twenty-four (24) hours per day, seven (7) days per week. Wastewater Treatment employees may work from eight to twelve (8 to 12) hour shifts, depending upon available staffing and workload requirements.
5. **Alternate Work Schedules:** When the activities of a particular operation unit require some other schedule to meet work needs, the Director may authorize a deviation from the normal work schedule. Alternate work schedules shall be approved in advance by the division head and the Director. Work schedule changes of a long-term nature shall be documented in the employee's personnel file.
6. **Training and Travel Time:** Time spent in professional or technical training seminars which are required by the JWSC shall be counted as time worked. The employee shall be paid for travel time which occurs during the employee's regular working hours. Such travel on non-working days (e.g., Saturday or Sunday) is compensable if it occurs during the employee's normal working hours, e.g. 8:00 a.m. until 5 p.m., pursuant to the FLSA.
7. **Overtime:** Each division head shall have the responsibility of controlling overtime in each division. Overtime is neither desired nor expected on a regular basis. However, during peak periods when overtime becomes necessary, division heads are responsible for assuring that required overtime is distributed among their employees on an equitable basis.
 - A. The method of compensating employees who are due to receive overtime pay shall be to include the overtime pay in the employee's pay check for the pay period in which the overtime was worked. The employee will be compensated at the overtime rate of pay for any hours physically worked beyond forty (40) hours during the workweek computed at the nearest one-quarter ($\frac{1}{4}$) hour. Whether an employee works a standard workweek or performs shift work, all non-exempt employees are subject to the FLSA overtime provisions.

- B. Records of all overtime worked shall be kept by the division head for review by the Director.
- C. Sick leave or leave without pay does not count as hours worked for purposes of overtime computation.
- D. Holidays, and annual (vacation leave) taken during a week in which a holiday occurs, count as hours worked for overtime computation purposes when an employee works during the week in which the holiday occurs and leave is taken. If a holiday occurs during a week in which the employee does not work, then neither the holiday nor the leave count as hours worked for computation of overtime pay.
- E. For working on scheduled holidays, an employee will be paid one and one-half (1½) times their regular hourly rate of pay.
- F. The Director may grant administrative leave due to extreme hazardous travel conditions. Such leave counts as hours worked for overtime computation purposes when an employee works during the week in which the leave is granted.
- G. Exempt employees are not eligible to receive overtime pay, except that employees who are required to work beyond normal work hours during a declared state of emergency and/or mandatory evacuations will be paid straight time for time worked over forty (40) hours. Some examples of catastrophic events include hurricanes, floods, tornados, and major gas leaks.
- H. Supervisors shall arrange the work schedules of their employees to accomplish the required work within the standard workday.
- I. Overtime work must be approved by and directed by the division head or the person acting in their place if absent prior to the time it is worked. Unapproved work performed during non-work hours, including time prior to the start of the workday, during the lunch period, and after the workday has concluded, including taking work home, is prohibited.

8. Compensatory Time:

- A. Employees may use compensatory time in lieu of overtime payment in cash provided the employee and the division head agree to the use of compensatory time prior to performance of the work as provided by the FLSA. The agreement need not be in writing; however, the division head will promptly prepare a record for inclusion in the employee's official file maintained in the Human Resources Department that outlines the particulars of the agreement, forwarding a copy to the Chief Financial Officer.
- B. Employees may accrue up to two hundred forty (240) hours of compensatory time in lieu of cash overtime compensation, and which represents not more than one hundred sixty (160) actual hours worked.
- C. The use of compensatory time shall be at the discretion of the division head based on the needs of and the best interests of JWSC operations, unless such time is being used as additional pay during an FMLA leave, or during of a declared state of emergency by the Governor.

9. Notification:

- A. If an employee must be absent from work or will be late coming to work, the employee must notify the immediate supervisor no later than ten (10) minutes after the scheduled starting time. If possible, the employee should notify the immediate supervisor or the division head when the immediate supervisor is not available, before starting time, or as soon as he or she knows he or she is not able to report to work on time. The employee must contact the immediate supervisor directly on each and every day of absence and for every occurrence of tardiness. Such notification will help the supervisor in the difficult and time-consuming task of finding a replacement or in rescheduling work, as necessary.
- B. Tardiness and absenteeism interfere with division objectives and may result in appropriate disciplinary action. Repeated instances of tardiness and/or absenteeism may lead to termination of employment.
- C. Unauthorized or unreported absences shall be considered absence without leave, and deduction of pay shall be made for periods of absence in accordance the FLSA.
- D. Employees who take unauthorized leave (absence without leave) the day before or the day after a holiday will not be paid for the holiday.
- E. Three (3) consecutive working days of absence without authorized leave will be considered a resignation from employment without notice. Employees in such cases will be considered to have abandoned their positions, will be removed from the payroll, and employment will be terminated.

10. Inclement Weather: In situations involving inclement weather, ice or snow storms, or other unusual conditions affecting all or the majority of JWSC divisions and/or their operations, the division heads must insure that their division is opened to the public at the usual time unless the division head has received prior notification to the contrary from the Director's Office. *(See Section 6.2, Paragraph 16, Inclement Weather Pay.)*

- A. Divisions shall remain open for the full scheduled work shift unless authorization for late start-up or early closing or other deviation is received from the office of the Director. Sufficient notice will be given in either event. Employees who leave work before an official early closing time has been announced will be required to use earned annual (vacation) leave or leave without pay. Employees must obtain the supervisor's approval prior to leaving early.
- B. The Director may grant administrative leave for a period of up to seventy-two (72) hours when, in the Director's sole discretion, adverse weather conditions make travel extremely hazardous. Administrative leave will be paid at straight time subject to the overtime provisions of the FLSA.

11. Emergency Evacuation: After a call for voluntary or mandatory evacuation for a hurricane or other type disaster in any part of Glynn County, including the City of Brunswick, any employee whose home is in the evacuation area may be allowed to leave work to evacuate and may use his or her accrued annual (vacation) leave or take authorized leave of absence without pay to substitute for the regularly scheduled time not worked upon approval of the employee's division head. If a JWSC facility is closed due to an emergency situation for which such evacuation has been called, then employees assigned to that location may use accrued annual (vacation) leave or leave of absence without pay to complete their regular

scheduled time until the facility is reopened or relocated and the employee returns to work. Once residents are allowed to return to their homes after such evacuation or once the critical stage of the state of emergency has been declared over by the Chairman of the JWSC Commission, whichever occurs first, employees are expected to return to work within forty-eight (48) hours. *(See Section 6.2, Paragraph 17, Emergency Evacuation Pay.)*

- 12. Breaks or Rest Periods:** Division heads should provide reasonable rest periods to all employees for the purpose of refreshing themselves in the course of work; however, productivity and efficiency shall not be sacrificed. All rest periods, for whatever purpose, must be limited and brief. JWSC is not required to provide "breaks". Any breaks or rest periods are provided as a courtesy by the JWSC, are paid work time, and may not be accumulated. The nature of the work should be considered when providing rest periods.

Section 4.2
ANNUAL (VACATION) LEAVE

STANDARD

Annual (vacation) leave time is provided to employees for the purpose of taking rest away from the job. It is believed that employees are more productive if they have time away from the job. It is also recognized that employees will occasionally need time away from work to attend to certain personal matters.

PRACTICE GUIDELINES

1. **Eligibility:** Employees are entitled to earn and accrue annual (vacation) leave immediately upon employment.
2. **Accrual:** Accrual is based on length of service and regular hours worked.

Length of Service	Days Per Year
0 to end of 7 years	12
Start year 8 to end of year 9	15
Start year 10 to end of year 15	18
Start year 16 to end of year 20	20
Start year 21	25

Vacation leave is earned during any pay period in which the employee is in active pay status at least one-half (1/2) the work days within that pay period. Employees who are inactive because of a covered Workers' Compensation claim shall continue to accrue leave for a period of twenty-four (24) weeks from the date of the covered injury.

3. **New Employees:** Employees begin to accrue leave at the date of hire. Effective 4-24-17, new employees hired after this date will have immediate access to 30 hours of paid vacation time during their one year introductory period. This does not apply to promoted or transferred employees.
 - Newly hired employees hired after 4-24-17 no longer have to wait until the end of their introductory period to redeem these paid time off vacation benefits. However, should the employee's employment be terminated prior to accrual of these 30 hours, the difference in the amount of vacation hours accrued and the amount of vacation hours paid out will be deducted from their final paycheck, following all FLSA guidelines.
4. **Limits:** Effective December 31, 2014, the total number of accumulated annual (vacation) leave as of December 31 of any year shall not exceed one hundred sixty (160) hours (4 weeks). On December 31, any remaining leave over 160 hours will be converted to sick leave if a minimum of eighty (80) hours, or equivalent shifts, of vacation leave have been used during the calendar year. Otherwise, the time will be considered forfeited and lost, excepting when a hardship would result and as approved by the Director on a case-by-case basis.

5. Requesting and Using Vacation Leave:

- A. Employees must submit for approval a written leave request form for planned vacation leave at least five (5) business days in advance of the requested leave. Vacation leave may be approved, at the supervisor's discretion, depending upon workload and staffing.
- B. When unplanned leave is needed, employees must notify the immediate supervisor as soon as the need for leave is known. The supervisor and division head will approve or disapprove the request based on workload demands. Upon return to work, employees must complete a written leave request form.
- C. Vacation leave will not be advanced before it is earned. Cash payment in lieu of taking vacation leave will not be permitted, except upon termination of employment as provided for herein.
- D. Upon the approval of the division head, vacation leave may be used for the same purposes as sick leave if the employee's earned sick leave has been exhausted.
- E. Vacation leave may be used for absences due to adverse weather conditions if the Director does not authorize the use of administrative leave.
- F. Non-exempt employees may use vacation leave in one-half (1/2) hour increments. Exempt employees are only required to use vacation leave in increments of full days; however, exempt employees must obtain proper approval before taking partial day absences.
- G. Approval for the use of vacation leave may be rescinded by the division head or Director during times of emergency. Employees may also be called back to work from approved vacation leave during times of emergency.
- H. An employee shall be permitted to, upon written request from the employee and prior to a notice of termination, use up to forty (40) hours of unused annual leave each calendar year to repay the JWSC for any just debt owing to the JWSC for which a payroll deduction would be authorized. The use of annual leave to pay the debt shall be in lieu of a cash payment or payroll deduction from the employee's earnings.

6. Termination of Employment:

- A. Upon termination of employment, an employee shall be paid for all unused and accrued annual leave, including all leave in excess of four hundred (400) hours providing the termination date is effective before midnight on December 31.
- B. The amount of leave paid upon termination may be reduced when:
 - (1) The employee fails to give proper notice of resignation as provided in Section 8.1, Paragraph 2, Resignation in Good Standing. For each day notice is not given as required, the employee's pay will be reduced up to fourteen (14) days or thirty (30) days, as applicable.

- (2) The employee has a just debt owing to the JWSC for which a payroll deduction would be authorized, such debt shall be deducted and collected from the employee and will be paid to the JWSC.
- C. If the employee does not have any accrued leave from which deductions can be made for improper notice or just debt owing, the employee's last paycheck will be reduced accordingly and as provided herein.
- D. Upon receiving an employee's notice of termination, the JWSC reserves the right to release the employee from any further obligations to the JWSC and allow the employee to serve out his or her notice period on earned vacation leave.
- E. Accumulated vacation leave payments will be made to the estate or beneficiary of a deceased employee for all unused vacation leave accrued pursuant to this Section.

Section 4.3 SICK LEAVE

STANDARD

Sick leave is a privilege granted by the JWSC; it is not a right that an employee may demand. Sick leave should not be abused; it is to be used for salary continuation when an employee becomes ill and is unable to work.

PRACTICE GUIDELINES

1. **Eligibility:** Employees will accrue sick leave based on their regular schedule of work hours.
2. **Accrual:**
 - A. Employees will accrue sick leave at the rate of eight (8) hours per month.
 - B. Leave is accrued in any pay period in which the employee is in active pay status at least one-half (1/2) the work days within that pay period. It is accrued at the end of each pay period.
3. **New Employees:** New employees begin to accrue leave at the date of hire. Effective 4-24-17, employees hired after this date will have access to 30 hours of paid time. This does not apply to employees who have been transferred or promoted into new positions.

NOTE: New employees hired after 4-24-17 no longer have to wait until the end of their introductory period to have access to paid sick leave. Up to 30 hours of leave is available; however, if the employee's employment is terminated prior to accrual of the hours redeemed, the difference in accrual and redeemed paid sick time will be deducted from their final paycheck following FLSA guidelines.

4. **Limits:** Sick leave may be accumulated from month-to-month and year-to-year with no limit to the amount that can be accumulated.
5. **Requesting and Using Leave:**
 - A. Employees must sign a sick leave form requesting the leave. The form must be completed in advance when the absence is due to a planned medical appointment or procedure. Otherwise, the form must be completed promptly upon returning to work. Employees may request sick leave for the following events:
 - (1) Personal illness or injury;
 - (2) Personal physicals, examinations, or treatment;
 - (3) Quarantine; and
 - (4) Illness of spouse, child, or other member of the immediate family living in the same household, which requires the care of the employee except that sick leave may not be used for a family member when routine nursing care is available, for transporting a family member for a physician's visit when no emergency exists, and for routine physician's visits or health maintenance of the family member.

- B. Employees must notify the immediate supervisor of the need to be absent, the expected length of the absence, and must follow all proper notification procedures when unable to attend work. It is the employee's responsibility to ensure that the proper person has been notified of the absence. Upon return to work, the employee must submit to the immediate supervisor a written request for the leave.
- C. A physician's statement may be required to substantiate any absence of three (3) or more consecutive work days due to illness or injury or otherwise when absence has been excessive. The physician's statement should also certify that the employee is fit for duty after the absence and able to return to work.
- D. Division heads are responsible for the application of sick leave such that there will be no abuse of sick leave privileges. If the division head determines sick leave abuse is occurring, the supervisor may provide notice to the employee that as to all future absences, including one day absences, a physician's statement verifying the need for the absence will be required. (Note that it is the need to be absent from work, not the diagnosis, that may be requested.) The employee's failure to provide such certificate will be considered refusal to follow instruction of a supervisor and will result in disciplinary action and may be considered unauthorized leave.
- E. Employees who abuse sick leave or use sick leave improperly are subject to disciplinary action up to and including dismissal.
- F. Failure to properly report illness and improper use of sick leave will result in loss of pay for the time absent and/or other disciplinary action.
- G. Once sick leave is exhausted, time lost from work due to illness may be charged to vacation time, with the approval of the division head.
- H. An employee who is absent for more than three (3) consecutive working days or shifts, without paid leave time available must request the appropriate leave of absence.
- I. An employee who is absent for more than three (3) consecutive working days or shifts, due to a serious illness or injury may qualify for Family and Medical Leave. (See Section 4.6, *Family and Medical Leave*.) Supervisors shall notify the Human Resources Department when an employee's absence exceeds the three (3) days.
- J. Nonexempt employees may use sick leave in increments of one-half (½) hour. Exempt employees shall use sick leave in increments of one (1) day.
- K. Holidays or regularly scheduled days off which occur during an employee's sick leave shall not be charged as sick leave for such days off. The employee may be required to verify that he or she was sick.
- L. All employees share responsibility for the safe performance of work. Employees should not be on duty when they may endanger their own health or the health of other employees.

M. Approved sick leave for non-critical situations may be rescinded by the division head or Director in times of emergency such as hurricanes or similar events.

6. **Incentive Program:** An employee who has worked for a full calendar year (from January through December) without using any sick leave will be eligible to receive pay equivalent to eight (8) hours sick leave accrual. This will be paid in the pay period preceding Christmas Day. An employee who has worked a full calendar year and has used no more than sixteen (16) hours of sick leave during the period will be eligible to receive pay equivalent to four (4) hours sick leave accrual, also to be paid in the period preceding Christmas Day.
7. **Termination of Employment:** An employee, upon separation from the JWSC, shall forfeit accrued sick leave and shall not receive payment for accumulated sick leave, except that an employee who has submitted notice to resign or retire may be asked to submit medical certification for use of sick leave during the period of notice.
8. **Donation of Sick Leave:** Employees may donate sick leave to another employee under the following circumstances:
 - A. The recipient must have a serious medical condition, as defined by the Family Medical Leave Act. (*See Section 4.6, Family and Medical Leave.*)
 - B. The recipient must have exhausted all accrued leave including sick and vacation leave, any compensatory time, and must be at the point of taking leave without pay.
 - C. Employees donating sick leave need not work in the same division in which the recipient works. Employees may donate in each calendar year up to five (5) days or ten (10) percent, whichever is greater, of accrued and unused sick leave.
 - D. All donations must be made in writing, signed by the donating employee, submitted to the division head for approval, and then submitted to the Human Resources Department for review and recommendation to the Director. Upon approval by the Director, requests for sick leave donation are forwarded to Human Resources.
 - E. Time may only be donated or transferred to the "sick leave account" of another employee on a weekly basis, as needed, and documented on weekly time sheets.
 - F. Employees who have notified the JWSC of their intent to resign or retire or who have been dismissed from employment may donate no more than (forty) 40 hours of sick leave.

Section 4.4 HOLIDAYS

STANDARD

The JWSC recognizes eleven (11) standard holidays. These holidays are recognized nationally and are not chosen based upon any religious uniqueness. Due to the nature of some services provided to the citizens, some employees are required to work on holidays.

PRACTICE GUIDELINES

1. Recognized Holidays: The following are designated as official holidays for employees of the JWSC:

- New Year's Day
- Martin Luther King Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day
- (Such other holidays as may be approved by the JWSC)
- Labor Day
- Veterans' Day
- Thanksgiving Day and the day after
- Christmas Day and the day before

2. Observing the Holiday: All employees, including new employees who have not completed the introductory employment period, will be paid for scheduled work hours that may fall on the holiday when holiday work is not required.

- A. A holiday falling on Saturday will be observed the preceding Friday. Holidays falling on Sunday will be observed the following Monday by employees who normally work weekdays (between Monday and Friday). Christmas holidays falling on or over a weekend will be observed at the discretion of the Executive Director. Employees who work shifts will observe the holiday on the day it occurs.
- B. Holidays which occur during an employee's sick leave or vacation leave shall not be charged against sick or vacation leave for such days off.
- C. A holiday observance calendar will be prepared and posted annually by January 15th each year.

3. Holiday Work:

- A. A nonexempt employee required to perform work on a designated holiday shall receive holiday pay which is paid at the rate of one and one-half (1 ½) times the total number of hours worked.
- B. Any exempt employee who is regularly scheduled to work on a designated holiday shall receive his or her regular compensation, but may schedule another day off in observance of the holiday, with the approval of the supervisor or division head.

4. Effect of Unauthorized Leave: An employee scheduled to work and absent without authorized leave on the work day preceding and/or the work day following a day observed as holiday shall not receive regular compensation for the holiday.

5. Emergencies: An employee who is scheduled to be off duty on a holiday may be called back in to work during an emergency situation. Such decisions will be made by the Director or the division head.

Section 4.5 MILITARY LEAVE

STANDARD

The JWSC supports its employees who serve in the National Guard and Reserve branches of the Armed Forces. In accordance with federal and state law, the JWSC provides leaves of absence to regular employees who are fulfilling active, emergency, or inactive military duty requirements as reservists or National Guard members.

PRACTICE GUIDELINES

1. **Reserve Military Service:** In accordance with O.C.G.A. § 38-2-279, any regular employee is entitled to paid leave for up to eighteen (18) days absence in any one federal fiscal year (October 1 to September 31) for military duty in the state-organized militia or the U.S. armed forces reserves. This includes summer camps, training, and weekend drills. Employees are required to present orders pursuant to such leave requests. Such leave shall not be charged to vacation leave.
 - A. Military leave will be paid when leave falls on days/hours the employee would have been regularly scheduled to work. Such leave will not be paid when leave falls on regularly scheduled days/hours off.
 - B. Military leave shall be granted regardless of whether employees volunteered for duty.
 - C. Employees must give sufficient notice for the JWSC to adjust work schedules and must provide appropriate documentation. Time off for military leave includes travel time that would fall within the normal hours of work.
 - D. Employees are required to return to work on the next regularly scheduled shift upon completion and return from duty/training.
2. **Declared Emergency:** In accordance with O.C.G.A. § 38-2-279, in the event the Governor declares an emergency and orders any employee to State active duty as a member of the National Guard, the employee is entitled to paid leave for a period not exceeding thirty (30) days in any one federal fiscal year, during which time the employee will earn vacation leave and accrue sick leave.

The JWSC will continue to pay the employee's health insurance premium during the 30-day period, but the employee will be responsible for dependent coverage. If the ordered duty extends beyond the 30-day period, then the employee may use accrued vacation leave time to continue to receive a JWSC payroll check.

3. **Long Term Active Military Service:** Employees called to active military service will be permitted to return to employment with no change in length of service, status, and pay that they would have enjoyed had they not been absent, pursuant to the following conditions:
 - A. Positions must have been other than temporary, meaning that they were regular status and would have continued indefinitely.
 - B. Reservists must have left their positions for the purpose of performing military service or undergoing military training.

- C. Employees must satisfactorily complete the period of active duty and furnish a certificate to that effect.
- D. The leave of absence may not exceed five (5) years from date of entry (unless the employee is involuntarily retained).
- E. Application for return to active employment status must be made within ninety (90) days after release from active military service or one (1) year following hospitalization.
- F. Employees on military leave of absence for active duty will be suspended from active participation in employee benefit programs after ninety (90) days of absence.
Health insurance may be continued by exercising options under COBRA.
 - (1) Upon return to active employment, the employee will be reinstated in employee benefits programs with the length of service and status which would have been enjoyed had the employee not entered military service.
 - (2) Upon returning from active military service, employees cannot be discharged for six (6) months after re-employment except in selected instances.
 - (3) Those returning from duty lasting more than ninety (90) days cannot be discharged for one (1) year after re-employment except in selected instances.

FAMILY AND MEDICAL LEAVE

STANDARD

The Family and Medical Leave Act (FMLA) provides eligible employees the opportunity to take unpaid job-protected leave for certain specified family and personal medical reasons. The maximum amount of leave an employee may use is either twelve (12) or twenty-six (26) weeks within a 12-month period depending on the reasons for the leave. Nothing within this policy should be construed to be inconsistent with the FMLA and applicable regulations.

PRACTICE GUIDELINES

1. **Eligibility:** To be eligible for FMLA leave, employees must meet all of the following criteria:
 - A. Employed for at least twelve (12) months prior to the leave, although the twelve (12) months need not be consecutive (periods of employment within the prior seven (7) years must be added together to determine whether this requirement is met; longer if the break in service was due to certain military service); and
 - B. Employee worked at least 1,250 hours during the twelve (12) months immediately preceding the start of the leave.
2. **Conditions Triggering FMLA Leave:** FMLA leave may be taken for the following reasons:
 - A. For the birth of a child, and to care for the newborn child (up to 12 weeks);
 - B. For placement of a child with the employee for adoption or foster care (up to 12 weeks);
 - C. To care for a member of the employee's immediate family with a serious health condition (up to 12 weeks);
 - D. Due to the employee's own serious health condition that renders the employee unable to perform one or more of the functions of his or her job;
 - E. To manage any qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call to covered active duty, in the Armed Forces (up to 12 weeks); or
 - F. To care for a covered servicemember with a serious illness or injury related to certain types of military leave (up to 26 weeks). (See Requirements for FMLA Military Caregiver Leave, Paragraph 6, below).

The maximum amount of leave that may be taken in a 12-month period for all reasons combined is twelve (12) work weeks, excepting leave to care for a covered servicemember in which the maximum combined leave entitlement is twenty-six (26) weeks, with leaves for all other reasons constituting no more than 12 of those 26 weeks.

3. **Identifying the 12-Month Leave Period:** The JWSC measures the 12-month period in which leave is taken by the "rolling" 12-month method, measured backward from the date any FMLA leave commences with one exception. For leave to care for a covered servicemember, the JWSC calculates the 12-month period beginning on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends twelve (12) months after that date. FMLA leave for the birth or placement of a child for adoption

or foster care must be concluded within twelve (12) months of the birth or placement.

4. Serious Health Condition: An employee with an illness, injury, impairment, or physical or mental condition that involves:

- A. Inpatient care in a hospital, hospice, or residential health care center, or other medical facility; or
- B. Continuing treatment by a health care provider;
 - (1) A period of incapacity requiring absence of more than three (3) consecutive working days or shifts; and subsequent treatment including either two (2) visits to a health care provider within a thirty (30) day period with one occurring in the first seven (7) days of incapacity, or one (1) visit followed by continuing treatment under the health care provider's supervision;
 - (2) A period of incapacity due to pregnancy or prenatal care;
 - (3) Periodic treatment for a chronic serious health condition;
 - (4) A long-term period of incapacity due to an untreatable condition, and continuing supervision of a health care provider; or
 - (5) A period of absence to receive multiple treatments for either restorative surgery after an accident, or a condition that, if not treated, would likely result in an incapacity of more than three (3) consecutive days.
- C. Episodic periods of incapacity of less than three (3) consecutive days or equivalent shifts resulting from a chronic health condition which may not require treatment by a health care provider.
- D. FMLA leave may be taken for a serious health condition resulting from substance abuse but not for absences caused by the abuse. For example: liver damage being a serious health condition resulting from alcohol abuse for which treatment is being sought is subject to FMLA leave, while being intoxicated or suffering from the physical effects following the heavy consumption of alcohol are not covered by FMLA leave.

5. Requirements for Qualifying Exigency Leave:

- A. An eligible employee is allowed up to a total of twelve (12) work weeks of unpaid leave during a 12-month period when the employee's spouse, child, or parent who is in the National Guard, Reserves or retires and is notified of an impending federal call or order to active duty in the Armed Forces for deployment to a foreign country.
- B. Qualifying Exigency Leave is available under the following circumstances:
 - (1) Short-notice Deployment: To address issues arising out of a notice of an impending call or order to active duty of seven (7) days or less from the date of deployment, then the employee may take FMLA leave for a period up to seven (7) days beginning on the date when the covered servicemember is notified of the impending deployment.

- (2) Military Events and Related Activities: To attend any official military event, ceremony, or program sponsored by the military and related to the active duty or the call to active duty, or to attend similarly related family support or assistance programs or informational briefings sponsored or promoted by the military.
- (3) Childcare and School Activities: To arrange for alternative childcare; to provide childcare on an urgent, emergency need basis (but not routine, regular or everyday basis); to enroll in or transfer a child to a new school or daycare facility; or to attend meetings with staff at a school or daycare facility.
- (4) Financial and Legal Arrangement: To make or update financial or legal matters to address a covered military member's absence while on active duty or call to active duty status.
- (5) Counseling: To attend counseling (by someone other than a health care provider) for the employee, the covered military member, or for a child or dependent when necessary as a result of duty under a call or order to active duty.
- (6) Temporary Rest and Recuperation: To spend time with a covered military member who is on a short-term, temporary rest and recuperation leave during the period of deployment, then the employee may take FMLA leave for a period up to fifteen (15) days for each period of rest and recuperation leave up to a maximum of twelve (12) work weeks in a 12-month period.
- (7) Post-deployment Activities: To attend post-deployment activities, such as arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of up to ninety (90) days following termination of the servicemember from active duty, and which encompasses leave to address issues that arise from the death of a covered military member while on active duty status.
- (8) Parental Care: To care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty, and may include arranging for alternative care on an immediate need basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility which may include hospice or social service providers.
- (9) Mutually Agreed Leave: For certain additional activities arising out of a covered military member's active duty or call to active duty; provided, however, the Director or his designee and the employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

C. Qualifying exigency leave shall not apply:

- (1) To family members of soldiers in the regular Armed Forces, or in cases in which the call to active duty comes from the State rather than the federal government; provided, however, State calls to active duty are covered when under order of the President of the United States; or

- (2) To every federal Reserve call-up to active military duty. The covered military member's active duty orders will reveal whether the call is for deployment to a foreign country.

6. Requirements for FMLA Military Caregiver Leave:

- A. An eligible employee is allowed up to a total of twenty-six (26) work weeks of unpaid leave during a single 12-month period to care for a servicemember who is a spouse, child, parent, or next of kin (nearest blood relative) with a serious illness or injury incurred in the line of duty while on active duty in the Armed Forces, National Guard or Reserves, when the servicemember is:
 - (1) Undergoing medical treatment, recuperation or therapy, or otherwise in outpatient status;
 - (2) On temporary disability retired list; or
 - (3) For a serious injury or illness that may render the servicemember medically unfit to perform the duties of the servicemember's office, grade, rank or rating.
- B. Notwithstanding anything herein to the contrary, the single 12-month period in which the employee may take up to 26 work weeks of caregiver leave begins on the first day leave is taken to care for a covered servicemember and ends 12 months later, regardless of the method otherwise used to determine leave availability for other FMLA-qualifying reasons stated herein. If the employee does not exhaust his or her 26 work weeks of caregiver leave during this single 12-month period, the remainder is forfeited.
- C. When the leave qualifies as both military caregiver leave and leave to care for a family member with a serious health condition during a single 12-month period, the leave will be designated as military caregiver leave and not as leave to care for a family member with a serious health condition.

7. Employment of Spouses:

- A. A husband and wife who are eligible employees are limited to a combined total of twelve (12) weeks leave in any FMLA leave year for the birth or care of the employee's child, for the placement or care of an adopted or foster child (which must conclude within 12 months of the birth or placement), or for the care of an employee's parent with a serious health condition.
- B. If one spouse is ineligible for FMLA leave, then the other spouse, who is an eligible employee, is entitled to the full twelve (12) weeks of leave.
- C. Spouses, employed by the JWSC are limited to a combined total of twenty-six (26) weeks of FMLA leave in a twelve (12) month period when the leave qualifies for military caregiver leave.

8. Designation of FMLA Leave:

- A. **Designation:** The Director, or his designee, upon recommendation of the Human Resources Department, will determine when leave is to be counted as FMLA leave based on information received from the employee or the employee's spokesperson."
- B. If the employee is not eligible for FMLA leave, then the Director or his designee will provide the reason for the determination. The Director or his designee may use DOL forms entitled (i) "Notice of Eligibility and Rights and Responsibilities" and (ii) "Designation of Notice" to provide notice to the employee.

- (1) The Director or his designee will provide the requisite notices, in writing, to the employee within five (5) working days, absent extenuating circumstances, of acquiring knowledge that the leave is being requested for family and medical leave reasons.
- (2) The notice(s) will specify:
 - a. Any additional information which may be required for the determination of designation of the leave.
 - b. The amount of leave that will be counted against the employee's 12-week entitlement, or the 26-week entitlement in the case of military caregiver leave; provided, however, if the amount of leave cannot be determined at the time of the notice, then the notice will state how much leave has been used once every thirty (30) days upon the employee's request.
 - c. Whether medical certification is required to substantiate the FMLA leave.
 - d. Whether the employee must submit to a job-related fitness-for-duty certification when returning to work, and if it is required, then the employee's job description will be attached to the notice.
 - e. The employee's rights and responsibilities, including the right of the employee to elect to substitute paid leave for unpaid leave when available, and an explanation of benefits available during leave and upon return to work.
 - f. If the employee is salaried and among the highest paid ten percent (10%) of all JWSC employees, then the notice will inform the employee of his or her status, and advise that job restoration may be denied when necessary to prevent substantial and grievous economic injury to the business operations of the JWSC unless the nature of the illness is a disability for which reasonable accommodation may be required by law.
 - g. Any other information that may be required by law.

C. Retroactive Designation:

- (1) If the reasons for taking sick leave are made known and qualify for FMLA leave after the paid leave has begun, but before the employee returns to duty, the entire or some portion of the paid leave period may be retroactively designated as FMLA leave to the extent that the paid leave period qualifies as family and medical leave.
- (2) Leave may not be designated retroactively as FMLA leave after the employee returns to work, except as follows:
 - a. When an employee is absent for a short period of time and the reason for the absence is not known until after the employee returns to work; or
 - b. When the reason for the leave cannot be confirmed as qualifying as FMLA leave, or when a requested medical certification or recertification has not been received, in which case, a preliminary designation may be made and finalized when the requisite

information is available.

D. Denial and Appeal:

- (1) An employee whose application for FMLA leave has been denied shall be notified in writing of the reasons for the denial, of the right of appeal within three (3) business days to the Director, including providing all supporting documentation, and that failure to respond in a timely manner will result in forfeiture of any further right of appeal. The employee's response must be in writing.
- (2) The Director, or his designee, after consultation with the Human Resources Department and others with a strict need to know, shall review the employee's information and issue a final determination within three (3) working days to include the reasons for the denial, the right of appeal within three (3) working days, and that failure to respond in a timely manner will result in forfeiture of any further right of appeal. The employee's response must be in writing.
- (3) The Director, or his designee, upon recommendation of the Human Resources Department, shall review the record and issue a final determination within three (3) working days following receipt of the appeal. The decision of the Director shall be binding on the employee and the division head.
- (4) The Director, or his designee, may extend the time limits herein when more time is needed to gather additional supporting documentation to make a determination.

9. Intermittent Leave or Reduced Leave Schedule:

- A. Employees are allowed to take FMLA leave intermittently (which means taking leave in blocks of time or by reducing their normal weekly or daily work schedule) when medically necessary to care for a seriously ill family member, the employee is seriously ill and unable to work, or for the birth, adoption or foster placement of a child, for qualifying exigencies, or to care for a service member when the leave qualified as military caregiver leave upon approval of the division head.
- B. If the employee requests intermittent leave based upon a foreseeable medical necessity, the supervisor may require the employee to transfer temporarily to an available alternative position if the alternative position has equivalent pay and benefits, and the alternative position better accommodates recurring periods of leave than the regular employment position of the employee. In some cases, the JWSC may need to transfer the employee taking intermittent leave to a position that will minimize disruption of business activities.
- C. Employees must make a reasonable effort to schedule any intermittent leave for medical treatments to minimize the disruption to JWSC operations.

10. Required Notice:

- A. If the need for leave is foreseeable, then the employee must give at least thirty (30) calendar days' notice before the leave is to begin.
- B. If the leave is not foreseeable, then the employee must give notice as soon as practicable, which means the employee must at least provide verbal notice to the JWSC within one or two business days of learning of the need to take FMLA leave.

- C. The employee will provide sufficient information for the JWSC to understand that the employee needs leave for FMLA qualifying reasons.
- D. When the JWSC is not made aware that an employee is absent for FMLA reasons and the employee wants the leave counted as FMLA leave, the employee must provide notice within two (2) business days of returning to work that the leave was taken for a FMLA qualifying reason.

11. Certification of Medical Leave: A medical certificate signed by a health care provider shall be required to substantiate a request for FMLA leave, as follows:

A. Serious Health Condition:

- (1) Leave due to the serious health condition of the employee or the employee's immediate family, the employee must provide acceptable medical certification of the need for the leave requiring only the information on the DOL certification forms, provided the employee has received written notification that certification will be required. Supervisors MAY NOT contact the employee's doctor or health care provider if questions arise regarding the certification. JWSC may require the employee to obtain a second opinion. If, however, the first and second opinions differ, the JWSC may require a third certification from a health care provider agreed upon by both the employee and JWSC. The third certification is final and binding on both the employee and the JWSC. If the JWSC requires participation in a second or third medical opinion, such opinions will be at the expense of the JWSC.
- (2) Recertification of a serious health condition may be required on a reasonable basis, but no more often than one time in any thirty (30) day period during an employee's absence due to pregnancy, chronic or permanent and long-term conditions under continuing supervision of a health care provider. No second or third opinion on recertification may be required. The employee at the employee's expense must provide periodic recertification. The JWSC will not pay for second or third opinions at the recertification stage. No recertification will be requested until the duration of the condition noted in the initial certification has been reached if that period is less than six (6) months.
- (3) When an employee has taken leave because of his or her own serious medical condition and returns from leave, the employee must submit a statement or medical certification from the employee's doctor or health care provider certifying that the employee is able to return to work and capable of performing the essential functions of the position.
- (4) No certification is required for the birth or placement of a child.

B. Qualifying Exigency:

- (1) The employee must submit certain documents as follows:
 - a. A copy of the covered military family member's active duty orders or other military documentation indicating the appropriate military status and the dates of active duty for deployment to a foreign country; and

- b. A signed statement from the employee describing the nature and details of the specific exigency, the amount of leave requested, the employee's relationship to the military member for each form of qualifying exigencies, and contact information if the exigency involves meeting with a third-party.
 - c. If the qualifying exigency involves Rest and Recuperation leave, a copy of the Rest and Recuperation orders or other documentation issued by the military which indicates that the military member has been granted Rest and Recuperation leave, including the dates of the leave.
- (2) Employees are encouraged to use DOL Form WH-384, Certification of Qualifying Exigency For Military Family Leave, as amended from time to time, in obtaining the requested certification.
- (3) No second or third opinions on the qualifying exigency or recertification is required.

C. Military Caregiver:

- (1) An employee seeking to take military caregiver leave shall provide an appropriate certification from a health care provider from the Department of Defense or Veterans Affairs, or from a Department of Defense TRICARE network authorized private health care provider, a Department of Defense non-network TRICARE authorized private health care provider, or health care providers not affiliated with the DOD, VA, or TRICARE as provided in the FMLA regulations, as amended from time to time, showing the nature of the covered service member's serious illness or injury and that it was incurred in the line of duty while on active duty or, if not, whether the injury or illness existed before the beginning of the service member's active duty and was aggravated by service in the line of duty while on active duty. Employees are encouraged to use DOL Form WH-385, Certification for Serious Injury or Illness of a Current Service member, or DOL Form WH-385-V, Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave, as amended from time to time, in obtaining the requested certification. A covered service member includes a veteran provided, however, the veteran was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.
- (2) A signed statement from the employee:
- a. Describing the medical facts to support the request for leave including whether the illness or injury has rendered the service member unfit to perform the duties of his or her office, grade, or rank, or as applies to a veteran;
 - b. Whether the service member is receiving medical treatment, recuperation, or therapy;
 - c. Whether the care will be needed for a single continuous period of time or on an intermittent basis;
 - d. For planned intermittent leave for treatment information showing the medical necessity of the treatment and the approximate dates and duration of the care; and
 - e. For unplanned intermittent leave, information showing the medical necessity for the individual to receive periodic care and an estimate of the frequency and duration of the care.

- (3) The employee may be required to provide additional information, such as confirmation of the familial relationship to the service member or documentation of the veteran's discharge date and status. The employee may provide a copy of the veteran's Certificate of Release or Discharge from Active Duty issued by the U.S. Department of Defense (DD Form 214) or other proof of veteran status.
- (4) Military caregiver leave is subject to the other provisions in this FMLA leave policy, such as requirements regarding employee eligibility, appropriate notice of the need for leave, and use of accrued paid leave.

D. No second or third opinion on the serious illness or injury or recertification is required.

12. Communication During Leave: It is the employee's responsibility to report periodically, at least once every thirty (30) calendar days during FMLA leave, regarding the employee's status and intent to return to work. The employee is required to communicate with the division head at least two (2) weeks prior to the anticipated return to work date to advise as to his or her intent and plans on returning to work and the anticipated date.

13. Substitution of Paid Leave:

- A. An employee may elect to use accrued compensatory time and/or vacation leave to run concurrently with any part or all of the employee's unpaid FMLA leave.
- B. Accrued sick leave shall run concurrently with FMLA leave.
- C. Workers' compensation leave shall run concurrently with FMLA leave, but workers' compensation guidelines will govern the leave.
- D. When the twelve (12) weeks or twenty-six weeks of FMLA leave are exhausted, the employee may request a leave extension. (*See Section 4.7, Leave of Absence Without Pay.*)

14. Health Benefits During FMLA Leave:

- A. The JWSC will continue to provide the employee's medical insurance on the same terms as if the employee were not on FMLA leave. If the terms of benefits are modified for active employees, those modifications will apply to any employee on FMLA leave.
- B. The employee is responsible for any employee share of premiums or other employee-paid expense of coverage on the same terms as if the employee were not on FMLA leave unless the employee elects to discontinue health insurance benefits.
- C. If any employee fails to return to work at the end of the leave period, the employee may be required to reimburse the JWSC for JWSC-paid medical insurance expense incurred in providing coverage during the leave. As to non-health benefits, the JWSC is entitled to recover only the costs incurred in paying for the employee's share of the non-health premiums.
- D. Employees maintain any credit accumulated prior to the FMLA leave based on length of service for benefits such as vacation and sick leave. Employees continue to earn vacation and accrue sick vacation

leave while the employee is using accrued sick leave, vacation, compensatory and other paid time off.

- E. Employees otherwise eligible to earn vacation or accrue sick leave do not earn or accrue vacation or sick leave while on unpaid leave of absence. Employees using donated sick leave will not continue to accrue leave.
- F. Nothing in this policy limits the right or discretion of the JWSC to amend, modify, interpret or eliminate any insurance or benefit plans or policies at any time.

15. Return to Work and Job Restoration: An employee who returns to work for at least thirty (30) calendar days, or shift equivalents, shall be deemed to have “returned” to work for FMLA purposes. An employee who transfers directly from taking FMLA leave to retirement or who retires within the first thirty (30) days after returning to work also is deemed to have “returned” to work. However, an employee who resumes the duties and responsibilities of his or her position shall furnish a health care provider’s written statement of release to return to work. The statement shall include any limitations or restrictions in ability to perform the employee’s duties and responsibilities. When a medical certification is required to demonstrate the ability of the employee to perform the essential function of the position, the cost of the certification is to be borne by the employee.

- A. On return from FMLA designated leave, the employee will be reinstated to the same position the employee held when leave commenced, or to an equivalent position with the same pay, benefits, and other terms and conditions of employment.
- B. If the employee is unable to perform an essential function of the employee’s former position because of a physical or mental condition, the employee may not be restored to the same or equivalent position unless the nature of the illness is a disability for which reasonable accommodation may be required by federal or state law.
- C. Employees who are salaried and who are among the highest paid ten percent (10%) of all JWSC employees may be denied job restoration when necessary to prevent substantial and grievous economic injury to the business operations of the JWSC unless the nature of the illness is a disability for which reasonable accommodation may be required by federal or state law.
- D. If an employee’s performance review date occurs during a long term FMLA leave period the employee must not be evaluated until the employee returns to work. The performance review will be completed within the first thirty (30) days upon the employee resuming his or her job responsibilities. This Paragraph shall not apply to intermittent leave or reduced schedule leave.
- E. If an employee fails to return to work from FMLA leave after the allowed twelve (12) weeks or twenty-six (26) weeks of military caregiver leave have been taken, then the employee may be subject to lay-off or termination of the employment relationship.

16. Record Keeping:

- A. A confidential medical file will be kept by the Human Resource Department for each employee using FMLA leave. These files will not be maintained in the employee’s personnel file but will be kept in a distinct file separate from the personnel file. The files are kept for a minimum of three (3) years from

the date leave was requested, or as otherwise required by law.

B. Forms and documents in the FMLA files may include:

- (1) Basic payroll and identifying employee data;
- (2) Leave request form with anticipated date for return to work;
- (3) Notice(s) to employee of leave furnished under FMLA;
- (4) Certifications from physician or health care provider concerning:
 - a. The serious health condition of the employee or family members;
 - b. Qualifying exigency or serious injury or illness of covered service member;
 - c. Return to work medical certification
- (5) Adoption or foster care documentation;
- (6) Medical care documentation;
- (7) Records of any dispute regarding designation of leave; and
- (8) Any records relating to medical histories of employees or family members created for purposes of FMLA.

17. Employment at Will: The JWSC maintains employment at will and reserves the right to:

- A. Question an FMLA leave request under the provisions set forth in the FMLA and render disciplinary action up to and including termination of employment for an employee who provides false or misleading information or omits material information to obtain FMLA leave.
- B. Deny an FMLA leave request if it does not comply with the provisions set forth in this Standard of Practice and as required by law.
- C. Render disciplinary action up to and including termination of employment for an employee who does not return to work as scheduled from FMLA leave or who exceeds the 12-week FMLA entitlement, or the 26-week military caregiver leave entitlement, and who does so without good cause related to the FMLA leave.

Section 4.7

LEAVE OF ABSENCE WITHOUT PAY

STANDARD

Leaves of absence may be granted without pay for personal reasons not covered by the provisions of any other leave policies. Leave without pay is granted at the discretion of the division head in consultation with the Human Resources Department and with approval of the Director. Decisions will be based on operational and staffing needs and made in the best interests of the JWSC. The approval of the employee's request for a leave of absence shall not guarantee that the employee's position will be held.

PRACTICE GUIDELINES

- 1. Eligibility:** Employees who have been employed for one (1) year or more are eligible for consideration of a leave of absence without pay. A leave of absence without pay for non-medical reasons will not exceed twelve (12) workweeks, and will not exceed twelve (12) months (52 workweeks) for medical reasons consistent with the FMLA. This Section is subject to Section 4.5, Military Leave, and Section 4.6, Family and Medical Leave.
- 2. Requesting Leave of Absence:** All requests for leave of absence are to be submitted to the immediate supervisor at least thirty (30) calendar days in advance when possible. Employees are to use the forms provided by the Human Resources Department when requesting the leave of absence. The leave of absence must be approved by the division head and the Director prior to the employee taking such leave. The supervisor may require additional documentation of the need for the leave. The employee may be required to submit follow-up documentation at any time during the period of the leave of absence. A request to extend a leave of absence will be made at least two (2) calendar weeks before the return date unless medically impracticable.
- 3. Reasons for Granting Leave of Absence:**
 - A. Medical situations that qualify as serious medical conditions but the employee's FMLA leave is exhausted or not yet available, or for any good and sufficient reason, when it is deemed to be in the best interest of the JWSC. (See Section 1.2, General Provisions and Definitions, for "Serious Medical Condition".) This Paragraph shall not apply to periods of leave the employee may be entitled to pursuant to Section 4.6, Family and Medical Leave.
 - B. To provide a reasonable accommodation, as appropriate, for a disabled employee whose FMLA leave is exhausted.
 - C. Prolonged illness or disability of the employee or a member of the employee's household.
 - D. Pregnancy and childbirth.
 - E. Educational or training enrichment.
 - F. Personal reasons not covered by the provisions of any other leave policies.
- 4. All Divisions are Required to Adhere to the Following Practices:**
 - A. Leave of absence without pay shall be granted only when it will not adversely affect the interests of the JWSC.
 - B. Failure of an employee to return to work at the expiration of approved leave shall be considered as absent without leave and grounds for disciplinary action.
 - C. An employee granted leave of absence without pay and who wishes to return to work before the leave period has expired shall be required to give his or her division at least one (1) week written notice.

- D. An employee, while on an authorized leave of absence without pay, who obtains either part-time or full-time employment elsewhere, is required to notify his division head, in writing, within three (3) days of accepting such employment.

5. Filling the Position During a Leave of Absence:

- A. If the JWSC needs to fill the employee's position while the employee is on leave of absence without pay, every effort will be made to utilize a temporary worker so as to allow the employee to return to his or her same position. If this is not possible or practical, the employee will be notified of the impending change and be given the opportunity to return to work within a specified time period.
- B. If the employee does not return from the leave during the specified time, the employee's position will be filled, but the employee's leave of absence may continue until the approved expiration date, and the employee may apply for any open positions for which he or she is qualified.
- C. Upon the expiration of the leave of absence, employment will be terminated if the employee has not been selected for any other position.

6. Additional Leave After FMLA: If leave is granted after FMLA leave is exhausted, the employee shall not be granted FMLA reinstatement rights after the end of the additional period.

7. Medical Coverage and Pension Benefits:

- A. Employees are responsible for contacting the Human Resources Department for information regarding continuation of medical coverage while on a leave of absence without pay. An employee on an approved leave of absence is permitted to continue his or her life insurance and medical insurance during the leave. That portion of the single employee health insurance premium normally paid by the JWSC will to be paid for the first month, or portion thereof, of the approved leave of absence; thereafter, however, the employee will not be considered an employee of the JWSC for purposes of health benefits. Employees will be responsible to pay their share of such premium and to pay for any dependent premiums, as applicable.
- B. Employees shall not be considered JWSC employees for pension purposes during an approved leave of absence without pay.

8. Leave Accrual During Leave of Absence: Employees on a leave of absence without pay will not earn vacation or accrue sick leave during the leave period.

9. Effect on Performance Evaluation and Review Date: If a regular employee's performance review date occurs during an approved leave of absence, the employee must not be evaluated until the employee returns to work. The performance review will be completed within the first thirty (30) days upon the employee resuming his or her job responsibilities and will not be retroactive. If the employee's leave of absence is less than six (6) months, then the employee's performance review date will not change. If the employee's leave of absence is six (6) months or more, then the employee's performance review date will be changed to date the employee is reviewed within the first thirty (30) days of returning to work.

10. Failure to Return to Work: An employee who fails to return to work on the next regularly scheduled work day following the expiration of a leave of absence will be considered to have voluntarily resigned

employment without proper notice as required herein unless there are extenuating circumstances approved by Director; however, the employee so returning may be subject to disciplinary action.

- 11. Cancellation of Leave:** An approved leave of absence may be cancelled by the JWSC if the employee accepts other employment during the leave, does not comply with the documentation requirements imposed by the JWSC, or demonstrates that he or she is not using the leave of absence for the purpose(s) for which the leave was requested and approved. If the leave of absence is cancelled, the employee will be notified in writing. The employee may or may not be restored to a position with the JWSC.

Section 4.8

OTHER LEAVE WITH OR WITHOUT PAY

STANDARD

JWSC provides employees short-term leave for other situations which do not meet the criteria for Family Medical Leave, Military Leave, vacation or sick leave.

PRACTICE GUIDELINES

1. **Funeral Leave:** Paid funeral leave of up to three (3) consecutive business days, or equivalent shifts, is provided to all full-time employees, except that employees will not be paid for days on which the employee is not scheduled to work. Funeral leave is provided when the employee is absent from work as a result of the death of an immediate family member. *(See Section 1.2, General Provisions and Definitions, for "Immediate Family.")*
2. **Civil Leave:** All JWSC employees are eligible for civil leave with pay during regularly scheduled work time for certain types of non-work related court duty.
 - A. **Jury Duty:** The employee subpoenaed for jury duty shall be paid for regularly scheduled work time that coincides with the time required by the court. The employee shall complete a leave request form as soon as the jury duty assignment is known and attach a copy of the subpoena. The employee will promptly return to work for the remainder of the workday after fulfilling his or her court obligation. Upon return to work, the employee shall submit verification of attendance from the Jury Clerk. Documentation of jury service shall be submitted to the Human Resources Department for inclusion in the personnel file. (Employees working shifts will communicate with their immediate supervisor regarding return to work on the next practical shift.)
 - B. **Witness Duty:** The employee shall be paid for regularly scheduled work time for a maximum of two (2) days during which the employee is subpoenaed to appear as a witness (not on his or her own behalf), after which time the employee may use accrued vacation leave. The employee must submit a leave request to the immediate supervisor as soon as a witness duty assignment is known and attach a copy of the subpoena. Questions regarding whether the court duty is paid duty should be submitted to the Director for consultation.
 - C. Civil Leave is not granted for an employee's appearance (not work-related) in court as a plaintiff or defendant.
 - D. Time spent on official JWSC duties in court is work time and Civil Leave does not apply. Employees must remit to the JWSC any fees awarded by the courts for court appearances in connection with their official duties.
3. **Voting Leave:** Employees should vote before or after their regular work shift. If an employee's work shift prevents the employee from reaching his or her polling place during poll hours, then the employee shall be granted a reasonable period of time off at the beginning or the end of the employee's shift, not to exceed three (3) hours paid leave.
4. **Administrative Leave With Pay:** Administrative leave with pay may be granted by the Director or division head, as applicable, based on the following:

- A. Hazardous weather closings and for officially delayed openings pursuant to Section 4.1, Paragraph 10, Inclement Weather.
 - B. During period when an investigation of allegations of possible misconduct is pending or during the notice period preceding formal discipline. If the employee submits false statements or fails to cooperate during the investigative period, then the employee may be placed on administrative leave without pay for the duration of the investigation.
 - C. An employee is injured or appears to be in ill health and not capable of performing the functions of his or her job in a safe manner. (This is only considered when the employee has exhausted his or her accrued sick leave and vacation leave; provided, however, such short-term leave shall not exceed forty-five (45) calendar days unless the Director, in consultation with the Human Resources Department, makes a written determination of extenuating circumstances, in which case administrative leave may be extended pursuant thereto. Such determination will be placed in the employee's personnel file.)
 - D. To secure particularly sensitive information or resources when warranted by the circumstances.
- 5. Administrative Leave Without Pay:** Administrative leave without pay may be granted by the Director or division head, as applicable, based on the following:
- A. An employee may be injurious to himself or herself, to fellow workers, or the general public, or when the employee may damage public property, or sufficiently disrupt the workforce.
 - B. During period of pending adverse action or appeal of an adverse action. An employee may elect to use his or her accrued, unused sick leave and vacation leave during the leave period to remain in paid status during unpaid administrative leave.
 - C. If an appeal of an adverse action shows the employee had no involvement or contributory influence in the matter or incident or when the evidence is not sufficient to show the employee's involvement, the employee may return to work with no finding of fault and receive back pay if warranted. If sick or vacation leave was used to remain in paid status, then that time will be credited to the employee's sick or vacation leave balance.
- 6. Emergency Action:** An employee may be removed from the workplace during an emergency situation and placed on administrative leave with pay. Examples of emergency situations include: when an employee may be injurious to himself or herself, to fellow workers, or the general public, or when the employee may damage public property, or sufficiently disrupt the workforce. These examples are neither mutually exclusive nor collectively exhaustive.

OTHER EMPLOYMENT AND CONFLICTS OF INTEREST

STANDARD

JWSC employment shall be considered the employee's primary employment interest. Each employee is expected to devote full attention to the customers they serve and to consider the best interests of the customer and the JWSC. It is expected that each employee will not abuse the trust placed in him or her to serve the public. All employees of the JWSC are expected to observe and obey all local, state and federal laws. Conflicts of interest shall be strictly prohibited. Activities which create the perception of a conflict of interest or which do not represent the best interests of the JWSC are prohibited.

PRACTICE GUIDELINES

1. **Outside Employment:** All outside employment, including self-employment, must be reported to the employee's supervisor prior to beginning such employment and it shall be approved in writing by the division head and the Director.
 - A. Outside employment shall not be considered a conflict of interest when:
 - (1) There is no conflict in working hours.
 - (2) The employee's efficiency and productivity is not reduced in his or her primary job. Employees may not leave work early, use JWSC equipment, or conduct outside employment on JWSC's premises or during hours paid by the JWSC.
 - (3) There is no conflict of interest that could compromise the integrity of the JWSC, cause embarrassment to the JWSC, or reasonably be expected to undermine customer confidence.
 - B. Employment with firms, offices, businesses, agencies, including self-employment, which presents a conflict of interest with an employee's public service position will be grounds for disciplinary action, up to and including dismissal.
 - C. Employees who fail to notify their immediate supervisors of outside employment shall be subject to disciplinary action, up to and including dismissal. Employees shall use forms provided by the Human Resources Department for such notification purposes.
2. **Conflicts of Interest:** Activities which may create the perception of impropriety or conflict of interest are to be avoided. Volunteer work that may come into conflict with primary employment should also be avoided. Such activities should be discussed with the employee's supervisor and division head who will then make a decision about the propriety of the activity. The Director will give final approval in any questionable situation.

Section 4.10
POLITICAL ACTIVITY

STANDARD

Service provided to public customers by JWSC employees shall be delivered without regard to political party or affiliation. To further protect the public trust, no employee shall use his or her JWSC employment position to advocate or oppose the candidacy of any individual. No JWSC employee shall be prohibited from holding an elective office as a Commissioner of the City of Brunswick Commission or the Glynn County Board of Commissioners provided, however, no such elected JWSC employee shall serve as a JWSC Commissioner. No JWSC employee shall coerce, command, or advise any other JWSC employee or officer to contribute anything of value to any person or party for political purposes.

PRACTICE GUIDELINES

- 1. An employee may participate** in political activities at any level of local, state or federal government provided, however, that such participation is at no time engaged in during working hours or while wearing a JWSC uniform, and such participation does not adversely affect performance as a JWSC employee. No JWSC employee shall be appointed, promoted, demoted, favored or discriminated against with respect to employment in the personnel system because of the employee's political opinions or affiliations.

- 2. Nothing in this Section shall be construed** to effect the right of an employee to contribute to, hold membership in, serve as an officer of, or support a political party, vote as he chooses, support or campaign for City, County, state or national political candidates, express privately his opinions on all political subjects and candidates, maintain political neutrality or attend political meetings. Provided, however, that no employee may campaign or solicit contributions for any political organization, party or candidate during the hours of his or her employment with the JWSC, or on JWSC premises.

- 3. Undue Influence:** 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 individual an appointment or advantage in appointment to a position in the personnel system or an increase in pay or other advantage in employment in any such position with the purpose of influencing the vote or political action of that individual.

Section 4.11
GIFTS AND GRATUITIES

STANDARD

Employees are expressly prohibited from accepting any gift, favor, or item that may tend to influence the discharge of duties.

PRACTICE GUIDELINES

1. An employee shall not solicit or accept a gift under circumstances in which it reasonably could be inferred that the gift was intended to influence him or her in the performance of his or her duties or was intended as a reward for an official act on his or her part. A gift is defined as any benefit, favor service, privilege or thing of value which could be interpreted as influencing an employee's impartiality and includes, but is not limited to, meals, trips, money, loans, rewards, merchandise, tickets to sports, civic or cultural events, entertainment, hospitality and personal services or work provided by JWSC suppliers or contractors. These limitations do not apply to the occasional acceptance of items of negligible value or of a monetary value of twenty-five dollars (\$25.00) or less.
2. An official or employee of the JWSC shall not grant or promise any improper favor, service, or thing of value in the course of discharging his or her duties.
3. Under no circumstances shall employees accept alcoholic beverages, cash or other equivalent in any form. With the exception of a gift of a monetary value of twenty-five dollars (\$25.00) or less, employees shall report any gift received to their immediate supervisor with a description of the gift, the name of the donor (if known) and the date the gift was received. The supervisor shall forward this information to the division head. The division head shall notify the donor that JWSC employees are prohibited from accepting such gifts and request that the donor picks up the gift. If the gift is not picked up, then it shall be thrown away.
4. This Section is not intended to prohibit the acceptance of articles of negligible value which are distributed generally to a division, particularly during the holiday season, by clients, business persons or suppliers of goods and services who may want to give a gift of appreciation for services rendered or for business received from the JWSC during the year. JWSC does not prohibit the occasional donation of perishable goods that are consumed at the worksite and donated for the good of the entire division. When the value of such gift exceeds fifty dollars (\$50.00), the gift will be returned to the donor. Donated catered meals are prohibited, excepting meals provided in the course of an emergency situation, work meeting, training session or presentation to a civic or professional organization.
5. Employees shall guard against business relationships which might be considered as evidence of favoritism, coercion, unfair advantage or collusion. Nothing in this Section is intended to prohibit employees from obtaining loans from regular lending institutions.
6. Violations of this policy will result in disciplinary action, up to and including termination.

Section 4.12

SAFETY

STANDARD

The safety of all JWSC employees is of paramount interest and importance to each division. The JWSC is dedicated to the effective control of accidents through training, education, proper tools, equipment, and other safety measures. Safety is a shared responsibility between all employees.

PRACTICE GUIDELINES

1. Responsibility:

A. The Director shall:

- (1) Establish, implement, oversee and support a strong and effective safety and loss control program.
- (2) Assure that division heads and supervisors are trained in safety and loss control program(s), that they implement and support the safety and loss control programs within their divisions, and that they hold periodic safety meetings and training programs with their employees.
- (3) Periodically review the effectiveness of the safety and loss control programs with the Human Resources Department representative and make changes to the program as necessary.
- (4) Delegate overall responsibility for the administrative functions of the safety and loss control programs to the Human Resources Department, as applicable.
- (5) Be responsible to the Commissioners of the JWSC for the effectiveness of safety and loss control programs.

B. The Human Resources Department shall:

- (1) Establish, implement, and monitor a safety and loss control program as directed by the Director.
- (2) Make recommendations to management regarding safety policies and activities.
- (3) Provide practice guidelines that protect the safety and well-being of employees and minimizes lost resources.
- (4) Identify risk exposure.
- (5) Recommend corrective action to limit injury, damage, loss, and liability.
- (6) Review and investigate accidents, damages, and special safety issues to determine ways to prevent recurrence.
- (7) Develop and monitor safety incentive programs, as directed by the Director.
- (8) Provide special assistance and investigation assistance as appropriate for all types of accidents with regard to employee injuries, vehicle and equipment damage, and general liability.
- (9) Maintain an effective record-keeping system such that data can be effectively retrieved and used to monitor trends and activities.
- (10) Conduct periodic safety inspections to identify loss-producing conditions and make recommendations for corrective action to the Director.
- (11) When appropriate, assist division heads and supervisors in formulating and implementing safe work standards.
- (12) Provide assistance to division heads to facilitate safety training within the division.

C. Division Heads shall:

- (1) Maintain a safe and healthy environment for all employees and customers.
- (2) Give supervisors and managers full responsibility and authority to control accidents in his or her work area.

- (3) Identify potential risk exposure.
- (4) Recommend corrective action to minimize injury, damage, loss, and liability.
- (5) Develop, implement, and enforce safety rules, procedures, and practices for the division that mirror and support the JWSC-wide safety and loss control program(s).
- (6) Fully train and hold each supervisor and employee accountable for individual responsibility.
- (7) Provide leadership and set a positive example supporting safety.
- (8) Promptly report all injuries to the Director such that medical treatment may be authorized properly and timely.
- (9) Assure that prompt corrective action is taken when safety hazards are identified.
- (10) Ensure that all employees receive prompt medical attention upon injury.
- (11) Organize regular division safety meetings, at least monthly, for the purpose of preventing injuries and controlling loss. The content of the meetings shall be to discuss conditions, situations, events, accidents, incidents, near misses, damage to equipment, injury to persons, work delays, and any other conditions that have occurred or may occur. The meetings may also include safety-specific training. A record of the date, the names of attendees, and the content of the meeting shall be preserved in the division, and a copy forwarded to the Director.

D. Supervisors shall:

- (1) Maintain a safe and healthy environment for all employees and customers.
- (2) Evaluate the work environment and jobs to identify potential risk exposure.
- (3) Recommend corrective action to minimize injury, damage, loss, and liability.
- (4) Implement, and enforce safety rules, procedures, and practices.
- (5) Assist in selecting qualified employees for jobs that match their skills and ability.
- (6) Fully train and hold each employee accountable for individual responsibility. Evaluate employee's safety activities as a part of annual performance evaluations.
- (7) Provide leadership and set a positive example supporting safety.
- (8) Ensure that employees promptly report (within 24 hours) all injuries to the Director such that medical treatment may be authorized properly and timely. Complete a First Report of Injury.
- (9) Take or recommend prompt corrective action when safety hazards are reported.
- (10) Ensure that all employees receive prompt medical attention upon serious injury.
- (11) Support division safety meetings and training programs.
- (12) Identify training needs and assure that employees receive training when needed.
- (13) Inspect work areas and equipment daily to prevent accidents and injury. Identify unsafe conditions and correct or recommend action for correction. Maintain written copies of safety inspection results and recommendations.
- (14) Comply with all JWSC and division safety procedures, policies, and rules.
- (15) Wear protective clothing and equipment as prescribed for the job.
- (16) Report all accidents and injuries immediately to supervisors.
- (17) Perform safety inspections on vehicles and equipment daily. Report any unsafe conditions to the supervisor.
- (18) Be mindful of potentially unsafe conditions or unsafe acts. Report such acts and conditions to supervisors immediately in the interest of safety and efficiency, so that corrective action may be taken in time to prevent injury. Assist supervisors in inspecting work areas to identify risks.

2. Safety Rules and Regulations: Employees are expected to follow prescribed safety rules. In addition, each division may implement, with the approval of the Director and consistent with these Standards of Practice,

regulations which are appropriate to each division's operations. These safety rules represent the minimum required behavior and are not all-inclusive. These guidelines for safe operations are not absolute, inflexible rules, but must be tempered with common sense on the part of our employees. In the absence of a reasonable basis for departures from these guidelines, failure to follow these rules will result in disciplinary action up to and including termination.

- A. Employees must report all accidents immediately to their supervisors.
- B. Employees may not enter divisions other than where they are scheduled to work, except on JWSC business, and when their presence would not distract, endanger or otherwise create or contribute to an unsafe work environment.
- C. Employees must lift properly, get as close behind the load as possible, keep the back straight, and lift with the legs. Employees must maintain good posture while lifting. Do not twist while lifting and do not lift excessive loads.
- D. Headphones are not permitted on the job except where authorized. Use of personal radios is governed by division operating procedures.
- E. All employees are responsible for exercising due care in the course of their work to prevent injuries to themselves, to their fellow workers, to the general public, and to prevent damage to JWSC and private property.
- F. All employees are expected to follow these Human Resources Standards of Practice and to perform and behave according to the Section 7.3, Code of Conduct. When an employee fails to follow the Code of Conduct, the employee will be subject to disciplinary action up to and including termination of employment.
- G. Before starting a job, each employee must thoroughly understand the work that is to be done, must understand his or her part in that work, and must know the safety rules that apply.
- H. Climbing or standing on machinery or equipment is strictly prohibited unless it is specifically authorized.
- I. The use of alcohol or drugs will not be permitted on the job. Employees will not be permitted to work if any evidence of alcohol or drugs is observed. This shall include any drug prescribed or purchased over the counter that may interfere with safe work performance.
- J. Running, pushing, shoving, fighting, or "horseplay" is strictly prohibited.
- K. Personal protective clothing and equipment must be worn while performing certain jobs. Approved safety eyeglasses, goggles, face shields are required when grinding, polishing, buffing, mowing, chipping or trimming. Hard hats are required where overhead exposure (falling objects) may be present. Protective vests are required for specific jobs. Welders shall be required to wear appropriate eye protection and other proper clothing (gloves, arm and shoulder protection) as instructed by the

supervisor.

- L. Employees who are provided steel-toed safety shoes are required to wear them.
- M. Safety vests shall be worn by any employee working in traffic or in close proximity to the street.
- N. Ladders shall be used only when the proper length has been selected for the job. Employees must not stand on the platform or on the second rung from the top. Employees must not “walk” a ladder while standing on it. Ladders shall be properly secured during use.
- O. Oily rags, waste, and chemicals shall be properly stored. Material Safety Data Sheets will be available for all hazardous materials in the workplace.
- P. Employees must report any unsafe conditions or practices to the supervisor.
- Q. Employees are encouraged to make suggestions when they believe such suggestions could improve the safety or performance of the operation.
- R. Reporting an Accident: In all situations, medical needs must be attended to immediately and the injury/accident reported promptly. If the accident involves damage to a JWSC vehicle or equipment, the supervisor or other management employee must be notified immediately. *(See Section 4.15, Equipment Use, Care, and Maintenance, for reporting accidents involving equipment; Section 4.16, Vehicle Use, Care, and Maintenance, for reporting accidents involving vehicles; and Section 5.4, Workers’ Compensation Insurance, for reporting work-related injuries.)*
- S. Enforcement and Corrective or Disciplinary Action: All employees are required to follow safety rules. Employees should be made aware of safety rules during new employee orientation and in training for any new job. First line supervisors are required to properly train employees. Employees or supervisors who fail to properly follow and enforce safety rules will be directed to the JWSC Code of Conduct and appropriate corrective or disciplinary action will be taken.
- T. Unauthorized Persons in the Workplace: While JWSC facilities are public places and generally open to the public, an employee’s friends and family members are discouraged from visiting the employee in the workplace. Visitors may be unfamiliar with the hazards of the work environment and should avoid such areas. Visitors may also tend to distract employees from attention to their work and may present opportunity for error or injury. In order to limit the JWSC’s liability, visitors should be discouraged except in guided tours and special events

Section 4.13
DRUG-FREE WORKPLACE

STANDARD

The standard work environment for the JWSC shall be a drug-free workplace. The JWSC is committed to providing a safe and efficient work environment and to fostering the health and well-being of its employees, its customers, and the general public. That commitment is jeopardized when an employee uses alcohol, drugs, or controlled substances that affect job performance. The JWSC wishes to protect the JWSC from liability for drug and alcohol-related accidents or errors. Therefore, the JWSC has established the following standards of practice and implementation guidelines, (collectively, "the policy"), which constitute a condition of employment with which all employees must comply.

PRACTICE GUIDELINES

1. Drug and Alcohol Use Prohibited:

- A. Drug or alcohol use by employees during assigned working hours, or otherwise while on JWSC business is prohibited. This shall include the use of illegal substances, the abuse of prescription medications, and the use of alcohol. The manufacture, use, purchase, possession, offer to sell or buy, dispensation or distribution, or otherwise engaging in the illegal use of prescription or illegal drugs or the consumption of any alcoholic beverage during hours of work is prohibited.
- B. Performing work or reporting to work under the influence of or while possessing in his or her body, blood, or urine, illegal drugs is prohibited.
- C. Performing or reporting to work under the influence of or impaired by alcohol is prohibited. Purchase of any alcoholic beverage during assigned work hours or scheduled breaks is prohibited. Employees are prohibited from:
 - (1) Reporting to duty or performing work with an alcohol concentration equal to or greater than .04 grams.
 - (2) Consuming alcohol up to eight (8) hours following an accident or until the employee undergoes a post-accident test, whichever comes first.
 - (3) Consuming alcohol four (4) hours prior to performing safety-sensitive duty.
- D. Conduct, on or off duty, related to alcohol or controlled substances, that would undermine the reputation or efficiency of the JWSC is prohibited (e.g., sale of drugs).
- E. The illegal use of prescription drugs is prohibited. (e.g., use of prescription drugs that have not been legally obtained or used in a manner or for a purpose other than as prescribed or by an employee for whom the medication was not prescribed) However, nothing in this policy precludes the appropriate use of legally prescribed medications.
- F. Possession of any alcoholic beverages, even with the seal thereof unbroken, in any JWSC-owned or leased vehicle at any time is prohibited. Possession of any alcoholic beverages with the seal thereof broken, in any privately-owned vehicle used by an employee in the course of JWSC business or duties, during assigned work hours, is prohibited.

G. Employees who are using over the counter medications that are likely to impair job performance or safety are required to notify their supervisor of such use so that the supervisor and division head can determine whether the job can be performed safely.

2. **Notice of Conviction:** An employee who is convicted or pleads guilty or nolo contendere under a criminal drug or alcohol statute must notify his or her division head no later than five (5) calendar days after such a conviction or plea. A criminal drug statute is any federal, state or local law which makes unlawful the manufacture, transport, distribution, dispensation, purchase, sale, use, or possession of any illegal drug or controlled substance, including any other activity related to illegal drugs or medications. The division head will promptly forward such information to the Human Resources Department. Such convictions or pleas may be considered in any employment decisions including promotion or adverse action. Failure to notify the JWSC of a conviction or plea will be grounds for dismissal.

3. **Employee Assistance Program:** The JWSC is willing to offer confidential assistance to an employee that voluntarily identifies himself to his division head or immediate supervisor as needing assistance with an alcohol or drug problem by providing education, training, counseling and referral for medical assistance when appropriate. The Human Resources Department maintains a resource file of medical and clinical professionals who are trained in providing assistance to persons with drug or alcohol addictions. Employees who need assistance are encouraged to seek help privately or to request assistance from the Human Resources Department in identifying a professional counselor or clinic.

A. **Voluntary Entry:** The JWSC encourages all employees to seek help either from sources available through JWSC employment or from independent sources for their alcohol and/or drug problem.

(1) The JWSC will not seek disciplinary action against an employee that voluntarily identifies himself to his division head or immediate supervisor as needing assistance with an alcohol or drug problem, provided the employee simultaneously enters and successfully completes treatment under the Employee Assistance Program.

(2) An employee may decline, without penalty, to perform or continue to perform his job if the employee knows that he or she is, or may be, impaired by alcohol or a controlled substance, provided the employee simultaneously enters and successfully completes treatment under the Employee Assistance Program.

(3) The JWSC, if notified, will use its best efforts to work with an employee that has identified himself as needing assistance, and will use its best efforts to accommodate the employee for a reasonable period of time needed in evaluation and treatment.

(4) The self-identification program, as outlined herein, shall not be utilized once an employee has been instructed to participate in a drug and/or alcohol test under the terms of this policy.

B. **Involuntary Entry:** A division head or the Director may require an employee to enter the Employee Assistance Program as an alternative to a proposed disciplinary action. An employee who refuses to participate in or fails to complete the rehabilitative program may be subject to disciplinary action as originally proposed without further recourse to a treatment program. Employees who are required to seek professional help as a condition of continued employment may be tested periodically for drugs

and alcohol at any time without warning during the treatment period and for a two-year period after completing the mandated treatment program.

C. **Employment:** Participation in any treatment or rehabilitation program will not guarantee continuance of employment if the employee's work performance is not satisfactory, if the employee tests positive for alcohol, illegal drug or a controlled substance, or after undergoing treatment, or fails to complete the treatment or rehabilitation.

4. **Employee Education:** Employees will participate in educational programs designed to inform them about the dangers of drug abuse in the workplace, available drug counseling and opportunities for rehabilitation, and the discipline that can be imposed upon employees for drug abuse violations or violations of this policy. Failure to participate in such programs as directed by an employee's supervisor shall be grounds for disciplinary action.

5. **Supervisor Training:** Supervisors will participate in periodic training designed to help them recognize potential signs of drug or alcohol abuse. Training will include proper protocol for requesting a drug test, procedures, confidentiality concerns, documentation, and follow up. Although it is not the supervisor's job to diagnose personal problems, the supervisor should be trained to encourage employees to seek help when appropriate and to advise them about available resources for getting help. Failure to participate in such training programs as directed by an employee's supervisor shall be grounds for disciplinary action.

6. **Employees Subject to Testing:**

A. All job applicants who have been extended a conditional offer of employment will be drug and alcohol tested before beginning employment.

B. Employees moving into a safety sensitive position will be drug tested. Safety sensitive positions are those that may impact the safety of self, co-worker or others and in which impairment of the employee by any substance could adversely affect public health and safety. A safety sensitive position, or high-risk work, contains duties of such a nature that the compelling JWSC interest to keep the employee drug and alcohol free outweighs the employee's privacy interests. It includes duties in which inattention to duty or errors in judgment while on duty will have the potential for significant risk of harm to the employee, other employees, or the general public. The following are examples of safety-sensitive or high-risk positions:

- (1) Positions with duties that are required or authorized to inspect, handle, or transport hazardous waste or hazardous material.
- (2) Positions with duties that require a commercial driving license (CDL).
- (3) Positions with duties that require the operation of water and sewer wastewater treatment plant.
- (4) Positions with duties that affect the operation and maintenance of water filtration or pollution control equipment.
- (5) Positions with duties that require the operation, maintenance, or inspection of heavy motorized equipment.

C. All employees are subject to post-accident and reasonable suspicion alcohol and drug testing, regardless of the position in which they are employed as set forth in this Section.

7. General Procedures for Conducting Tests:

- A. All testing procedures, to include obtaining urine samples and use of breathalyzer equipment, shall be carried out by qualified law enforcement personnel or an approved laboratory and/or medical facility that operate in compliance with the National Institute of Drug Abuse (NIDA) Guidelines, or equivalent guidelines. Drug testing will be done to determine the presence of amphetamine/methamphetamine, cannabinoids (marijuana), cocaine, metabolite, ethanol, opiates, phencyclidine, barbiturates, and benzodiazepine, sedatives, synthetic opiates, and such other drugs as proscribed in the NIDA Guidelines.
- B. All urine drug-testing specimens must be collected as split specimens. The term “split” means that one urine specimen will be divided into two (2) separately sealed specimen bottles for submission to the laboratory.
- C. Whenever an initial test is found to be positive, an automatic confirmation test will be performed. Every individual who takes or submits to an alcohol and drug screening test shall be entitled to a copy of the confidential test results upon written request.
- D. Evidential Breath Test (EBT) results of 0.04 grams or greater, or urine test results of .40 mg./deciliter or greater, or an equivalent blood sample alcohol concentration, shall raise a rebuttable presumption for alcohol impairment. Any consumption of alcohol on the job shall constitute a violation of this policy regardless of amount or concentration.
- E. The confidentiality of any information received by the JWSC through the substance abuse testing program shall be strictly maintained, except as otherwise provided by law.

All information from an employee’s or job applicant’s drug and alcohol test shall be confidential and only available to the Director of the Human Resources Department, and others with a strict need to know. Disclosure of test results to any other person, agency or organization shall be prohibited unless written authorization is obtained from the employee, job applicant, or otherwise provided by law. The results of a positive drug or alcohol test shall not be released until the results are confirmed.

- F. Reference to “testing” shall generally mean drug and alcohol testing.
- G. A Medical Review Officer (MRO) is a qualified medical professional that, in conjunction with the drug-testing laboratory, receives confidential medical information from the donor (employee or job applicant) that could affect the test result. When a test result is positive, the MRO will contact the donor to inquire as to why a particular substance may be present in the test result. The donor has the opportunity to explain to the MRO the presence of any prescription medications, or other substances present in the test result. The MRO communicates to the JWSC a “negative” or “positive” test result. Any other detail is maintained by the MRO and the drug testing laboratory and is not shared with the JWSC without authorization from the donor.

8. Post-Offer Pre-employment Testing:

- A. All prospective new employees will be tested (urinalysis) for the use of illegal drugs and the improper use of alcohol and other drugs provided that an initial offer of employment has been made.

- B. Each prospective new employee is required to sign a notice and acknowledgment form consenting to a drug screening and authorizing disclosure of the results to the JWSC and any agent acting as the Human Resource Department on behalf of the JWSC.
- C. When the test indicates illegal or improper drug use, the individual will not be employed. However, the individual may reapply for employment after one (1) year, and if the result of the drug test administered at the time of reapplication is satisfactory, the suitability of the prospective employee may be reconsidered.
- D. If the physician, official, or lab personnel have reasonable suspicion to believe that the job applicant has tampered with the specimen, the applicant will not be considered for employment.

9. Random Testing:

- A. Random drug and alcohol testing is conducted without individualized suspicion of a violation of the JWSC's Drug Free Workplace standard. Selection is made by neutral criteria so that all employees eligible for testing have an equal opportunity to be tested.
- B. Employees with a confirmed positive test result may, at their option and expense, have a second confirmation test made on the same specimen. An employee will not be allowed to submit another specimen for testing.

10. Periodic Testing: Drug testing of JWSC employees subject to random testing and engaged in those occupations which require a commercial driving license may be conducted periodically during each calendar year for drugs and/or alcohol abuse. Periodic testing is done in the compelling interest of the JWSC to ensure public safety and to safeguard the community and its citizens.

11. Reasonable Suspicion Testing:

- A. Supervisors who suspect an employee is under the influence of illegal drugs or controlled substance without a valid prescription, or the improper use of prescription or other drugs and/or alcohol shall immediately report the incident to the next level of supervision and to the division head.
- B. The determination of whether reasonable suspicion exists shall be made by the division head or highest ranking supervisor on duty and, in consultation with the Human Resources Department, if possible. The facts underlying the determination of reasonable suspicion shall be disclosed to the employee at the time the demand to submit to testing is made.
- C. Reasonable suspicion is based upon a belief that an employee is using or has used drugs or alcohol in violation of the JWSC's Standards of Practice. Reasonable suspicion shall be drawn from specific and objective facts that can be clearly articulated. Reasonable inferences shall be drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon, but not limited to, the following:
 - (1) Observable phenomena while at work such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse;
 - (2) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
 - (3) A report of substance abuse provided by a reliable and credible source;

- (4) An employee is involved in a physical or verbal altercation;
 - (5) An employee exhibits unusual behavior such as slurred speech or unsteady walking or movement on the job;
 - (6) An employee has the odor of alcohol on their person on the job; or
 - (7) An employee is in possession of alcohol or drugs on the job.
- D. Following the determination that reasonable suspicion exists, the employee shall be transported to and from the testing site by the employee's supervisor or a designee. Following the testing procedure, the person transporting the employee shall make appropriate arrangements to transport the employee home. The employee shall not be allowed to drive himself or herself home. Pending the availability of test results, the employee will be placed on administrative leave of absence.
- E. Supervisors shall be required to document in writing, within the next working day, the specific facts, symptoms or observations that formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. All documents created in connection with the determination of reasonable suspicion shall be forwarded to the Human Resources Department under confidential cover.
- F. Care should be taken to maintain the respect and dignity of employees who are requested to submit to reasonable suspicion drug testing. Supervisors should be as discrete as possible when transporting an employee to the testing site. The confidentiality of any information received by the JWSC through the substance abuse testing program shall be strictly maintained, except as otherwise provided by law and shall be available within the JWSC strictly on a need to know basis.
- G. When reasonable suspicion exists that an employee has possession of alcohol, illegal drugs or controlled substances without a valid prescription, a supervisor with the concurrence of the division head shall have the right, to the extent not prohibited by law, to require the employee to submit immediately to a search of his or her office, desk, cabinet, locker, work vehicle or other items on JWSC premises to which he or she has or had access. The reasonable suspicion must be based on objective facts and inferences rationally drawn from these facts. Refusal to agree to a lawful inspection requested by the authorized JWSC personnel is considered insubordination and grounds for disciplinary action up to and including termination of employment. Employees do not have a reasonable expectation of privacy with respect to such JWSC equipment and facilities.

12. Post-Accident and/or On-the-Job Behavior Testing:

- A. Any employee will be drug and alcohol tested when the employee is involved in:
- (1) Any motor vehicle accident in the course of work;
 - (2) Any work-related injury requiring medical treatment;
 - (3) Any workplace incident in which machinery, equipment, or other property is damaged and the cost of repair or replacement is estimated at greater than \$250;
 - (4) Any serious on-the-job incident or accident; or
 - (5) Any employee whose on-the-job behavior indicates that the employee may be under the influence of drugs or alcohol.
- B. Following any of the above, a drug and alcohol test shall be conducted. The employee shall be transported to the testing site by the employee's supervisor or a designee. Following the testing

procedure, the person transporting the employee shall make appropriate arrangements to transport the employee home. The employee shall not be allowed to drive himself or herself home. Pending the availability of test results, the employee will be placed on paid leave of absence.

- C. An employee who is subject to post-accident and/or on-the-job behavior testing shall remain readily available for such testing or may be deemed by the JWSC to have refused to submit to testing. Nothing in these guidelines shall be construed to require the delay of necessary medical attention.

13. List of Medications: At the time of testing, employees and job applicants shall provide to the lab a list of those prescriptions and over-the-counter medications that he or she has recently used. The list of medications shall be kept confidential and shall be disclosed only to the Medical Review Officer who will determine whether the positive result was due to the lawful use of any of the listed medications.

14. Prescription Drug Use:

- A. An employee using prescription medication while on the job shall do so in strict accordance with medical directions. It is the employee's responsibility to notify the prescribing physician of the duties required by the employee's position and to ensure that the physician approves the use of the prescription medication while the employee is performing his or her duties.
- B. An employee whose job performance is adversely affected by prescription drugs creates a risk of serious danger to the safety, security and health of not only himself or herself but to innocent co-workers and members of the public. Based on the job-relatedness of the disclosure of prescription drug usage and consistent with business necessity, the following procedures shall apply:
 - (1) Any employee who is using a prescribed drug for any medical reason or other condition which impairs the ability to perform an essential function of his or her job or creates a safety hazard should discuss this matter with his or her immediate supervisor. The supervisor shall inform the division head of the matter.
 - (2) Based on a written statement from the employee's prescribing physician and which may identify any restrictions that may affect and/or prevent the safe performance of the required duties, the division head will determine whether the employee can work safely while taking the medication, whether an essential function of the job is effected, and whether reasonable accommodation is required to enable the employee to continue in the job.
 - (3) If it is determined that the employee is unable to perform an essential function of his or her duties without impairment caused by the medication and cannot be reasonably accommodated, then the employee shall be directed not to work until the medication that is being taken is no longer present or use of medication causing the impairment is discontinued. The employee may be placed on accrued sick or annual leave. If an employee has no accrued leave, then the employee may be placed on leave of absence without pay unless the employee is otherwise qualified for FMLA Leave.

15. Acknowledgement; Notification: Notification of the drug-testing program will be provided to all job applicants by way of the job vacancy announcement. Each new employee shall be provided notice of the drug-testing program during the "new employee orientation". New employees will be required to sign the

acknowledgement form as a condition of employment. In addition, every employee subject to alcohol and drug testing shall be required to sign a form issued by their supervisor or collection site, consenting to the test and acknowledging the date, time and location of their test.

16. Refusal to Consent; No show:

- A. Post Offer Pre-employment Job Candidates: Any applicant for a job with the Commission who refuses to consent to a drug and alcohol test shall be denied employment.

- B. Employees: Any employee who refuses to sign the consent form, submit to a drug and alcohol test or fails to appear at the designated collection site to take the test as required herein shall be terminated immediately.

17. Suspension of Drug and Alcohol Testing: The Director may suspend drug and alcohol testing during times of emergency such as a hurricane or other similar situations.

18. Discipline:

- A. Any employee who engages at work in the illegal manufacture, distribution, dispensation, or sale or use of a controlled substance, or who is found on JWSC property to be in possession of such a substance or drug, in a JWSC vehicle, or off premises while on JWSC business or who is convicted under a criminal drug statute for a violation occurring on the JWSC's premises, will be terminated immediately.

- B. Any employee who tests positive for alcohol or drug use, or when there is reasonable suspicion the employee has tampered with a drug test, the employee shall be suspended immediately without pay pending investigation and disciplinary action. Following an investigation, the employee may be referred to a mandatory drug and/or alcohol rehabilitation program as a condition of continued employment, and/or may be disciplined up to and including termination of employment. The decision will be based upon potential risk to the employee, co-workers, or customers, liability to the JWSC; the opportunity for rehabilitation; the employee's work history; injury or damage caused; on/off the job circumstances; extent of impairment; and involvement with illegal drugs or prescription drugs obtained in a manner not prescribed or not for the intended use.

- C. Violation of any aspect of this Section may result in notification to law enforcement agencies.

Section 4.14
UNIFORM DRESS CODE

STANDARD

The JWSC's objective in establishing and implementing a dress code is to allow employees to work comfortably in the workplace and still maintain a professional image for our customers, potential employees, and the community, while promoting a productive and safe work environment. The clothing and accessories worn by all employees shall be worn in a professional manner that will project a positive image toward the community and protect the safety of employees. Employees shall be well groomed and clothing and accessories shall be appropriate to the work environment, including safety gear.

PRACTICE GUIDELINES

1. Dress Code for Administrative and Office Employees:

- A. Employees not required to wear uniforms shall wear apparel that is professional, neat, and appropriate for the work environment. Employees are to dress appropriately to meet the public in a casual business environment. Clothing and accessories that will project a professional image of the employee and the JWSC for both visitors and other employees include attire that is clean, safe, and in good repair.
- B. It is not appropriate to wear clothing that reveals excessive cleavage, back, chest, stomach or undergarments. Sports attire, such as jeans, shorts, halter tops, tank tops, T-shirts, and flip-flops are not appropriate for the office. All clothing should be properly fitted. Extremes with respect to hairstyles and grooming which may project an unprofessional image are to be avoided. In keeping with the JWSC's policies to provide a work environment free from harassment, clothing that tends to be sexually provocative or draws undue attention to one's self is prohibited.
- C. Jewelry, makeup, perfume, and cologne should be in good taste, with limited visible body piercing and tattoos. Some employees and customers are allergic to the chemical in perfumes and make-up, so employees should use these substances with restraint. Facial piercings are prohibited.
- D. Casual Dress Friday: Fridays are designated casual dress days in which employees may take a more casual approach to dressing for the office. Employees may wear jeans (no holes) and sneakers. Even in a casual work environment, clothing should be neat and clean. Torn, dirty, or frayed clothing is unacceptable. Sweatsuits and shorts are unacceptable. Any clothing that has words, terms, or pictures that may be offensive to other employees or to JWSC customers and visiting members of the general public is unacceptable. This includes images that are sexually provocative, use profanity or are insulting of other employees. When attending business meetings on Casual Dress days, employees should consider their audience and the image projected, and should dress appropriately.
- E. Shorts and other recreational clothing may be appropriate for special events. The Director or his designee will approve such events.
- F. Occasionally, administrative employees are involved in unusual activities such as moving or packing boxes for storage. On these occasions and for limited and specific times, division heads may authorize a more relaxed dress code, appropriate for the work.
- G. Employees that are uncertain about acceptable, professional casual attire for work should contact their supervisor, or the Director, for guidance before reporting to work in clothing that may be

inappropriate for the situation. Employees are encouraged to dress conservatively and professionally until further guidance is obtained and report to work.

- H. The JWSC reserves the right to interpret and apply this dress code with respect to employee attire and professional appearance. An employee who does not follow this policy may be sent home to change or, if appropriate, may be subject to disciplinary action, up to and including termination of employment.

2. Dress Code for Field Operations Employees:

- A. While on duty, employees working outdoors or in “field operations” must wear JWSC-issued uniforms. The JWSC will provide for the number of items for each employee. Employees who wish to order additional items of the same type, without the JWSC emblem, may do so at their own expense. However, all apparel with the JWSC emblem must be relinquished when employees terminate employment, except as provided below for retirees. Failure to do so will result in withholding such sums to pay for JWSC’s property from the employee’s last paycheck. This and all JWSC property must be returned at the time of separation. Failure to do so may result in civil action against the former employee.
- B. Employees are required to maintain and to wear uniforms that are neat, clean, and in serviceable condition. This means that uniforms are to be clean when reporting to work daily and worn in such a way as to present a positive image to the general public. All shirts must be solid in color and should be either gray, dark blue, or tan. It will be the supervisor’s responsibility to ensure compliance with this Uniform Dress Code and those contained in more specific division procedures.
- C. Baseball style hats with the JWSC logo, safety hats, or other specialized safety headgear are the only headgear allowed to be worn during working hours. Baseball hats will always be worn with the bill of the hat to the front of the head, unless windy conditions necessitate otherwise. Safety headgear will be worn when required in accordance with the manufacturer or OSHA specifications.
- D. Steel toed boots or steel toed safety shoes will be issued once every year to JWSC employees by a vendor selected by JWSC. JWSC will require the vendor providing the boots or safety shoes to visit the JWSC facilities twice each year to fulfill the JWSC employee's needs. JWSC employees will not be issued more than one pair of boots or safety shoes in a one year period.

- 3. Safety Accessories:** Employees who are required to wear safety vests, safety glasses, hard hats, gloves, steel-toed shoes, back braces, or other safety gear must wear the required gear at all times when working in the tasks assigned. This is intended to protect the safety and well-being of the employees as well as the customers served by the JWSC.

4. Cost and Use of JWSC-Provided Uniform Clothing and Accessories:

- A. The JWSC will provide uniform clothing for those employees who are required to wear a uniform. This will include shirts, pants, jackets, hats, gloves, safety shoes, and other safety items. Failure to consistently and properly wear or use uniform clothing and/or safety gear, and the failure to consistently enforce these standards, will result in disciplinary action up to and including termination of employment. Supervisors will be responsible to ensure safety gear and uniforms are properly worn.

- B. The JWSC may also provide certain items for administrative office employees who are not required to wear uniforms but who wish to wear items bearing the JWSC logo, depending upon fund availability and whether appropriate for the work situation.
- 5. New Employees:** Employees will be fitted for uniforms and safety gear during the first week of work. Employees who do not complete the 12-month introductory employment period will be required to return clothing bearing the JWSC logo or repay the cost of such items. Employees may keep items that do not bear the JWSC logo, however, employees will be required to repay the cost of such items.
- 6. Returning and Replacing JWSC-Provided Uniforms, Equipment, and Accessories:**
- A. Each employee is responsible for the care and protection of JWSC-purchased uniforms, safety accessories, and other items.
- B. When items begin to show signs of normal wear such that the employee reasonably anticipates the need for replacement, the employee should contact the immediate supervisor to request replacement items. New orders for uniforms should be placed only when an item is worn, torn, or otherwise damaged and no longer presents the appropriate appearance. This does not mean that the JWSC will automatically reorder five (5) of each listed item for each employee every year, but as individual items are needed. It does mean that each employee should have five (5) sets of uniforms ready for wear each week. Each employee's supervisor will be tasked with determining when an item no longer represents the JWSC appropriately and will be responsible for all orders placed.
- C. When lost, worn, or damaged by neglect, employees will be required to replace the items at their own expense. This may be payroll deducted at a minimum of \$7.50 per week, subject to FLSA compliance.
- D. JWSC will only reissue uniforms on a "one-to-one" trade of each uniform item. This is defined as an employee must trade in the same type item for reissue of a new same type item. Employees must pay for items that are lost and needed to be reissued.
- 7. Purchasing Additional Items:** An employee who wishes to purchase additional clothing items without the JWSC logo may do so at his or her own expense. The employee through payroll deduction may purchase additional steel-toed safety shoes.
- 8. Wearing of Uniform Off-duty:** No part of the JWSC-issued uniforms, or articles of clothing bearing the JWSC emblem, shall be worn off-duty without the written permission of the division head or director.

EQUIPMENT USE, CARE, AND MAINTENANCE

STANDARD

The JWSC will provide safe, well-maintained, and sufficient equipment for use by JWSC employees in the performance of their work. The JWSC will ensure the safety of its customers, and the employees who use such equipment, through the use of standard guidelines for the care, maintenance, and use of equipment, as well as the qualifications and training of its employees.

PRACTICE GUIDELINES

1. **Scope:** Equipment includes the entire range from simple manual hand tools such as a hammer or rake, to heavy construction equipment, office computers, and telephones. *(See Section 4.16, Vehicle Use, Care, and Maintenance, as it relates to motorized equipment requiring a driver's license.)*
2. **Employee Selection and Qualifications:** Only qualified and trained employees will be selected and assigned to use and/or operate JWSC owned and/or leased equipment. When recommending an employee for the job, the supervisor or division head shall assure that the applicant has sufficient experience and/or training. Once hired, the division manager and supervisor are responsible to properly train and further ensure the employee's safe and efficient operation of equipment. An employee who is directed to use an item of equipment with which the employee is unfamiliar or untrained to operate shall inform his or her supervisor before using or operating the equipment.
3. **Assignment of Equipment:** Equipment shall be assigned to employees according to the task and most efficient means of completion. If an employee is given exclusive assignment of equipment or tools (e.g., laptop computer), the employee will be asked to sign a document acknowledging receipt and agreeing to care for the equipment properly. The employee also will be expected to return the equipment when employment terminates or to authorize the JWSC to withhold the cost of the item from the employee's final pay check. Employees may be required to share the cost of repairs or replacement for equipment damaged or lost through improper care or neglect.
4. **Inspection, Use, Care and Maintenance of Equipment:** The following standards of practice apply to employees who use or who are responsible for maintenance and repair of JWSC provided equipment. Failure to meet any of these standards may result in disciplinary action, up to and including dismissal for repeated infractions. Dismissal may occur after the first infraction of a serious nature. Failure of the supervisor to properly supervise the care of equipment may also lead to disciplinary action against the supervisor.
 - A. At the beginning of the workday, employees are required to inspect equipment for proper operation. *(See Section 4.16, Vehicle, Use, Care and Maintenance.)* Employees shall practice preventive maintenance and properly care for equipment during use.
 - B. A maintenance file shall be maintained on appropriate equipment to contain preventative maintenance records and all repairs, including cost.
 - C. Employees are prohibited from using JWSC equipment for business other than JWSC business and are prohibited from using equipment on private property or at other locations not authorized by the supervisor or division head.

- D. Employees are required to use JWSC equipment in such a manner as to reduce the opportunity for damage and unnecessary wear and tear.
- E. Employees are required to operate equipment properly, safely, and according to standard instructions.
- F. Employees are required to wear appropriate safety gear, anticipate dangers and opportunities for accidents, and to take other protective measures.
- G. Employees are prohibited from servicing equipment while a machine is running, except where such action is standard procedure and the established safe procedure for doing so.
- H. Employees are prohibited from wearing jewelry or loose, torn, or ragged clothing near moving machinery. Employees must appropriately contain loose hair.
- I. An employee is allowed to operate machinery and equipment only after the employee has been properly assigned to the equipment and trained to operate it.
- J. All portable electric tools must be grounded and provided with ground fault interrupters, or other proper insulation. Saws, grinders, and similar tools must have guards properly affixed. Guards shall not be removed during use. Employees are required to replace safety guards immediately before restarting machines when safety guards are removed for repair.
- K. Lockouts shall be used with keyed padlocks. All equipment shall be locked out or tagged out to protect against accidental or inadvertent operation when such operations could cause injury to personnel. Employees shall not attempt to operate any switch, valve, or other energy-isolating device when it is locked or tagged out.

5. Accidents Resulting in Injury to Employee and/or Damage or Loss of Equipment: When an accident occurs while using JWSC-owned or leased equipment that involves injury to an individual or damage or loss of equipment, an employee with knowledge of the accident must contact the supervisor or other management employee immediately. Medical attention for any injured party is the first priority. If there is an injury requiring medical attention or damage to equipment estimated at \$250 or more, the employee operating the equipment will be drug and alcohol tested in accordance with the Drug-Free Workplace Policy, and the supervisor shall be responsible for assuring that testing occurs and for notifying Human Resources Department of the incident. Investigations following each accident and/or injury will determine whether the employee contributed to the accident in any way. Failure to timely report an accident may result in disciplinary action up to and including dismissal.

6. Corrective Action Following an Accident or Injury: The standard of professional and safe use of equipment and tools is to avoid preventable accidents. If an accident is found to be preventable, and if an employee is found to have contributed to the accident, appropriate corrective action will be taken as soon as possible. Corrective action may include requiring the employee to share in the cost of damage to the equipment, and may subject the employee to disciplinary action up to and including dismissal.

VEHICLE USE, CARE, AND MAINTENANCE

STANDARD

The JWSC will provide safe, well-maintained, vehicles for use by JWSC employees in the performance of their work. The JWSC will ensure the safety of the citizens we serve and the employees who operate such vehicles through the use of standard guidelines for the care, maintenance, and operation of vehicles, as well as the qualifications, selection, and training of its drivers and operators.

PRACTICE GUIDELINES

1. **Driver/Operator Qualifications:** For positions that require a driver's license, the JWSC shall assign only those employees who have a valid driver's license, and who maintain a safe driving record and demonstrate a regard for traffic laws as evidenced by an official pre-employment Motor Vehicle Records review. Employees are prohibited from driving in the course of business without a valid driver's license.
2. **Motor Vehicle Record (MVR):**
 - A. MVRs of employees may be reviewed periodically, covering a three (3) year history, for any employee who is required to operate a motor vehicle or any motorized equipment for which a driver's license is required, or for any employee who may drive a JWSC vehicle or personal vehicle in the course of work. An employee's safe driving record can be affected by a violation that occurs off duty in the employee's personal vehicle. Such violations include, but are not limited to, speeding, reckless driving, driving under the influence of alcohol or drugs, cancellation of automobile insurance, at fault collisions, fleeing from police, hit and run, and felony use of a vehicle.
 - B. If the safe driving record has been compromised such that the JWSC would be placed in a position of potential exposure to liability by allowing the employee to continue driving, the following action may be taken:
 - (1) If driving is an essential function of the employee's position, the employee may be reassigned to a non-driving position, if available, if the employee is qualified, and if performance is otherwise satisfactory.
 - (2) If driving is an essential function of the employee's position and no alternative position is available, employment may be terminated unless the JWSC's liability can be limited in some other manner.
 - (3) If driving is not an essential function of the employee's position, but the employee sometimes drives in the course of work, the employee will not be allowed to drive in the course of work until the selection criteria can be met.
 - (4) In cases involving Commercial Driver's Licenses, Department of Transportation regulations apply.
3. **Notification Requirements:** Each driver of a JWSC vehicle shall maintain a safe driving record and valid driver's license. Each such employee who is notified of the loss, suspension or revocation of his or her license to drive or operate a motor vehicle, or any charge or violation on or off duty, in any state, shall notify his or her supervisor no later than the next business day and before he or she operates vehicles or equipment in the course of work. Each driver shall also notify the immediate supervisor of any traffic violations that result in a conviction, guilty plea or nolo contendere plea. The supervisor shall notify the division head, Human Resources Department, and the Chief Financial Officer. Failure to report any license

suspension or revocation, or any charge or violation arising from vehicle operation, on or off duty, will be grounds for disciplinary action, up to and including dismissal.

- 4. Reporting Motor Vehicle Accidents and Traffic Violations:** When an accident or violation occurs while an employee is driving a JWSC vehicle, or a personal vehicle on JWSC business, employees must contact the supervisor or other management employee immediately, and shall contact the police. Medical attention for any injured party is the first priority. An employee shall be drug and alcohol tested in accordance with the Drug-Free Workplace Policy for post-accident testing, and the supervisor shall be responsible for assuring that testing occurs. Investigations following each accident will determine whether the employee contributed to the accident in any way. Failure to timely report a motor vehicle accident may result in disciplinary action up to and including dismissal.

- 5. Corrective Action Following an Accident:** The standard of professional driving performance is to avoid preventable accidents. If an accident is found to be preventable, appropriate corrective action will be taken as soon as possible. While the following guidelines present an opportunity for the employee to correct deficiencies and improve performance without necessarily losing his or her job, nothing in these guidelines prevents a supervisor from recommending immediate dismissal, or any other disciplinary or corrective action in any specific case, without using these steps in the order they are presented, depending upon other factors involved. Some circumstances may result in immediate dismissal, depending upon the severity of the violation.

For drivers who are governed by Department of Transportation (DOT) Regulations, these guidelines apply in addition to DOT regulations.

- A. For the first occurrence of a motor vehicle accident resulting in damage or injury in which the employee is determined to have contributed, the employee may be issued a written reprimand and may also be placed in a remedial training program to correct the deficiency which led to the accident. The employee also may be required to contribute to the cost of repair or replacement. An employee who tests positive for drugs or alcohol in a post-accident drug test will be also subject to the Corrective Action described in Section 4.13, Drug-Free Workplace.

 - B. Following the second occurrence of an accident resulting in damage or injury within the previous 12-month period in which the employee is determined to have contributed, the employee will be suspended without pay and may be required to contribute to the cost of repair or replacement. The employee may also be placed in a remedial training program to correct the deficiency that led to the accident. An employee who tests positive for drugs or alcohol in a post-accident drug test will be subject to the Corrective Action described in Section 4.13, Drug-Free Workplace.

 - C. As a result of the third occurrence of an accident within a 2-year period resulting in damage or injury in which the employee is determined to have contributed, the employee will be discharged from employment.
- 6. Corrective Action and/or Disciplinary Action Following a Moving Violation:** The corrective actions apply when an employee receives a moving violation while operating a JWSC vehicle, or a personal vehicle while driving in the course of business (without damage or injury).

- A. First occurrence within 12 months: Written reprimand and remedial training. Serious moving violations may result in immediate dismissal regardless of previous history.
- B. Second occurrence within 12 months: Suspension and remedial training.
- C. Third occurrence within 36 months: Termination of employment.

7. Assignment of Vehicles: Vehicles shall be assigned to employees in accordance with the requirements of the job to be performed. Vehicles may be assigned on a daily basis, job basis, or other job-related basis, and in a consistent manner. Vehicles are assigned at the discretion of the division head or his designee.

8. Employees Who Are Assigned “Take Home” Vehicles: Employees with JWSC take-home vehicles should be aware of potential public perception in how they use their vehicles or where they use them. “Take home” vehicles are defined as those assigned to an individual employee who is driving the vehicle from home to work.

Employees may be assigned “take home” vehicles subject to the following guidelines. Division heads will prepare a division policy regulating vehicle use within the division, which positions are approved to take home vehicles, and will include methods for approved call back procedures. Division policies must be consistent with these Standards of Practice and must be approved by the Director prior to implementation.

- A. An employee is subject to call for work at any hour due to emergencies.
- B. An employee must report to a project or work site rather than to his or her assigned office, provided such practice is in the best interests of the JWSC and the function being performed.
- C. An employee is on temporary assignment outside their normal geographic work area.
- D. An employee is a key administrative person who is responsible for projects requiring call back or who is routinely required to attend and participate in various functions after hours and on weekends. Justification must include nature of the work or type of meetings and frequency of same.
- E. Other circumstances not anticipated herein when the Director determines that exclusive assignment is in the best interests of the JWSC.
- F. Employees assigned “take home” vehicles shall not operate the JWSC vehicles during off duty hours unless in the course of assigned business. It is permissible to make personal stops while driving to and from work locations before or after business hours or during the lunch hour, so long as no additional mileage is incurred. However, consideration will be given to the nature of the stop and how the public might perceive the vehicle’s use. For example, a stop at a grocery store after business hours on the way home or during the lunch hour is permissible, while a stop at a liquor store would be inappropriate. Employees will use good judgment in driving JWSC vehicles under all conditions. Employees shall not use JWSC owned or leased vehicles for any other personal purpose or when off duty. Employees will be personally and financially responsible for damage occurring to any JWSC vehicle when being used for other than JWSC business. JWSC business is defined as being called back by the Director, division head, or other authorized member of management. Unauthorized vehicle use

may result in disciplinary action up to and including dismissal.

G. The value of use of a JWSC vehicle for commuting when on call will be reported as income to the employee as required by the Internal Revenue Service and/or Georgia Department of Revenue.

9. Inspection, Use, Care and Maintenance of Vehicles: Following are standards of practice governing JWSC employees when using or are responsible for JWSC vehicles or motorized equipment. These guidelines for safe operations are not absolute, inflexible rules, but must be tempered with common sense on the part of our employees. In the absence of a reasonable basis for departures from these guidelines, ***failure to meet these standards will result in disciplinary action, up to and including dismissal for repeated infractions. Failure of the supervisor to properly notify the division head may also result in disciplinary action against the supervisor.***

A. Employees shall use JWSC vehicles and equipment only for JWSC business. Employees shall operate JWSC vehicles and equipment only in appropriate areas and locations. Employees shall not drive or operate vehicles in areas that could cause damage or unnecessary wear and tear. Employees who operate or who ride as a passenger in JWSC vehicles should maintain awareness of public perception in how the vehicles are used. Employees shall not park vehicles in locations that could appear inappropriate, such as in front of a liquor store. Employees may not use JWSC vehicles for personal errands. Employees must ensure that JWSC vehicles are used only for authorized purposes.

B. Every vehicle operator shall use a checklist to document regular and routine safety inspections each week. The inspections will include, at a minimum, operational check on lights, horn, directional signals, brakes, motor oil, windshield washers/wipers, tires, and seat belts. Any defects shall be corrected before the vehicle is operated. A standard checklist shall be used within each division to report any of these or other items that require repair.

C. Employees shall wear seat belts at all times, drive with headlights on, and obey all traffic laws and signals. Drivers shall also require all passengers to wear seatbelts as provided in the vehicle.

D. Employees shall drive defensively and extend the proper courtesies to other drivers and members of the public at all times.

E. Employees shall use JWSC vehicles in the most efficient manner possible, conserving fuel, trips and staff time, and wear and tear on the vehicle. Employees shall choose the most economical routes to and from work locations.

F. Employees shall be observant in anticipating obstacles, objects, or conditions that could damage the vehicle or cause an accident or injury.

G. Employees shall use care in hauling and transporting objects, supplies, and equipment so as not to unnecessarily scratch, dent, or cause damage to the vehicle or cause a road hazard for others. Employees shall not transport items or cargo having no relation to the conduct of official business. Employees shall not transport any items, equipment, or cargo projecting from the side, front or rear of the vehicle in such a manner as to constitute a hazard to safe driving, to pedestrians, or to other vehicles.

- H. Employees shall report all injuries and accidents to the supervisor immediately.
- I. Employees shall avoid conduct in the vehicle which could create potential danger to employees or others.
- J. Employees shall not service vehicles while they are running, except where such action is standard procedure and it is the established safe procedure for doing so.
- K. Employees shall back a vehicle only when necessary. Prior to backing, the employee will ensure the area is clear to back and get out of vehicle to check if necessary. Large vehicles must use a spotter when backing. Audible back-up warning equipment will be installed as appropriate.
- L. Employees shall maintain proper following distances, avoid tailgating, and allow room to come to a safe stop.
- M. Employees shall make sure intersections and blind corners are clear of vehicles and pedestrians before entering. When entering or leaving any building, enclosure, alley or street where vision is obstructed, a complete stop shall be made and the driver shall proceed with caution.
- N. Employees shall maintain safe speeds at all times. Traffic, weather, and road conditions shall be given consideration in determining the safe speed within the legal limit at which the vehicle shall be operated.
- O. Traffic violations shall be reported to the supervisor immediately. The supervisor shall investigate violations and drivers will be subject to corrective action. Employees shall accept legal responsibility for violations and fines resulting from actions of the employee as a driver. Employees will be responsible for tickets and fines resulting from illegal parking.
- P. Employees shall yield the right of way regardless of what the law states in order to prevent accidents and collisions.
- Q. Employees are prohibited from driving while intoxicated. Employees shall not operate a JWSC vehicle at any time or a personal vehicle on JWSC business while under the influence of alcohol or any drug or other medication which effects driving ability or intoxicating substance. No driver shall use alcohol, narcotics, illegal drugs, or other drugs that may impair the ability to perform while driving or operating equipment. Corrective action for violation of this policy may include termination of employment after a single occurrence.
- R. Each employee who is assigned a vehicle shall have the responsibility of maintaining the interior and exterior appearance of the vehicle and ensuring mechanical maintenance is performed on the vehicle as scheduled or required.
- S. Employees are prohibited from transporting family members, friends, associates, or other persons who are not employees of the JWSC, or serving the interest of the JWSC, without the approval of the division head.

- T. Employees shall not extend the use of JWSC vehicles beyond the length of time required to complete the official business purpose of the trip.
- U. Drivers and occupants of JWSC owned or leased vehicles may not smoke or consume food while in the vehicle.
- V. Only employees of the JWSC are authorized to operate JWSC vehicles.

10. Training: All employees who operate vehicles in the course of work shall participate in defensive driver training when it is offered.

11. Global Positioning System (GPS) Monitoring:

- A. The JWSC affirms the right to review the use of its assets including, without limitation, vehicles assigned to and employees for use during the course of their work for the JWSC. Employees have no expectation of privacy while utilizing JWSC assets and operating JWSC vehicles.
- B. The purpose of Global Position System (GPS) tracing of JWSC vehicles is an effort to maximize the value of assets, to reduce the cost of the vehicle fleet, and to provide a mechanism to monitor driving activities and behavior. The system will allow supervisors to dispatch vehicles to maximize the efficiency of the fleet, confirm or deny allegations of misconduct, abuse, traffic violations or vehicle damage claims.
- C. This policy and the GPS system are not intended to be punitive or used to monitor individual employees, although unsafe unauthorized vehicle usage may lead to disciplinary action, including termination. Tampering with or disabling a GPS device by an employee will lead to disciplinary actions.
- D. Employees will be responsible for reporting the vehicle(s) utilized and times utilized.
- E. Division heads and their designees will be responsible for maintaining records of employee use of vehicles and will have access to real time tracking and historical reports of each tracked vehicle.

Section 4.17
NO SMOKING

STANDARD

The JWSC seeks provide a safe and healthy work environment for all employees. To support this standard, employees and visitors will be prohibited from smoking inside any JWSC-owned or leased facility or vehicle. This smoking policy refers to all forms of tobacco use.

PRACTICE GUIDELINES

1. Smoking is prohibited in all enclosed JWSC-owned or leased facilities, whether used as a place of employment or as a place for the conduct of public business.
2. Smoking in JWSC-owned or leased vehicles is prohibited.
3. Division heads shall be responsible to work with employees to identify reasonable rest periods during which employees may smoke outside. Any breaks and rest periods provided for smokers shall be provided similarly to non-smokers. Reasonable standards shall be applied when determining rest periods; however, they must be limited and brief so that productivity and efficiency may be maintained within the division.
4. Smoking is prohibited within a reasonable distance of twenty-five (25) feet outside an enclosed area where smoking is prohibited so as to insure that tobacco smoke does not enter the area through entrances, windows, ventilation systems, or other means.
5. "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every JWSC facility where smoking is prohibited.
6. Division heads shall remove all ash trays and other smoking paraphernalia from areas where smoking is prohibited.
7. Smoking includes cigarettes, cigars, snuff, vaping and smokeless tobacco products.
8. For those employees that do smoke in designated areas, those employees should use the appropriate waste or butt disposals and will assume housekeeping responsibilities of this area.

USE OF COMMUNICATIONS SYSTEMS, EQUIPMENT, AND DEVICES

STANDARD

The communications systems, equipment and devices provided by the JWSC remain the property of the JWSC and remain dedicated to the service of the citizens. Communications systems, equipment and devices are provided for the safe and efficient performance of work related to the business of the JWSC and the citizens served. Examples of communications systems, equipment, and devices include, but are not limited to, telephone, cell phone, pager, radio, computer, e-mail, voice mail, internet, software, hardware, facsimile machine, and copiers.

PRACTICE GUIDELINES

1. Employees shall use communications equipment and resources for business purposes. While the JWSC recognizes that it is sometimes necessary to conduct personal telephone calls during normal business hours, employees are encouraged to limit the use of business telephones for personal communications. Employees must use personal calling cards, personal cell phones or pay phones for long-distance calls. Employees who receive faxes or mail at the work address shall have no expectation of privacy.
2. When an employee's position requires the use of a cell phone to conduct JWSC business, the employee will be issued a cell phone based on the needs of the JWSC. In such instances, the division head shall make a written recommendation to the Director that the JWSC issue a cell phone to the named employee, including the reason(s) the employee's job performance requires use of a cell phone. The Director, in consultation with the Chief Finance Officer, will approve or reject the division head's recommendation. The issuance of the cell phone may be withdrawn at any time when it is in the best interests of the JWSC as determined by the Director.
 - A. Any employee issued a cell phone for JWSC business purposes shall:
 - (1) Conduct personal calls only when necessary;
 - (2) Not use for any unlawful purpose;
 - (3) Be responsible for lost or damaged cell phone; and
 - (4) Be responsible to the JWSC for any charges that exceed or cause to exceed the monthly rate due to personal calls, whether made or received by the employee.
 - (5) Be responsible for ensuring the cell phone remains secured on your person when not in use;
 - (6) Not to surrender the cell phone to any non-JWSC employee or surrender to a JWSC employee for non-work-related activities.
 - B. Cell phone records are public records and subject to the Open Records Act, including any unlisted telephone numbers which appear in such records. There is no expectation of privacy in the use of a cell phone issued by the JWSC for business purposes.
 - C. Any violation of the provisions of this Paragraph 2 will subject the employee to disciplinary action, up to an including termination of employment.
3. Verbal and written communication while using business telephones, radios, computers, and other means of communication in the workplace, shall be professional, courteous, and respectful at all times.

Employees are to remain aware of other employees or customers who may overhear such communications and to use proper protocol at all times.

4. The JWSC reserves the right to monitor employees' use of communication systems and equipment without warning and without notice. Telephone conversations, radio communications, e-mail communications, and other means of communication in the workplace are not private. There is no expectation of privacy associated with the JWSC's computers, telephones, cell phones, radios, or other communication devices, systems, or channels, and employees have no right of privacy in such communications.
5. The JWSC regards the internet, electronic mail, and other communications channels as valuable tools to assist its employees in their professional and work activities. The JWSC requires employees to utilize these communication channels and tools for authorized JWSC business purposes.
6. The internet is a public network and any employee who has an account with an Internet Service Provider can access it. It can provide employees with access to an extensive amount of information for researching various subjects related to their professional and work activities. This information has been published by many different employees and organizations and may or may not be reliable. Employees should consider the source of information when relying upon it for business purposes.
7. All communications received at the workplace belong to and are the property of the JWSC.
8. The JWSC reserves the right to inspect all e-mail files, and other storage of electronic data, and all documents arriving at the workplace.
9. E-mails which have been "deleted" may remain on the hard disk or back-up medium. Merely deleting or erasing an e-mail or other electronic file does not necessarily remove the data from storage and access by the JWSC.
10. No employee may disguise the sender or originator of any e-mail.
11. Each employee's personal computer password is the property of the JWSC.
12. No employee is permitted to access or attempt to access another employee's computer or computer files, except appropriate supervisors, managers, the Director, and persons servicing the computer/communications for the JWSC.
13. No confidential information will be communicated or sent by e-mail.
14. All communications sent inside and outside the JWSC will be in good taste and adhere to generally accepted standards of respect for other employees. Employees are prohibited from forwarding or sending messages that are abusive, harassing, offensive, humiliating, or which otherwise may be understood or interpreted as demeaning to one's sex, race, sexual orientation, age, national origin, or religious or political beliefs.
15. Use of internet or e-mail access is a privilege that may be revoked by the Director with or without cause.

- 16.** Any employee who engages in excessive, improper, or abusive use of the internet, electronic mail, telephone, cell phone, radio communications, or other communication devices will be subject to disciplinary action up to and including dismissal. The use of computer games on JWSC computers is prohibited.
- 17.** The JWSC will monitor and record the use of the internet including downloads and web site visited and/or accessed through JWSC internet browsers. The JWSC will monitor the use of e-mail.
- 18.** Employees are prohibited from using the JWSC's communications equipment to download, transmit, view, copy, retrieve, or receive materials that may be deemed, by the reasonable person standard, to be pornographic in nature.
- 19.** No employee is permitted or authorized to download any files, images, programs or other electronic data from the internet, or to install personal software programs, without permission of the appropriate supervisor upon consultation with the Director.
- 20.** Improper use of any electronic communications equipment will result in disciplinary action up to and including termination of employment.
- 21.** No employee is permitted or authorized to tape record the conversations of other employees or customers or others in the course of business or on JWSC premises without the express consent of all employees or persons involved. This is not intended to prohibit the Director from tape recording appeal hearings or tape recording JWSC meetings for the purpose of transcribing minutes of such meetings. This policy shall not interfere with internal investigations or other authorized use of tape recording devices.

Section 4.19

TRAVEL

STANDARD

The JWSC recognizes that employees will be required to travel for work-related reasons. The JWSC will reimburse employees for allowable travel expenses. The JWSC will also provide guidelines which employees are to follow in traveling on behalf of the JWSC. Travel is defined as the use of a JWSC vehicle, use of a personal vehicle, use of other forms of transportation, lodging, meals and incidental expenses associated with conducting JWSC business or for professional development of JWSC employees. This may include, but is not limited to, travel for meetings, conferences, educational workshops, seminars and training, and conventions from which the employee and the JWSC would benefit. Approval to travel must be requested and approved by the division head and Executive Director as provided herein. Payment will occur only for travel expenses that are reasonable and necessary; travel expenses are public information and must be able to sustain the test of public review.

PRACTICE GUIDELINES

1. Approval; Attendance; Reports:

- A. Each employee and division head is to exercise sound and prudent judgment when arranging for, incurring and approving travel expenditures.
- B. Request for travel must be submitted for approval within ten to fourteen (10-14) business days in advance of the date of intended travel. A list of all occupants traveling will need to accompany each request.
- C. All travel must be pre-approved by the division head and the Executive Director. All travel and accommodations shall be arranged by the Executive Director's office.
- D. Employees are not guaranteed attendance at conferences and training seminars. Managers and division heads have the authority and the responsibility to approve or disapprove requests for conferences, training seminars, and other business travel. Divisions are encouraged to provide these opportunities appropriately and fairly.
- E. The Executive Director must approve requests when multiple employees are requesting attendance at the same event outside Glynn County and when overnight travel is involved. This approval is required even if these employees are from different divisions.
- F. Upon return from travel, employees must submit a travel expense report, including receipts, to their division head for review and approval within five (5) working days of return. Failure to do so may result in disciplinary action and revocation of travel privileges. The division head shall submit the approved or disapproved travel expenses to the JWSC Finance Division for reimbursement to the employee within two (2) weeks of receipt. Disapproved expenses must be reimbursed by the employee to the JWSC.
- G. All advance travel requests will be completed on JWSC Request for Travel Form and completed within the time frame stated above. An official copy of the course or events agenda must be attached to this form.

2. Transportation:

- A. The most direct, practical and economical mode and route of travel will be arranged and used. Transportation is paid only if it is reasonable and necessary to accomplish the JWSC's business.
- B. Personal vehicles may be used for transportation for local, day or overnight travel only when a JWSC vehicle is not available or use of a JWSC vehicle is highly inconvenient. Any employee using a privately owned vehicle must provide a current certificate of insurance and a copy of a valid driver's license.
- C. Payment is provided for travel that is necessary during the course of the workday. The distance normally traveled from home to the work site (or the equivalent distance) is not payable. If an employee is required to go home and return to work, the division head, depending on the circumstances, may approve mileage reimbursement.
- D. Airplane, Train, Taxi, Shuttle Bus, Public Transportation, and Rental Car:
Transportation is to be shared by employees traveling together whenever possible. Rental cars may be used only when necessary for official purposes while traveling. Expenses will be reimbursed at actual cost. Receipts are required for expenses.
- E. Mileage for pre-approved travel is reimbursed for personal vehicles at the standard IRS rate, or as otherwise adopted by the JWSC.
- F. Non-JWSC employees are not permitted to accompany employees within a JWSC owned or any vehicle leased or rented by the JWSC.

3. Lodging:

- A. Accommodations are arranged on a single occupancy basis and should be arranged at (or close to) the site of business, unless it is more cost efficient to make alternative arrangements.
- B. Lodging for overnight stays must be necessary and reasonable to accomplish the JWSC's business. It is at the division head's discretion (with consideration of circumstances such as distance from home and times that training begins and ends) as to what constitutes a legitimate need for overnight lodging.

4. Meals and Incidental Expenses:

- A. Meals, including tax and tips, will be reimbursed at actual cost capped at \$35 per day. Receipts are required for reimbursement. In cases where the local economy dictates higher prices, this limit may be exceeded. Such exceptions must be approved by the Executive Director in advance of travel.
- B. If meals are provided at the conference, or seminar, etc, at no additional cost to the employee, the employee may not claim reimbursement for these meals. Division heads have the right to review travel plans and expense accountability statements.

5. Telephone Calls:

- A. Business Calls: While on overnight travel, work-related telephone calls (e.g., to the office, to voice mail, or other necessary business calls) will be allowed using the most economical method available. All phone calls should be only as long as necessary to carry out the JWSC's business. Calls not billed to

a hotel room may be documented and reimbursed as incidental expenses.

- B. Personal Call: While on overnight travel, a telephone call to home equal to or less than five (5) minutes is reimbursable.

6. Payment of Travel Expenses:

- A. While the JWSC recognizes that a number of different payment methods (direct billing, JWSC credit card, and/or expense advance) may be used when traveling, the employee is responsible for ensuring that the JWSC is not double-billed in any way. When several employees share automobile transportation using a personal vehicle, only the employee responsible for the vehicle will be reimbursed mileage.
- B. Personal and non-allowable travel expenses include, but are not limited to, the following:
 - (1) Costs of alcoholic beverages, even during meals.
 - (2) Personal expenses, such as laundry, haircuts, valet service, and personal telephone calls beyond five minutes.
 - (3) Expenses for any social or recreational activities, such as golf, tours, movies, including in-room movies and video rental fees.
 - (4) Insurance premiums paid by the traveler.
 - (5) Any funds or personal belongings lost or stolen.
 - (6) Expenses incurred if travel stay has been extended due to personal choice or if an additional personal side trip accompanies JWSC business travel.
- C. Additional expenses incurred by a spouse or other guest traveling with an employee will not be reimbursed.
- D. The JWSC will not reimburse additional expenses incurred by a spouse traveling with an employee, unless the spouse is also an employee and is traveling on JWSC business.
- E. An employee may request a travel advance from the Finance Division when necessary. Failure to submit a travel expense report within (5) working days of return from the trip may result in a payroll deduction of the travel advance amount, as well as revocation of travel privileges. Failure to follow the provisions of this Section may result in disciplinary action up to and including termination of employment.

SOLICITATION AND DISTRIBUTION OF LITERATURE

STANDARD

JWSC employees will focus their primary attention during working hours on the business of the JWSC and the customers we serve. Solicitation and distribution of non-work related literature during working hours and on JWSC premises is prohibited.

PRACTICE GUIDELINES

1. Solicitation and distribution of literature by non-employees is prohibited in JWSC work areas, in JWSC work facilities, and on other JWSC property that is not by tradition or designation a forum for public communication.
2. Solicitation by employees is prohibited when the person soliciting or the person being solicited is on work time. Working time does not include authorized meal periods.
3. Distribution of literature by JWSC employees in non-working areas during working hours is prohibited.
4. Distribution of literature by JWSC employees in working areas is prohibited at all times.

**Brunswick-Glynn County
Joint Water & Sewer Commission
Human Resources Standards of Practice**

Article 5: BENEFITS

Section

- 5.1 Group Health and Life Insurance**
- 5.2 Flexible Benefits**
- 5.3 Unemployment Insurance**
- 5.4 Workers' Compensation Insurance**
- 5.5 Retirement**
- 5.6 Education Assistance and Incentives**

GROUP HEALTH AND LIFE INSURANCE

STANDARD

Employee benefits are available to employees and shall be administered without regard to any protected class. The Human Resources Department will pursue volume-buying discounts and preferred provider arrangements with medical service providers wherever cost savings can be obtained for its employees and while providing quality care. Benefits are subject to modification dependent upon continued funding.

PRACTICE GUIDELINES

- 1. Group Health Insurance:** Health insurance coverage is made available to employees working forty (40) hours or more per workweek on the first day of the month following sixty (60) days of employment, dependent upon JWSC policies available at the time of hiring and eligibility of the employee. Health insurance will become effective on the first day after the applicable initial period pursuant to health insurance policy provisions.
- 2. Group Life Insurance:** Life insurance coverage is provided at no cost to the employee for all employees working forty (40) hours or more per workweek on the first day of the month following sixty (60) days of employment. These same employees may purchase life insurance coverage for their eligible dependents on the first day of the month following sixty (60) days of employment.

Section 5.2
FLEXIBLE BENEFITS

STANDARD

Flexible benefits are available to employees and shall be administered without regard to any protected class. Flexible benefits serve to supplement the basic group medical insurance and may be purchased by employees with pre-tax dollars. Benefits are subject to modification dependent upon continued funding.

PRACTICE GUIDELINES

1. **Eligibility:** Employees who are regularly scheduled to work forty (40) hours per week are eligible to participate in flexible benefits plans on first day of the month following sixty (60) days of employment.
2. **A third party administrative representative** shall provide these services to eligible employees through payroll deduction.
3. **Types of Benefits:** Flexible benefits may include such benefits as dental, vision, and disability programs. Offerings may vary from time to time.
4. **Open enrollment periods** are held once every twelve (12) months. A change in marital or family status or other significant changes may allow an employee to make changes in coverage mid-year.

UNEMPLOYMENT INSURANCE

STANDARD

Certain employment-related benefits are provided by state law. Where these apply, the JWSC participates fully and provides these benefits in accordance with the law. Unemployment Insurance benefits are intended to help bridge the gap between jobs when a person loses employment through no fault of his or her own.

PRACTICE GUIDELINES

- 1. Eligibility:** Eligibility for benefits is determined by Georgia law, but generally workers must be unemployed through no fault of their own to be considered for unemployment compensation benefits. If an employee is dismissed for cause, benefits may not be available, as stated in Georgia law.
- 2. Notifying Human Resources:** Divisions receiving notice of an Unemployment Insurance claim shall notify the Human Resources Department immediately upon receipt of the claim from the Department of Labor. Any written notice received shall be either hand delivered or sent via facsimile or other electronic means to the Human Resources Department the same day it is received or the next business day.
- 3. Filing a Claim:** Unemployed persons may file a claim for Unemployment Insurance benefits at the local Career Center of the Georgia Department of Labor. The Department of Labor will notify the Human Resources Department or the division in which the employee worked to request information about why the person left employment. The Human Resources Department will respond to the Department of Labor upon consultation with the Director.
- 4. Protesting a Claim:** If an employee loses employment through no fault of his or her own, and if the employee meets the eligibility-for-benefits criteria established by the Department of Labor, the JWSC should not protest an employee's claim for benefits except when it would be contrary to the best interests of the JWSC. However, if the employee resigned or was released for cause, the Human Resources Department will prepare a response to protest the claim on behalf of the JWSC with the aid of the division head in consultation with the Director. Documented information from the personnel file and/or payroll records may be used in Unemployment Insurance hearings with an Administrative Law Judge. Paying Unemployment Insurance claims directly affects JWSC's cost of doing business, so it is important to pay unemployment benefits only when an employee is entitled to such benefits.

WORKERS' COMPENSATION INSURANCE

STANDARD

An employee who is disabled because of injury or illness directly in the performance of his or her work may be covered by the provisions of the State Workers' Compensation Act. Where these apply, the JWSC participates fully and provides these benefits in accordance with the law to provide economic assistance to the disabled employee.

PRACTICE GUIDELINES

1. **Eligibility:** All employees are covered by Workers' Compensation insurance, and subject to workers' compensation law, benefits may be payable for medical treatment and time lost from work if an employee is disabled because of injury or illness during the course of performing work for the JWSC.
2. **Program Provisions:**
 - A. **Treating work-related injuries:** Employees injured in the course of work must report the injury to the immediate supervisor or another member of management right away and request approval for medical attention, if needed. However, in the event of an extreme emergency, the employee will go or be taken directly to the nearest hospital emergency room. As soon as possible thereafter, the immediate supervisor shall be notified.
 - B. **Panel of Physicians:** A physician listed on the posted "Panel of Workers' Compensation Physicians" shall be used to provide medical treatment (unless in the event of serious injury/illness the employee is transported to the hospital emergency room). The Panel of Physicians should be posted in each division such that each employee is familiar with the list. Failure to use a physician on the Panel may result in medical costs being denied by the State Board of Workers' Compensation. If an employee is first treated at the hospital emergency room, a physician from the Panel must be consulted for follow-up treatment.
 - C. **Timely Notification:** An injured employee or the immediate supervisor must notify Human Resources Department of an employee's injury or illness as soon as it is known. This is critical so that Human Resources Department can authorize medical treatment when the medical provider calls for verification.
 - D. **First Report of Injury:** The immediate supervisor and the employee must contact the Human Resources Department within twenty-four (24) hours of the accident to complete a First Report of Injury.
 - E. **Investigative Report:** The accident will be investigated by the division head and/or supervisor, and the Human Resource Department to determine the cause and possible measures to prevent recurrence. If property or vehicle damage has occurred, the accident report also will be sent to the Chief Finance Officer. The division head will follow up on the investigative report to assure that corrective action is taken to educate, train, and install protective devices or measures, such that the same injury will be less likely to occur again.

- F. **Coordination with FMLA Leave:** Employees who are unable to work because of a work-related injury or illness and who are eligible for FMLA leave shall be placed under the coverage of FMLA and shall be so notified. However, employees covered by FMLA during a work-related injury will NOT be required to exhaust accrued leave since compensation is governed by Workers' Compensation guidelines.
- G. **Workers' Compensation Salary Supplement – Method of Calculation:**
- (1) Beginning with the first (1st) calendar day after an on-the-job injury and continuing through the seventh (7th) calendar day following the injury, an absence resulting from the injury shall be charged to sick leave or annual leave, if the employee has such leave accrued. If no leave is accrued, the employee may take leave without pay.
 - (2) Beginning with the eighth (8th) calendar day following the injury, the employee may elect to use accrued sick or annual leave, to supplement workers' compensation benefits payable under the Compensation Schedules established by state law but not to exceed the employee's weekly base pay.
 - (3) When an employee has been absent due to an on-the-job injury for twenty-one (21) calendar days, the employee may be granted workers' compensation benefits for the first week of injury. When this occurs, the employee's sick or annual leave accounts shall be credited with leave equivalent to workers' compensation benefits allowed during the first seven (7) calendar days of absence.
- H. **Leave Accruals:** During any period of an absence that the employee is not being paid from the JWSC's payroll, a benefited employee will accrue additional vacation and sick leave up to a maximum of six (6) months, but will retain his or her unused accrued leave to be used upon return to work.
- I. **Workers' Compensation Alternate Duty:**
- (1) Before returning to work, a Physician's Certificate is mandatory to determine the capacity of the employee to resume duties safely. Alternate duty is encouraged when a physician states in writing that an employee can return to work which might consist of job duties different from those the employee had initially, such as light duty or modified duty. Alternate duty is considered part of rehabilitation with the objective to return the employee to the previously held position as quickly as possible. Alternate duty will consist of several different jobs as the workload allows in a variety of JWSC divisions.
 - (2) An employee on alternate duty may use sick or vacation leave, if accrued and available, to supplement workers' compensation benefits and alternate duty pay in order to reach regular base pay before the workers' compensation injury or illness.
- J. **Performance Evaluations:** Performance evaluations must be completed before any merit increases can be calculated and become effective. If the period of absence was long enough to substantially affect the supervisor's ability to fairly and reliably evaluate performance, the merit increase will be delayed thirty (30) days until the employee has demonstrated satisfactory performance in all essential job functions. If the employee's leave of absence is less than six (6) months, then the employee's performance review date will not change. If the employee's leave of

absence is six (6) months or more, then the employee's performance review date will be changed to the date the employee is reviewed within the first thirty (30) days of returning to work.

Section 5.5
RETIREMENT

STANDARD

The JWSC takes an active role in helping employees to prepare financially for retirement years. The JWSC provides one or more retirement savings programs. Employee contributions shall be made on a pre-tax basis. Benefits are subject to modification dependent upon continued funding.

PRACTICE GUIDELINES

- 1. Eligibility:** Employees who work at least forty (40) hours per week and who have completed one year of service become eligible to participate in the retirement program(s), unless otherwise mandated by law.
- 2. Program Provisions and Administration:** For further information, see the Pension Plan Summary Plan Document(s) and/or contact the Human Resources Department.

EDUCATION ASSISTANCE AND INCENTIVES

STANDARD

The JWSC recognizes the importance of continued life-long learning. The JWSC provides encouragement, assistance and financial incentives to employees who wish to continue their education. The JWSC values college education, as well as technical training and certification programs.

PRACTICE GUIDELINES

1. College Reimbursement Program:

- A. **Eligibility.** Employees who have completed one year of regular employment with the JWSC are eligible to apply for college reimbursement.

- B. **Program Provisions:** An employee may be reimbursed for the cost of tuition and books upon completion of any job-related course or other course which is required while advancing toward a degree from an accredited institution which is related to the employee's current position or which will prepare the employee for other career assignments with the JWSC. Education reimbursement will be provided in any year based upon available funding provided by the JWSC.
 - (1) **How to apply:** Employees must complete a request form and submit the request to the supervisor for approval and the Human Resources Department for recommendation prior to submission to the Director. The Director will approve or disapprove the request, consistent with program guidelines. Application shall be made prior to the employee enrolling in the college course to help ensure reimbursement.
 - (2) **Reimbursement** may be requested upon completion of the course in accordance with the schedule below:

Grade A – 100%

Grade B – 85%

Grade C – 70%

Grade D – 0%

Documentation of grades and expenses must be presented and attached to a request for reimbursement. The supervisor and Director must approve requests for reimbursement prior to submission for payment. An employee must be a current active employee at the time reimbursement is made. Employees who terminate employment (whether by resignation or discharge) will be required to repay any reimbursement made within the previous twenty-four (24) months.

- (3) **Class Scheduling:** Classes will be scheduled during off-duty hours whenever possible. When a required class is not offered during off-duty hours, the employee may request to use vacation time to attend. Approval must be obtained by the division head and Director prior to enrollment. Approval will be considered dependent upon work demands and available staffing.

2. General Education Development (GED); Comercial Drivers' License (CDL); Incentives:

A. **Eligibility:** All regular full time employees are eligible to participate after completion of one year of service with the JWSC. For employees seeking CDL certification, the division head will verify that such certification is related to the employee's current position.

B. Program Provisions and Incentives:

(1) **GED:** The JWSC shall provide a one-time \$200 incentive to each eligible employee who receives a GED certificate while in the employment of the JWSC. An employee receiving a GED certificate should notify his or her division head. The division head will prepare the appropriate documentation provided by the Human Resources Department, attach a copy of the GED verification, and return to the Human Resources Department.

(2) **CDL:** The JWSC shall provide a one-time incentive to each eligible employee who receives a Commercial Drivers' License through self-study and successful completion of the written and driving tests, and upon review of documentation to support the achievement, as follows:

(a) Classification:

(i) Class A: \$200.00

(ii) Class B: \$175.00

(b) Each additional endorsement: \$75.00

The endorsement must be job-related and approved by the Director.

3. Other Training and Development:

A. **Eligibility:** Regular full time employees will be eligible to participate in job-related training and development programs. Division heads will provide adequate on the job training for new and existing employees such that skill levels will continually improve. The JWSC will make every effort to provide financial support for employee training and development, as funds allow. The employee is expected to take initiative to identify training opportunities and to share the cost of such training when necessary. In addition, employees are encouraged to pursue training and education that may not necessarily be related to their current positions in preparation for promotion.

B. **Process:** Employees who wish to participate in training programs must submit a request to the immediate supervisor. Employees must be prepared to show the job-relatedness of the training, the cost, and the anticipated benefit to the JWSC.

**Brunswick-Glynn County
Joint Water & Sewer Commission
Human Resources Standards of Practice**

**Article 6:
CLASSIFICATION AND PAY PLAN**

Section

- 6.1 Position Classification Plan**
- 6.2 Pay Plan**

POSITION CLASSIFICATION PLAN

STANDARD

Positions shall be grouped by job title and allocated to a pay grade and pay range based on job duties and functions which are approximately equal in complexity, difficulty, level of responsibility, and other job-related factors. The Position Classification Plan provides a complete inventory of all classified positions in the paid service of the JWSC except the Director, which is an appointed position. It forms the foundation for recruiting efforts, performance expectations, and training needs.

PRACTICE GUIDELINES

1. Administration and Maintenance of the Position Classification Plan:

- A. It shall be the duty of each division head to maintain current position descriptions on file with the Human Resources Department. Division heads shall submit to the Human Resources Department new position descriptions for all effected positions each time a division under his jurisdiction is permanently or substantially reorganized.
- B. A position description shall include, but is not limited to, the following:
 - (1) The general purpose of the job;
 - (2) The essential job duties, tasks and responsibilities, and other related job duties, tasks, and responsibilities, including a description and explanation of the kind of work to be done;
 - (3) An inventory of the knowledge, skills, abilities, and other characteristics necessary for satisfactory performance of the job; and
 - (4) The required training, education, and experience necessary for minimally qualified employees. Desired qualifications may also be stated.
- C. The Director may require division heads or employees to submit position descriptions on a periodic basis or at any time when the Director has reason to believe that there has been a change in the duties and responsibilities of one or more positions.
- D. The Director shall have the authority to establish position descriptions for positions in his or her direct line of authority; listing duties and responsibilities including, but not limited to, training, certification, education, and other requirements for a single position.
- E. The JWSC Commissioners reserve the right to establish a position description for the Director.
- F. Each time a new class is established; a class specification shall be written and incorporated into the existing plan. Likewise, an abolished class shall be deleted from the classification plan.
- G. Positions shall be grouped into job classifications with job titles reflecting the primary function of the position. Job classifications shall be assigned or allocated to appropriate levels of pay based on the results of a job analysis. The job analysis will identify such factors as the complexity, difficulty, level and scope of responsibility, consequence of error, working conditions, and required training, education, and experience for the position.

2. Classification Appeals: If an employee has facts which indicate to him or her that the employee's position is improperly classified, the employee may request the division head to review the classification of the employee's position. Such requests shall be submitted in writing and shall contain a statement of justification. If not resolved to the employee's satisfaction, the employee may appeal to the Director whose decision shall be final.

3. Amendments to the Position Classification Plan:

- A. Each time a new position or class of positions should be established or a current position or class of positions abolished, the Human Resources Department shall submit a recommendation to the Director. The Director shall determine whether the establishment and/or abolition of a position or a class is in order. The Director shall approve changes in the Plan and notify the JWSC Commissioners. All positions governed by these Standards of Practice are to be classified in a salary range approved by the JWSC Commissioners. Any adjustments are to be reviewed with the Director for disposition.
- B. Each employee shall be provided a copy of his or her position description at the time of hire, movement to a new position, or when the description is substantially changed.
- C. Official Copy and Availability of the Position Classification Plan: The Human Resources Department shall be responsible for maintaining an official copy of the Position Classification Plan. The official copy shall include a current list of class titles and class specifications. A copy of the official plan shall be available for inspection by the public under reasonable conditions during business hours.

Section 6.2 PAY PLAN

STANDARD

The JWSC shall devise, maintain, periodically amend and promulgate an appropriate Pay Plan which shall be applicable to all positions whose salaries are established within an approved salary range. The Pay Plan includes guidelines for establishing and managing employee pay rates and shall include maintaining a pay structure consisting of pay grades and pay ranges that are assigned to positions in the Position Classification Plan.

PRACTICE GUIDELINES

- 1. Pay Structure:** The pay structure contains any number of pay grades necessary to accommodate all JWSC job classes and positions. The pay structure contains minimum pay rates, midpoint pay rates, and maximum pay rates for any given grade. Each employee affected thereby shall be paid at one of the rates set forth in the salary range for the class and position in which he or she is employed. The pay structure will be adjusted annually by the CPI as approved in the JWSC budget.

- 2. Hiring Range and Entry Salary Rates:**
 - A. New employees, promoted and transferred employees shall be paid at a rate within the first third of the pay range; provided, however when there is a demonstrated inability to recruit within the hiring range or an applicant or employee possesses exceptional qualifications (e.g., experience substantially above and beyond that which is required in the official job description for a position), the Executive Director may authorize the placement of the applicant or employee up to the middle point of the approved range of pay for the stated position contingent upon fund availability.

 - B. The entry salary of an employee upon initial employment who meets the minimum requirements shall be at the minimum level of the range for that class to which the original appointment is made. Exceptions may be provided if approved by the Executive Director in the case of:
 - (1) Shortage of qualified applicants available at the minimum level of the pay range.
 - (2) Qualifications of the applicant are in excess of the minimum requirements for the class.
 - (3) Applicants who are under-qualified but who may be capable of meeting the minimum position requirements within a twelve (12) month period.

- 3. Pay for Performance – Step Increases:**
 - A. The JWSC shall maintain an active Employee Performance Evaluation Program and all performance-based or step increases shall be awarded in accordance with the Program. When funds are available, employees shall be recognized for having met or exceeded established performance standards. The funding level, if any, for performance-based increases shall be decided annually. The JWSC Pay Plan is not intended to create a property right, promise, or contract, or expectation of funding for any performance-based increase, raise, or salary adjustment.

 - B. The division head shall review the performance evaluations of the division's employees and recommend to the Executive Director the employees who should receive merit step increases. Each

performance evaluation shall be made a part of the employee's official personnel file.

- C. Employees will receive a COLA (Cost of Living Adjustment) in the first full pay period of the fiscal year, during July of each year based on the CPI.
- D. An employee with an acceptable performance rating, as certified by the division head and approved by the Director, shall be eligible to receive an annual increase effective on the beginning of the pay period containing the employee's hire date or date of promotion.
- E. When an employee attains the maximum rate of a salary range for the present position, no further salary increases will be added to the base pay while the employee remains in the present position. If an employee is eligible for a step increase based on performance, then the employee will be paid a lump sum for that portion of his or her base salary step increase that is above the maximum for that position, including any market adjustments or cost of living increases, as applicable.
- F. Market adjustments and cost of living increases are not automatic, and may be established periodically by the Commission of the JWSC in its sole discretion.

4. Position Reclassification:

- A. When an employee's position is reclassified to a different classification in the next higher pay grade and pay range, the employee may receive an increase to bring the employee's pay up to the minimum of the new pay range. If the reclassification results in a difference of more than one pay grade, the position may have pay adjusted such that internal equity is maintained with others in the new pay grade. In no case shall the salary be less than the new minimum or exceed the maximum for the new range.
- B. When an employee's position is reclassified to a classification with a lower pay grade and pay range, the employee may receive a reduction in salary based on:
 - (1) A change in job duties;
 - (2) Internal equity, similarly situated employees, adverse effects on other employees in the class, and the best interests of the JWSC; or
 - (3) The pay range of the new position.
- C. Division heads will not be at liberty to promote employees personally chosen without regard for their experience or qualifications.

5. Effect of a Position Upgrade or Downgrade:

- A. A position may be reassigned to a new pay grade, either higher or lower, without a change in title. When the grade changes but the title remains the same, such a transaction is called an upgrade or downgrade. (A reclassification indicates that the title, as well as the pay grade in some cases, is changed.)

- B. A classification of positions (e.g., all Administrative Assistants) may be upgraded (moved) from a lower pay grade to a higher pay grade when market comparisons, internal comparisons, or other factors indicate that the class, as a whole, is not competitively compensated. If a class of positions is upgraded, the incumbent employees in that class shall be eligible for consideration of a pay increase under the same guidelines as a “reclassified employee.”
- C. A class of positions (e.g., all Administrative Assistants) may be downgraded (moved) from a higher pay grade to a lower pay grade when job-related or market factors indicate that the class, as a whole, is not equitably compensated. If a class of positions is downgraded, the incumbent employees in that class shall be eligible for consideration of a pay decrease under the same guidelines as a “reclassified employee.”

6. Promotion: An employee who receives a promotion will have his or her salary increased, as follows:

- A. An employee is to receive an increase of five percent (5%) of his or her current base salary or an increase in an amount that will bring the employee’s current base salary up to the minimum pay range of the new position, whichever is greater.
- B. An increase of more than five percent (5%) is authorized only in situations when the employee would not receive the minimum pay for the position to which he or she is being promoted or pursuant to Subparagraph 2.A, above. An employee is to be paid at least the minimum pay established for the position to which the employee is being promoted.
- C. Under no circumstances shall a salary increase exceed the maximum established for the range. Care shall be taken to assure that the new salary of the promoted employee does not exceed the salary of similarly situated employees in the same position and job class to which the employee is promoted. Supporting documentation must be provided indicating the job-related or market-related reasons for the increase.
- D. The employee’s annual performance review date will change to the date of the promotion, and every twelve (12) months thereafter.

7. Demotion:

- A. Voluntary Demotion: An employee who voluntarily chooses to accept a demotion will receive a salary reduction. The salary will be reduced to an amount that represents the same relative placement within the new pay grade as in the former pay grade.
- B. Disciplinary Demotion: An employee may be demoted with a loss in pay for failure of personal conduct or failure of job performance. The salary will be reduced to an amount that represents the same relative placement within the new pay grade as in the former pay grade.
- C. Unsuccessful Introductory Employment Period Following Promotion: If an employee fails to successfully complete the introductory employment period following a promotion, the employee may request a voluntary demotion to the former position or to a position in the same class if a vacancy exists. The employee's salary will be reduced to the former rate of pay, including any step increases

that would have been awarded during the period based on documented performance evaluations, contingent upon fund availability. Such a demotion, a transfer, or termination must occur within the introductory employment period

D. The employee's annual performance review date will change to the date of the demotion, and every twelve (12) months thereafter.

8. Salary Reduction Within Pay Grade: An employee may receive a salary reduction within the same pay grade for disciplinary reasons. The salary will be reduced by no more than ten percent (10%); however, in no case shall the salary be below the pay grade minimum.

9. Salary of a Transferred Employee: The salary of an employee who voluntarily transfers or who is reassigned to a position in the same position and job class or to a position in a different class with the same pay grade and range shall not be changed by the reassignment. Exceptions may occur when an employee's training, education, or experience significantly exceed the minimum qualifications for the position. Any exception must be thoroughly documented and approved by the Executive Director.

10. Other Pay Adjustments or Increases:

A. Completion of Introductory Employment Period: Upon completion of the initial new hire introductory employment period, supervisors shall perform an evaluation of performance. Employees may be eligible to receive a pay increase based on the evaluation score.

B. Certification Pay: Employees may receive a five percent (5%) increase for State-mandated certifications, required by the job, but not required at the time of hire. Such certifications may be in place at the time of hire or may be required at some point after hiring. Required certifications shall be documented in the official job description. When the employee receives such certification, he or she is eligible for a pay increase. The employee must have received a satisfactory performance evaluation immediately preceding the certification, and a positive recommendation by the division head. Pay increases for certifications are listed in the following table:

Eligible Certifications: Utilities Construction Management License
Public Water Supply System Operator (Class I, II, III, IV)
Water Distribution System Operator
Biological Wastewater Treatment System Operator (Class I, II, III, IV)
Wastewater Collection System Operator
Water Laboratory Analyst
Wastewater Laboratory Analyst
Backflow Prevention
Underground Storage Tank Operator (Class A, B, C)

C. Significant Change in Responsibility: When significant responsibility is added or removed from a position, and reclassification is not warranted, pay may be adjusted upward or downward by five percent (5%), or other appropriate rate based on internal equity. Pay shall not be less than the minimum or greater than the maximum rate for the salary range of the position. "Significant Responsibility" shall be thoroughly documented in order to support the request. The request shall be

reviewed by the Human Resources Department and approved by the Executive Director.

- 11. Advance Salary Policy:** There will be no advance of salary.
- 12. Pay Plan Maintenance:** The Pay Plan shall be reviewed annually by the Human Resources Department including, but not limited to, a market study of competitive salary data for benchmark positions. Recommendations for revision shall be made to the Director.
- 13. On Call Pay:** A non-exempt employee who is required to carry a pager, and to be the primary responder to emergency calls, and who is expected to return to work after normal business hours (8:00 a.m. to 5:00 p.m., or other shift considered the normal work day) shall be paid a minimum of two (2) hours pay at a rate of time and one-half (1½) for each scheduled day off on which they are "On Call". This provision does not apply to the extension of a normal work shift.
- 14. Call Back Pay:** A non-exempt employee who is required to report back to work after normal business hours (8:00 a.m. to 5:00 p.m. or other shift considered the normal work day) shall be paid a minimum of two (2) hours pay at a rate of time and one-half (1½) each time the employee is called back to work. If the cumulative time spent on emergency "call-backs" is more than 2 hours, the time shall be paid as hours worked according to the FLSA. Calls shall be logged by the Dispatcher and shall include the time the call was received by Dispatch, and the time the employee was called out. This log shall be reviewed and monitored by supervisors on a regular basis. This provision does not apply to the extension of a normal work shift.
- 15. Interim Appointment and Temporary Pay Increase:**
 - A. An employee may be appointed temporarily to an acting or interim higher classified position for a period not to exceed six (6) months when the position is vacant, and when failing to fill the position would significantly impact effective operations, or when the incumbent employee is on extended leave. An employee performing the duties of and acting in the capacity of a higher level position shall receive a temporary salary increase of five percent (5%) commencing as follows:
 - (1) Regular work period employees shall receive an increase in the third successive week of performance, and will be paid retroactively to the first week of such service. If the length of absence is known in advance and extends beyond two (2) weeks, then the salary increase shall begin on the date of assuming the duties of the higher level position.
 - (2) An acting division head shall be appointed by the Executive Director.
 - B. A division head requesting an interim appointment shall outline the critical needs that support such appointment and consult with the Human Resources Department to document the need for the request. The division head shall forward the request to the Director for approval. The division head shall notify the Human Resources Department and the Executive Director as soon as the interim appointment has been completed.
 - C. The employee shall be notified in writing of the interim appointment, outlining the terms conditions, and expectations of the division head or Executive Director, as applicable.

D. Exception: When a position is vacant due to military deployment in the armed forces, National Guard or Reserves, an employee may be appointed temporarily to an acting or interim higher classified position for an additional six (6) month period or for such period as may be needed to fill the position until the employee on military deployment returns to work or the deployed employee is reinstated to his original position which was temporarily filled by the interim appointment.

16. Inclement Weather Pay: Non-exempt employees, including service, maintenance, or clean-up workers, who are required to report to work when the Director has declared the JWSC closed for business because of inclement weather, pursuant to Section 4.1, Paragraph 10, Inclement Weather, shall be paid at a rate of time and one-half (1½) their regular rate of pay for work performed during the hours the JWSC is closed for public business. All other non-exempt employees who are placed on administrative leave for inclement weather will be paid straight time as if they had worked, subject to the overtime provisions of the FLSA. This shall occur ONLY when the Executive Director has officially declared the JWSC closed for business because of inclement weather. Employees who are on approved vacation or sick leave during an inclement-weather closing shall not have their vacation or sick leave converted to administrative leave.

17. Emergency Evacuation Pay: Non-exempt employees, including service, maintenance, or clean-up workers, who are required to report to work during an emergency evacuation pursuant to Section 4.1, Paragraph 11, Emergency Evacuation, shall be paid at a rate of time and one-half (1½) their regular rate of pay for work performed during the declared state of emergency.

**Brunswick-Glynn County
Joint Water & Sewer Commission
Human Resources Standards of Practice**

Article 7: MANAGING PERFORMANCE

Section

- 7.1 Performance Evaluations**
- 7.2 Performance Improvement Plans**
- 7.3 Code of Conduct**
- 7.4 Corrective Action and/or Disciplinary Action**
- 7.5 Hearing and Disciplinary Appeals Process**
- 7.6 Grievance and Appeals Process**

PERFORMANCE EVALUATIONS

STANDARD

The primary purpose of the employee evaluation shall be to inform employees how well they are performing their work and how they can improve their work performance. Performance is managed by communicating clear expectations, providing employees with sufficient training, guidance, and tools to perform the job, and by providing feedback to employees at periodic intervals to ensure optimum performance. Performance evaluations also provide employees with the opportunity to identify goals and plans for professional and job development. The performance evaluation may also be used in determining merit increases; as a basis for training, promotion, demotion, transfer or dismissal, and for other purposes as set forth in these policies.

PRACTICE GUIDELINES

1. Basis for Performance Evaluation:

- A. The standard position and job description, along with additional documented division operating procedures and expectations, will form the basis for performance evaluations. Each employee will be provided a copy of the position and job description at the time he or she enters a new job, or at such time that the current position and job description substantially changes.
- B. Special evaluations may take place at the request of the employee with the approval of the division head. The supervisor may also initiate special evaluations. Special evaluations may be conducted when an employee is uncertain of how well he or she is performing, when substantially new job functions are assigned, when performance difficulties are detected, or upon completion of any period of probation imposed by the supervisor.

2. Performance Evaluation Instrument: All division heads and supervisors shall use a standardized, approved instrument to evaluate the performance of all employees on a regular basis. Supplemental performance evaluation materials may be used with the approval of the Director to make performance evaluations more meaningful and job-specific.

3. Evaluation Dates:

- A. An introductory period shall begin upon the initial original appointment, upon re-employment (re-hired after 12 months), and upon promotion, demotion, or transfer. During the introductory period, the employee's performance shall be evaluated quarterly; at the end of three (3) months, six (6) months and at nine (9) months of service. These quarterly evaluations are non-monetary. At the end of one year of service, a written at evaluation is required and shall be conducted within a two (2) week period prior to the end of the one year (12 month) introductory period. If the division head, or the Director, wishes to extend the introductory period because of marginal performance or a need for further training, written documentation shall be sent to Human Resources indicating the reasons for the extension.
- B. All regular employees shall be given a performance evaluation annually on or about twelve (12) months from the date of their last performance review.
- C. Employees shall be evaluated at the time of separation.

- D. In addition to the above dates, each meeting of the Commissioners of the JWSC shall be an evaluation date for all public employees.
4. **Evaluation:** Evaluations shall be prepared by the immediate supervisor of each employee and reviewed by the division head. The Director shall prepare evaluations for division heads.
 5. **Review with Employees:** The evaluator shall discuss each performance evaluation with the employee being evaluated. If an employee disagrees with any statement in an evaluation, the employee may, within five (5) working days following the conference with the employee's supervisor, (a) submit a written statement which shall be attached to the evaluation form and forwarded to the Human Resources Department then for inclusion in the employee's personnel file, or (b) file a grievance pursuant to the policies set forth herein.
 6. **Changes in Evaluation:** If a division head requests an alteration of the performance evaluation form of an employee after it has been officially submitted to the Human Resources Department, such requests shall be in writing and shall set forth fully the reasons for the request, and the Director shall be so notified.
 7. **Performance Review Dates:**
 - A. Regular employees shall be eligible for a performance review on their date of hire and every twelve (12) months thereafter.
 - B. Employees who have been promoted or demoted with a change in pay shall be eligible for a merit review twelve (12) months from the date of the promotion or demotion, and every twelve (12) months thereafter.
 - C. One month prior to their performance review, the employee will be expected to submit a written copy of their accomplishments to their supervisor.
 8. **Confidentiality:** Performance evaluations shall be confidential and shall be made available only to the employee evaluated or the employee's assigned representative, supervisor, division head, Human Resources Department, or Director.
 9. **Custodian of the Record:** The performance evaluation shall reside in the employee's personnel file in the Human Resources Department.
 10. **Departing Supervisor:** An employee in a supervisory position who is leaving the position shall be required to submit performance evaluation forms on all the employees under his or her supervision who have not been evaluated within the previous six (6) month period.

PERFORMANCE IMPROVEMENT PLANS

STANDARD

When an employee is performing below the established standard, the employee and the supervisor together will develop and document plans to bring the employee's performance up to the standard.

PRACTICE GUIDELINES

- 1. Rating of Below Standards:** Following a performance evaluation, where the rating is, on the average, below standards in any area of job functions and/or responsibilities, the supervisor, along with the employee, is required to develop and document plans for bringing performance up to the required standard. The employee will share responsibility for identifying steps needed to improve performance.
- 2. Specific Information:** The performance improvement plan will state specifically which performance indicators are below standard and why. The performance improvement plan will also state specifically what is required of the employee to be rated as meeting the standards for the employee's position.
- 3. Time Frames:** The performance improvement plan will contain time frames during which the employee must achieve certain levels of improvement. Supervisors shall follow up with the employee and document such follow up including the results of interim evaluations.
- 4. Follow up:** At the end of the established performance improvement time period, the supervisor will again evaluate the employee's performance. If satisfactory improvement has not occurred, the supervisor and employee will determine what steps shall be taken in order to achieve satisfactory performance or to remove the employee from the position.

Section 7.3 CODE OF CONDUCT

STANDARD

The Code of Conduct is intended to be guidelines for the safe and efficient operation of the JWSC. They are not absolute, inflexible rules, but must be tempered with common sense on the part of JWSC employees. In the absence of a reasonable basis for departure from the guidelines, failure to perform and behave according to the Code of Conduct will result in corrective and/or disciplinary action, up to and including termination of employment. Degrees of discipline may be used to ensure that the employee has the opportunity to correct or improve his or her job performance. Disciplinary action may be initiated as management deems appropriate including, but not limited to, cases involving any one of the following types of misconduct. When instances arise of unacceptable conduct not listed below, the JWSC may find it necessary and appropriate to initiate disciplinary proceedings in accordance with policies and procedures contained in JWSC's Standards of Practice and/or written division operational rules and policies.

PRACTICE GUIDELINES

1. Attendance:

- A. Failure to work assigned hours, including overtime.
- B. Taking more than the specified time for meals or rest period.
- C. When operations are continuous, leaving post at the end of the scheduled shift without being relieved by a supervisor or fellow employee on the incoming shift.
- D. Excessive absenteeism, the effect of which is to disrupt or to diminish the operational effectiveness of the employee's division.
- E. Absence without authorized leave.
- F. Habitual unauthorized late arrivals or early departures from work.
- G. Improper or unauthorized use or abuse of sick leave, including failure to properly report an abuse due to illness.
- H. Falsifying any facts to obtain FMLA leave.
- I. Failure to return to work after an approved leave of absence, regardless whether the leave was with or without pay.

2. Safety:

- A. Violation or neglect of any safety rule, policy or practice, or contributing to hazardous conditions.
- B. Failure to immediately report a work-related accident or injury.
- C. Creating or contributing to unsafe or unsanitary conditions, or poor housekeeping within the division or work area or vehicle.
- D. Failure of drivers or passengers to wear seat belts while driving or riding in JWSC vehicles.
- E. Failure to use headlights at all times while driving a JWSC vehicle.
- F. Failure to wear safety gear or to enforce the use of safety gear.
- G. Possession of firearms, explosives or weapons on JWSC premises, the job site, or in any JWSC vehicle.
- H. Failure to properly wear a complete JWSC uniform when required by the division.
- I. Refusal to cooperate with accident or incident investigations or interference with an investigation.
- J. Unauthorized use of any JWSC vehicle or equipment by any employee.
- K. Operating a vehicle on JWSC business with a revoked or suspended operator's permit or driver's license or a citation for driving under the influence of alcohol or illegal drugs.
- L. Failure to report license suspension or revocation or any change or violation arising from vehicle operation, including failure to report a traffic violation that may jeopardize the employee's safe driving record.

- M. Failure to properly inspect, use, maintain and/or repair equipment or vehicles.
- N. Failure to properly follow and enforce all safety rules and procedures included in these Standards of Practice.
- O. Failure to timely report a motor vehicle accident.
- P. Operating a vehicle under the influence of alcohol, narcotics, illegal drugs, or other drugs that may impair the ability.

3. Behavior:

- A. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, catcalls, demonstrations on the job, or similar types of disorderly conduct.
- B. Making or publishing false, vicious, or malicious statements concerning any employee, supervisor, the JWSC, or its operations, or abuse of JWSC's grievance procedure.
- C. Any act or conduct that is intended to be discriminatory in nature and directed toward another person's race, religion or religious belief, color, national origin, sex (including sexual harassment), disability or physical condition, age, veteran status, or political affiliation directed toward the public, JWSC officials, or co-workers.
- D. Any act or conduct that is offensive, such as the use of offensive language or profanity, directed toward the public, JWSC officials, or co-workers.
- E. Any act or conduct that is discourteous of the public or other employees, including harassing, coercing, threatening, intimidating others, bullying, or the use of abusive language.
- F. The use or possession of another employee's tools or equipment without that employee's consent.
- G. Provoking or instigating a fight, or fighting at any time on JWSC property or while working.
- H. Immoral, unlawful or improper conduct, or indecency which would tend to affect the employee's relationship with fellow workers, reputation or good will in the community, or ability to perform his or her job duties.
- I. Deliberate misuse, destruction, or damaging of JWSC equipment, property, or property of another employee.
- J. Making false claims or misrepresentations in an attempt to obtain sickness or accident benefits, or workers' compensation insurance benefits.
- K. Conviction of a felony or other crime involving moral turpitude.
- L. Engaging in criminal, dishonest, immoral or disgraceful conduct or conviction of a crime which is in opposition to the best interests of the JWSC.
- M. Failure to report an incident of harassment or workplace violence.
- N. Falsification, removal, or destruction of information or records related to employment, payroll, or work-related records or reports including, but not limited to, personal or JWSC records, application for employment, accident records, purchase orders, time cards, or any action or lack of action that materially effects the employment of an individual employee or class of employees.
- O. Soliciting, dispensing or accepting special favors or privileges or making private promises to anyone or accepting favors which might be construed as influencing the performance of JWSC duties, or otherwise violating JWSC policies regarding acceptance of gifts and gratuities.
- P. Soliciting outside work for personal gain during business hours.
- Q. Lying to, stealing from, or cheating co-workers, supervisors, JWSC officials or the public, or when an employee has knowledge of same or fails to disclose same to his or her supervisor, and which is in opposition to the best interests of the JWSC.
- R. Unauthorized removal of any JWSC property.

- S. Revealing information received confidentially in the performance of JWSC duties or the release of other confidential information. Confidential information includes, but is not limited to, computer access password, sealed bid data, medical records or similar files, social security number of an employee or a customer, and any matter under investigation except on a need to know basis.
- T. Posting or removing any matter on bulletin boards on JWSC property at any time unless authorized by the division head.
- U. Failure to report to the division head or Director a request for information or receipt of a subpoena from a law firm, court, or attorney.
- V. Failure or refusal to participate in educational programs or training programs.
- W. Violating JWSC policies regarding use, abuse, and misuse of JWSC supplies, equipment, tools, vehicles, and other resources.
- X. Political activity that is prohibited by these Standards of Practice.
- Y. Violation of the Drug-Free Workplace Policy.
- Z. Violating the JWSC's Sexual Harassment policy.
- AA. Conduct designed to materially interfere with the management of the JWSC's operations or reflecting discredit on the JWSC, or which poses an unreasonable risk to the health and safety of the employees, the public, or the JWSC or its finances.
- BB. Failure to submit a travel expense report within five (5) business days from return from travel, and/or failure to submit such report with the requisite receipts and travel advances.
- CC. Falsely reporting any misconduct, including but not limited to, acts of harassment or workplace violence of others.
- DD. Failure to notify the JWSC of a criminal drug or alcohol conviction or plea.
- EE. Failure to bring a physician's statement for illness as required.
- FF. Improper or unauthorized use or abuse of sick leave, including failure to properly report an absence due to illness.
- GG. Insubordination by the refusal to perform assigned work or to comply with written or verbal instructions of a supervisor, refusal to sign a performance evaluation or counseling form, or discourtesy to other persons during the performance of JWSC work.
- HH. Gambling or engaging in any other game of chance at JWSC workstations and facilities at any time.
- II. Refusing to take or submit to any alcohol or drug screening test, tampering with any alcohol or drug screening test, or receiving a test result of positive for the use or presence of alcohol or drugs pursuant to JWSC's policies.
- JJ. Refusing to take a drug test when reasonable suspicion exists that an employee is using illegal drugs.
- KK. Careless, negligent, or improper use of JWSC property, equipment or funds, including unauthorized removal or use for private purpose, or use involving damage or unreasonable risk of damage to such property.
- LL. Willful or reckless violation of rules, regulations, policies, or repeated directives.
- MM. Violating the Uniform Dress Code in these Standards of Practice.

4. Performance:

- A. Inefficiency, incompetence, carelessness, or negligence in the performance of duties, including failure to perform assigned tasks or training, or failure to discharge duties in a prompt and competent manner.
- B. Productivity or workmanship not up to required standards of performance.
- C. Careless disregard and/or willful neglect in the performance of assigned duties.
- D. Sleeping during work hours.

- E. Refusal or inability to improve job performance in accordance with written or verbal direction after a reasonable trial period.
- F. Refusing to accept a reasonable and proper assignment from an authorized supervisor.
- G. Careless, negligent, or improper use of JWSC property, equipment or funds, including unauthorized removal or use for private purpose, or use involving damage or unreasonable risk of damage to such property.
- H. Concerted curtailment or restriction of production or interference with work in or about the JWSC's work stations including, but not limited to, participating in any walkout, strike, sit-down, stand-in, slowdown, or refusal to return to work at the scheduled time for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of JWSC employment.
- I. Stopping work, wasting time, loitering, loafing or leaving assigned work area during working hours without permission.
- J. Washing up or changing clothes during work hours without specific permission of supervisor.
- K. Improper use or abuse of any electronic communications equipment, or technology systems.
- L. Failure to carry out a direct order from a supervisor, except when the employee's safety may be unreasonably jeopardized by the order or when such order constitutes a violation of law or policy.
- M. Outside employment, including self-employment, which presents a conflict of interest with JWSC employment, and/or failure to report outside employment in violation of these Standards of Practice.
- N. Failure to obtain and maintain required state licenses and certifications as required by law, or as otherwise required by the JWSC.

CORRECTIVE ACTION AND/OR DISCIPLINARY ACTION

STANDARD

Customer service is of primary importance to the JWSC. Employees will conduct themselves in a professional, courteous manner at all times. Employees will seek to satisfy the customer while balancing the best interests of the JWSC. Conduct on the job will be governed by good judgment and consideration for others. Each employee's conduct and performance will support and advance the JWSC's goals and the division goals. All employees of the JWSC are members of a team, working together with the main objective of serving our community. Any employee who fails to follow the necessary rules and regulations governing conduct thereby disservices the public and fellow employees. The Code of Conduct is designed to insure the rights and safety of all JWSC employees and to provide working guidelines to assure business-like efficient service to our community. Corrective and/or disciplinary action shall be taken when conduct, performance or behavior do not meet established standards.

PRACTICE GUIDELINES

1. General Guidelines:

- A. In recognition that each incident differs in many respects from somewhat similar situations, the JWSC retains the right to treat each occurrence on an individual basis without creating a precedent for other cases that may arise in the future. Supervisors will review all violations of the Code of Conduct in light of extenuating circumstances.
- B. The JWSC retains the right to suspend any corrective and/or disciplinary action at its exclusive discretion. Examples given in any rule do not limit the generality of the rule. The rules and regulations are guidelines that should not be construed as limitations upon the retained rights of the JWSC.
- C. In taking corrective and/or disciplinary action, supervisors will consider the severity of the offense, the cost involved, the time interval between violations, the length and quality of service documented in the employee's personnel file, and the demonstrated ability of the employee concerned.
- D. In each case in which the corrective and/or disciplinary action is modified from the recommended practice, the reasons for such modification shall be documented.
- E. Discussions regarding corrective and/or disciplinary action should be conducted in privacy to ensure the dignity and reputation of the employee among co-workers. Corrective and/or disciplinary action will be shared with others only on a "need to know" basis.
- F. If an employee refuses to sign any documentation regarding corrective and/or disciplinary action, the supervisor will make a notation on the form that the employee refused to sign the documentation and the reason, if provided, the employee refused.

2. Violations of the Code of Conduct may result in the action set forth in this Section. There is no requirement that each action be taken in sequence. Nothing in these guidelines prevents the JWSC from dismissing the employee immediately, depending upon the severity of the offense, and without prior warning. A combination of actions may be appropriate, such as a written reprimand along with a suspension.

- 3. Counseling:** A supervisor may counsel an employee when substandard performance, including, but not limited to, standards set forth in Section 7.3, Code of Conduct, has not reached a critical level and the situation does not warrant more severe action. The supervisor will explain to the employee the reason he or she is being counseled. The supervisor will describe the specific problem and indicate what actions the employee must take to correct the problem and to prevent recurrence. The supervisor will explain that subsequent failures or violations will result in disciplinary action. The supervisor will also document the counseling, date and sign the document, and provide a copy to the employee and forward to Human Resources for inclusion in the employee's personnel file. The employee will be asked to sign the document indicating that he or she has been counseled.
- 4. Remedial Training:** A supervisor may require remedial training when the employee's performance indicates a lack of understanding of standard operating procedures or work methods. Documentation must be maintained by the supervisor and a copy forwarded to the Human Resources Department for inclusion in the employee's personnel file.
- 5. Written Reprimand:** A written reprimand specifies the unsatisfactory element of job performance. A written reprimand must define the area or areas of needed improvement by the employee, set up goals for achievement of the improvement, and inform the employee that failure to improve the area(s) of deficiency may result in a more serious disciplinary action. Documentation will be prepared, signed and dated, by the supervisor restating the problem and the goals the employee is expected to achieve. The employee will be asked to sign the document, and the document shall be forwarded to the Human Resources Department. Supervisors will follow-up with the employee two (2) weeks after the written reprimand. Subsequent follow-up meetings with the employee will be at the discretion of the supervisor. The supervisor shall document each follow-up meeting, ask the employee to sign the document, and also forward the document to the Human Resources Department for inclusion in the employee's personnel file.
- 6. Probation:** A regular employee may be placed in a probationary status for disciplinary reasons for a period not to exceed six (6) months, depending on the severity of the infraction, during which time the employee will be expected to meet specific goals outlined in writing and signed by the employee. The supervisor will review periodically with the employee the progress the employee has attained toward meeting these written goals during and at the completion of the probationary period. A performance evaluation shall be conducted at the end of the probationary period. If the employee fails to meet these written goals, then the employee will be subject to subsequent disciplinary action, up to and including termination of employment.
- 7. Suspension Without Pay:** A regular employee may be suspended without pay from JWSC employment for a period not to exceed thirty (30) calendar days, depending on the severity of the infraction. The suspension may be imposed by the division head or Director, as applicable, in consultation with the Human Resources Department. For exempt employees, a disciplinary suspension deduction shall not be made for absences of less than five (5) full days or other applicable pay period, unless the suspension is based on a safety violation of major significance relating to the prevention of serious endangerment of persons or property.
- 8. Pay Reduction:** An employee's pay may be reduced for disciplinary reasons by the division head or Director, as applicable, in consultation with the Human Resources Department. The pay reduction does not constitute a demotion. See Paragraph 7, above, for rule applying to exempt deductions.

- 9. Demotion:** An employee may be demoted for disciplinary reasons to a job having fewer responsibilities, skill requirements, performance standards and a lower rate of pay by the division head or Director, as applicable, in consultation with the Human Resources Department. A demotion is possible only when there is an open lower ranked position that the employee is qualified to perform or the division head chooses to reclassify the employee's current position to one with a lower classification within the division. When extenuating circumstances exist, disciplinary demotions may be imposed at the discretion of the division head or Director, as applicable, on a temporary basis and will not exceed six (6) months in duration. *(See Section 6.2, Pay Plan, for disciplinary demotions.)*
- 10. Dismissal:** A regular employee may be terminated for disciplinary reasons from JWSC employment by the division head or Director, as applicable, upon consultation with the Human Resources Department.
- 11. Notice of Adverse Action and Right to Appeal:** Employees will be provided written notice when adverse action is being proposed. Regular employees will be provided the opportunity to appeal certain disciplinary actions. *(See Section 7.5, Hearing and Disciplinary Appeals Process.)*
- 12. Reports:**
- A. Each division head and supervisor involved with a problem, complaint, dispute or disciplinary action with an employee shall develop and maintain a written, dated record of the matter.
 - B. The report shall include, but is not limited to, the following:
 - (1) The date(s) when the incident(s) was brought to the employee's attention by his or her supervisor or division head;
 - (2) A narrative of each and every discussion with the employee, and the dates thereof;
 - (3) The disciplinary action taken; and
 - (4) A subsequent evaluation of the results.
 - C. The report and all disciplinary action forms will be forwarded to the Human Resource Department in a timely manner for inclusion in the employee's personnel file.

HEARING AND DISCIPLINARY APPEALS PROCESS

STANDARD

Regular employees who have completed their introductory employment period will be provided an informal disciplinary hearing and notice of the appeals process when employees are being recommended for probation, suspension without pay, demotion, pay reduction, or dismissal.

PRACTICE GUIDELINES

- 1. Notification of Disciplinary Hearing:** A regular employee shall be notified in writing of any disciplinary action for probation, suspension without pay, demotion, pay reduction or dismissal (Notice of Disciplinary Action). A Notice of Disciplinary Action shall state in writing the reasons for such disciplinary action.
- 2. Request for Appeal and Appeal Hearing:**
 - A. Request for appeal of a disciplinary action must be made in writing to the Human Resource Department within three (3) working days following the date of the Notice of Disciplinary Action. All requests for appeal must be submitted in writing to the Human Resources Department. If an employee declines the appeal, he or she automatically accepts the disciplinary action and waives the right to further appeal.
 - B. The Human Resource Department will schedule the appeal hearing and advise all parties of the date, time and place of the hearing.
 - C. The appeal hearing will be presided over by the division head, Executive Director, or other appointee (Hearing Officer). The Hearing Officer may consider prior disciplinary problems and hear relevant evidence presented by any witnesses. The Hearing Officer will render a written decision within five (5) working days of the date of the hearing.
- 3. Amended Disciplinary Action:** If the Hearing Officer determines that charges in addition to, or substantially different from, those enumerated in the Notice of Disciplinary Action should be made, or that the disciplinary action should be more severe than the disciplinary action specified in the Notice of Disciplinary Action, then the Hearing Officer may amend the Notice of Disciplinary Action. An Amended Notice of Disciplinary Action, shall be issued in accordance with the procedures in this Section and shall be subject to the same right of appeal.
- 4. Effective Date of Action:** The disciplinary action will become effective on the date the Notice of Disciplinary Action is issued or the date of the decision of the Hearing Officer, whichever is later.
- 5. Time:**
 - A. When the last day of any time period established by this Section falls on a Saturday, Sunday, or any holiday recognized by the JWSC, that time period will be extended so that the last day thereof will be the Monday following the Saturday, Sunday or holiday.
 - B. The division head or Director may extend the time limits herein when more time is needed to gather additional supporting documentation to make a determination.

- 6. Witnesses, Recordings and Transcripts:** The employee, division head, Director or Hearing Officer may request the attendance of employees or other persons as witnesses when their testimony will aid in establishing the facts in the case.
- 7. Attendance at Hearing:** The appeal hearing shall be closed except for the attendance of the Hearing Officer, the employee appealing an adverse action, fact witnesses and, as applicable, JWSC legal counsel, the employee's legal counsel and the person recording the hearing. No other persons shall be permitted to attend the hearing without the express approval of the Hearing Officer. Depending on the circumstances, the Hearing Officer may be the supervisor, division head, Director, or an independent Hearing Officer who is not a JWSC employee or appointee. No JWSC Commissioner shall sit as a Hearing Officer in a disciplinary appeal hearing.
- 8. New Hires in Introductory Period:** Employees who have not completed the introductory employment period of one year (12 months) of service do not have appeal rights. Division heads are not required to conduct a hearing with the employee prior to dismissal or adverse action; however, a conference is recommended in order to help the employee to understand why corrective action is being taken and to gather any additional information that the division head may not have had.

GRIEVANCE AND APPEALS PROCESS

STANDARD

It is the policy of the JWSC to treat all employees in an impartial manner. The JWSC is committed to the belief that undisclosed problems will remain unresolved and eventually lead to a decay of working relationships, dissatisfaction in working conditions, and a decline in operational efficiency. Accordingly, the JWSC hereby establishes an administrative review system for employees with a grievance against an employee under the direction and control of the JWSC, the intent of which is to solve problems as quickly and informally as possible.

PRACTICE GUIDELINES

1. **General:** Employees who seek resolution of employment disputes by using established procedures will not be subjected to unlawful discrimination or be penalized for their use of these procedures provided their use is made in good faith to redress reasonably perceived inequitable treatment. An employee who knowingly provides false or misleading information in a grievance, including written or oral evidence or testimony, or who attempts to harass, intimidate, or otherwise misuses the grievance process shall be subject to disciplinary action up to and including termination of employment.
2. **Administrative Review System:**
 - A. Employees who have complaints, problems, concerns, or disputes with another employee, the nature of which adversely affects the employee, may file a grievance according to the procedures established herein. The grievance must be reasonably related to specific working conditions such as job safety, compensation, job classification, reassignment, or any form of alleged discrimination or harassment prohibited by law.
 - B. It is deemed in the best interests of the JWSC to consider all relevant evidence including, but not limited to, any prior disciplinary actions or information from whatever source that is available and which may include events before and during employment with the JWSC.
 - C. The following shall not be subject to the grievance procedure:
 - (1) Performance evaluations, absent a claim of discrimination, harassment, or workplace violence;
 - (2) A proposed or pending adverse action; and
 - (3) A disciplinary action which results in a written reprimand.
3. **Administrative Review:**
 - A. An employee who has a complaint, problem, concern, or dispute shall make every effort to resolve the matter through an informal discussion with his or her immediate supervisor within five (5) working days of the occurrence or cause of the matter. In the alternative, if the employee's work unit structure is such that the immediate supervisor is subordinate to another supervisor, the aggrieved employee may request a discussion with both supervisors within this time period.
 - B. The supervisor(s) will take the grievance matter under consideration and attempt to resolve it verbally within ten (10) working days. The supervisor may extend the time period when additional time is

needed to gather information or to resolve the matter.

- C. If the division head is the employee's immediate supervisor, the employee shall proceed directly to the Director within five (5) working days of the occurrence.
- D. If the employee's grievance remains unresolved after an informal administrative review with the supervisor(s), or is not resolved to the employee's satisfaction, the aggrieved employee may file a written request to the division head within five (5) working days following the supervisor's written decision. The division head will arrange a meeting with the employee within ten (10) working days of the employee's request to allow the employee an opportunity to present a personal and complete description of the grievance. The division head will take into consideration all matters presented to him or her, including any investigation or evaluation of the facts related to the situation, and render a written decision within ten (10) working days from the date of the meeting with the employee. The division head may extend the period of time when additional time is needed to gather information or to resolve the matter or to issue a decision.
- E. If an employee is not satisfied with the outcome of the decision rendered by the division head, the employee may appeal the decision in writing to the Director within five (5) working days from the date of the decision. Upon receipt of a written appeal from an employee, the Director shall review the decision of the division head and shall render a written decision, which shall include any recommendation for imposition of discipline, within ten (10) working days. The Director may extend the period of time in which a written decision is to be rendered when additional time is needed to gather information or to resolve the matter. The decision of the Director shall include any imposition of discipline and shall be final and conclusive. The Director may render a decision based solely upon a written record, but may also hold an informal hearing to assist in making a decision when it is deemed by the Director to be beneficial. If disciplinary action is imposed, the Director will issue a Final Notice of Discipline.

4. Exceptions to Grievance Procedural Steps: The JWSC recognizes that there may arise certain situations in which it may be inappropriate for employees to pursue the resolution of a grievance in the prescribed sequence. Consequently, the following exceptions are instances when an employee may bypass these procedural steps, after having obtained the written approval of the supervisor, to seek resolution of a grievance by the division head under circumstances appropriate to the relief sought. The division head shall provide a written response to the employee within ten (10) working days of receiving the employee's request. Employees who are uncertain as to the proper authority or the method of appeal should discuss the matter with the Human Resources Department. The following matters may warrant a change in the procedural steps:

- A. If the complaint or problem involves a known or suspected violation of law;
- B. If the complaint or problem is clearly not within the authority of the employee's supervisor to resolve;
- C. If the employee and superior mutually agree to bypass the superior's review;
- D. If the nature of the complaint, problem or dispute involves or has been caused by the employee's superior, and the employee, with the concurrence of the division head, has reason to believe the

superior may be less than impartial;

E. If the nature of the complaint or problem involves sexual harassment; or

F. If the nature of the complaint or problem involves any sort of deprivation or discrimination prohibited by the Constitution of the United States, the Constitution of the State of Georgia, or any federal, state, or local law.

5. Representation: An employee shall not be entitled to be represented by legal counsel in any grievance proceeding or hearing conducted under this Section.

**Brunswick-Glynn County
Joint Water & Sewer Commission
Human Resources Standards of Practice**

**Article 8:
LEAVING THE ORGANIZATION**

Section

- 8.1 Separation from Employment**
- 8.2 Exit Interview**

Section 8.1
SEPARATION FROM EMPLOYMENT

STANDARD

The employee or the JWSC may initiate separation from employment. A notice of the separation from employment shall be prepared in writing as soon as practical. Division heads shall transmit proper notification to the Human Resources Department such that final paychecks and other documents can be prepared properly, timely, and within the requirement set forth in federal and state law.

PRACTICE GUIDELINES

- 1. All separations from employment shall be designated as one of the following categories and shall be accomplished in the manner indicated.**
- 2. Resignation in Good Standing:** An employee may resign by notifying the division head of the effective date as far in advance as possible.
 - A. An employee shall give a minimum of fourteen (14) calendar days' notice of resignation, in writing, to his or her or division head. Division heads shall give the Director thirty (30) calendar days written notice. Good standing means that an employee has given sufficient notice and that the employee demonstrated concern for the JWSC's work objectives and its customers.
 - B. Failure to resign in good standing may affect re-employment opportunities. For each day notice is not given as required, the employee's pay will be reduced up to fourteen (14) days or thirty (30) days, as applicable.
 - C. After an employee has submitted a notice of resignation, requests for vacation or sick leave may or may not be approved. The purpose of notice is to provide the division head with a time for transition, to reassign job duties, transferring information, and otherwise complete work that the departing employee had in process.
 - D. Upon receipt of the employee's notice of resignation, the division head, with the Director's approval, or the Director, as applicable, and upon consultation with the Human Resources Department, may determine it is in the best interests of the JWSC to make the resignation effective immediately. In such event, the employee will be dismissed and a final paycheck issued.
- 3. Dismissal:** An employee may be separated from employment pursuant to provisions herein.
- 4. Job Abandonment:** An employee who is absent from work for three (3) consecutive work days without leave approval, or without having called the immediate supervisor, or the division head when the immediate supervisor is not available, for three (3) days will be considered to have voluntarily abandoned his or her position and will be considered to have resigned from JWSC employment. Such employees are entitled to pay for accrued vacation leave, less the applicable sum for failure to resign in good standing as stated in Subparagraph 2(B), above.
- 5. Layoff:** An employee may be involuntarily separated from employment by reason of lack of funds or changes in the JWSC. Employees are to be laid off in order of the following criteria. Once a criteria is

reached upon which a decision can be made, the remaining criteria are not considered.

- A. First criteria: Availability of a funding source for the division.
- B. Second criteria: Availability of funding for a particular program.
- C. Third criteria: Deletion of job classification or position within the program.
- D. Fourth criteria: Job performance as shown on the last two performance evaluations or any such evaluation within a two-year period.
- E. Fifth criteria: Length of service with the JWSC.

When an employee possesses a critical skill essential to the efficient operation of the division, he or she may be retained in preference to an employee with a higher education or overall skill level. Documentation and a request for such action must be presented to the Director who will make the final decision. The request shall set forth in detail the specific skills and abilities possessed by the employee and the reasons why such employee is essential to the effective operation of the division.

The duties performed by an employee laid off may be reassigned to other employees. As a part of any reduction in force or reorganization, the JWSC may make direct job offers to any current JWSC employee without posting new or vacant existing positions and without interviewing potential candidates. Layoffs will have no adverse effect on the employee's reinstatement or reemployment opportunities.

- 6. **Retirement:** When an employee plans to retire, he or she should give at least sixty (60) days' notice. This provides time for the division head to transition critical duties and select a replacement. An employee must make written request to the Human Resources Department to initiate payment from the Pension Plan.
- 7. **Death:** All compensation and accrued leave due in accordance with these procedures will be paid to the estate or beneficiary of a deceased employee. The date of death shall be recorded as the separation date for computing compensation and leave due.
- 8. **Documentation and Actions Required:** The division head will submit a termination report form to the Human Resources Department indicating the last day to be worked, along with a copy of the written resignation, if applicable. When the employee leaves on the last day of work, the division head will collect all uniforms, tools, equipment, keys, and any other property of the JWSC. Division heads shall notify the Human Resources Department if an employee fails to return property such that action may be initiated to collect outstanding debts from the final paycheck.
- 9. **Final Paycheck:** The division head must submit a final timesheet in order to generate a final paycheck. The final paycheck will be prepared within the standard payroll cycle. Any debts owed to the JWSC (e.g., unreturned uniforms or tools) will be withheld from the employee's last payroll check.

Section 8.2

EXIT INTERVIEW

STANDARD

Employees who leave JWSC employment are encouraged to participate in an exit interview. The JWSC is interested in the observations and suggestions of such employees and wishes to learn from the experiences of the employees. The information will help identify the reasons employees leave the JWSC and their level of satisfaction with programs, services, and benefits.

PRACTICE GUIDELINES

1. The division head will schedule an employee's exit interview with the Human Resources Department prior to the employee's last day of work. However, in the case of an employee who is dismissed, the Human Resources Department will contact the employee if an exit interview is deemed appropriate and practical. For all exit interviews, a standard questionnaire will be used to learn about the employee's level of satisfaction with policies, procedures, benefits, training opportunities, job responsibility, career growth opportunities, and other job-related issues.
2. The Human Resources Department will collect the information in person whenever possible; however, the exit questionnaire may be mailed to the employee if an in-person interview is not possible. Information received will remain confidential to the Human Resources Department such that no comment made by an employee may be used to identify the person without his or her specific consent.
3. The Human Resources Department will provide feedback to division heads and supervisors in a manner which can provide useful information without disclosing an individual's identity, unless consent has been given.
4. Information acquired via the exit interview will be maintained in a confidential file in the custody of the Human Resources Department, separate from personnel files.

**Brunswick-Glynn County
Joint Water & Sewer Commission
Human Resources Standards of Practice**

Article 9: RECORD KEEPING

Section

9.1 Personnel Records

9.2 Attendance Records

9.3 Public Inspection of Records; Confidential Information

Section 9.1
PERSONNEL RECORDS

STANDARD

Personnel files shall be established and maintained for each employee according to standard criteria and according to law. All employee information is confidential, except that required to be public by open records laws. These files and their contents shall be maintained in the Human Resources Department.

PRACTICE GUIDELINES

1. The confidentiality of employee information applies to all formats, including computer databases, files, written materials, or verbal communications.
2. The Human Resources Department shall be the custodian of all personnel records.
3. The Human Resources Department will maintain all necessary forms and reports.
4. Information relating to each employee shall be maintained in accordance with appropriate laws and regulations. Medical and benefits information shall be maintained in a confidential file, separate and apart from general employment documents.
5. Each employee may access and inspect his or her official personnel file during normal business hours by appointment with the Human Resources Department. Each employee may receive a copy of documents placed in his or her official personnel file by making written request to the Human Resources Department.
6. Supervisors may review the personnel files of employees under their supervision but may not add or remove items to or from the file. Items that pertain to the employee's performance or that could affect the employee's future employment or working conditions with the JWSC will not be placed in the personnel file without the employee's knowledge. All items contained in the file shall be available for the employee's inspection.
7. An employee who objects to material in the file may place in the file a statement relating to the material considered inaccurate or misleading. The employee may seek the removal of such material in accordance with established grievance procedures.
8. When requested, the Human Resources Department will verify the employee's hire date, and termination date, if applicable, and whether the employee left the JWSC in good standing. Information shall be provided only by the Human Resources Department and shall be limited to information verifying dates of employment, salary, and job responsibilities as represented on the employee's position and job description. Other information may be provided with the written authorization of the employee.

Section 9.2
ATTENDANCE RECORDS

STANDARD

Each division head shall be responsible for the appropriate attendance of all persons in that division and shall keep complete attendance records. Attendance records shall be maintained by each division head and shall be retained within the division.

PRACTICE GUIDELINES

1. Non-exempt employees are required to complete time records showing hours worked. Time records will be signed by supervisors who have knowledge of the time worked, and shall certify that the time record is accurate and complete.
2. Time records shall indicate the purpose for overtime. Overtime shall be approved in advance by appropriate supervisors.
3. Falsification of time records is grounds for disciplinary action up to and including termination of employment.
4. Time records shall accurately and completely reflect, at a minimum, the following information: vacation leave, sick leave, holiday leave, other types of leave, hours worked during normal work hours, and hours worked beyond normal work hours. Time records shall be promptly turned into the Chief Financial Officer's office.
5. Time records shall be kept on file for a minimum of three (3) years, or as otherwise required by law.
6. Records of hours worked shall be kept on the basis of the nearest one-quarter hour (15 minutes).

PUBLIC INSPECTION OF RECORDS; CONFIDENTIAL INFORMATION

STANDARD

Access to personnel records of employees covered under these policies and all other records and materials relating to the administration of the personnel system shall be governed by Georgia's Open Records Act or any other federal, state or local law. Information obtained in the course of official duties shall not be released by any employee other than by those charged with this responsibility as part of official duties. Likewise, other such data that is received in confidence or deemed to be confidential in nature shall not be revealed or released by any employee without the proper authority.

PRACTICE GUIDELINES

1. **Disclosure:** Subject to the restrictions stated in this Section, the following information relative to employees and former employees is available for public inspection during regular business hours and in accordance with such procedures as the JWSC may prescribe:
 - A. Name of employee.
 - B. Job application and resume.
 - C. Class title, position, and salary.
 - D. Disciplinary history, but not until ten (10) days after the record has been presented for action, including appeal of a final adverse action, or the investigation is otherwise concluded.
2. **Nondisclosure:** Records that are by their very nature confidential, private, privileged, or create potential risk of harm to the safety of the employee or his family members will not be disclosed to the public, as follows:
 - A. Medical records and similar files.
 - B. Social security number.
 - C. Confidential evaluations submitted to, or examinations prepared by, the JWSC prepared in connection with the appointment or hiring of a public officer or employee.
 - D. Performance rating reports are accessible only to the division head concerned, the Director, Commissioners of the JWSC, and the employee involved, unless disclosure of such is required by law.
 - E. Other personnel information may be made available for official purposes.
3. **Process of Law; Liability:**
 - A. Nothing in this Section shall give rise to a cause of action against the JWSC, its officers, employees, or agents, nor shall anything in this Section prohibit the release of information pursuant to the process of law.

B. The JWSC reserves the right, but does not assume the obligation, to balance the interest of the public in favor of inspection of documents against privacy interests and the interest of the public in favor of non-inspection.

4. **Public Inspection:** Information contained in personnel files and records shall be available for the purpose of inspection, examination and copying only in the Human Resources Department during regular business hours pursuant to an Open Records Act request. Additional information may be provided on a case-by-case basis dependent upon the requestor's "need to know" and in accordance with applicable laws governing the employee's protection of privacy and after consultation with JWSC's legal advisor(s).
5. **Confidential Information:** Employees are prohibited from revealing information confidentially received in the performance of JWSC duties or from releasing any other information that is of a confidential nature. Confidential information includes, but is not limited to, computer access password, seal bid data, medical records or similar files, and the social security number of an employee or customer. Employees who reveal or release such information will be subject to disciplinary action up to and including termination of employment.