



Policies and Procedures Manual

Current as amended through June 20, 2023

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SECTION 1: MACON-BIBB COUNTY GOVERNMENT

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INTRODUCTION

General

This personnel policy manual is being provided to you as a source of information for a variety of human resources issues, programs, and policies. This manual is for informational purposes only and is not intended as an employment contract or guarantee of benefits. Macon-Bibb County Government (MBCG) reserves the right to alter, amend, modify, change, or delete any of the policies, practices, or benefits described in this manual at any time, with or without notice. When portions of this manual are revised or deleted entirely, department heads and supervisors will receive notification of the changes. In addition, notification of the changes will be posted on MBCG bulletin boards and the MBCG website's employee page. Once changes have been communicated, all employees are expected to comply with the changes.

This policy manual provides a summary of the rules and regulations that govern our relationship, and provides information on what is expected of you, guidance on how to resolve any work-related problems that may arise, and the standards by which performance is evaluated. We expect a lot from our employees. It is our belief that high standards, competitive compensation and benefits will inspire our employees to perform at their best at all times. Should you have any questions concerning any of the material in this manual, please contact the Human Resources Department.

Welcome

Welcome to the Macon-Bibb County Government. We are grateful for the opportunity to provide you with a good job and hope that your time here will be rewarding for you, your family, and the citizens of Macon-Bibb County. You are now part of a team that is devoted to serving its citizens with efficiency, integrity, and exemplary customer service, which is our highest priority.

**APPLICABILITY OF POLICIES TO THE OFFICES OF
CONSTITUTIONAL OFFICERS AND INDEPENDENT ELECTED
OFFICIALS**

It is the policy of the MBCG that where Constitutional Officers and independent elected officials wish for the employees of their respective offices to be covered by this Policies and Procedures Manual, a written election form shall be completed by such officials and submitted to the Mayor and County Commission for consideration and approval.

If employees of Constitutional Officers or independent elected officials desire to determine whether a particular official has opted in to this Manual, they may do so by contacting the Human Resources Department.

CONSTITUTIONAL OFFICERS, INDEPENDENT ELECTED OFFICIALS AND THEIR EMPLOYEES

While applicants to positions under the jurisdiction of Constitutional Officers and independent elected officials, and employees of Constitutional Officers and independent elected officials are not covered under the MBCG Policies and Procedures Manual, unless such officer or official in accordance with this Manual has opted in to coverage for their employees, they are covered by all applicable federal and state laws, including those governing equal opportunity and non-discrimination. If applicants or employees of Constitutional officers or independent elected officials desire to determine whether a particular officer or official has opted in to coverage under this Manual, they may do so by contacting the Human Resources Department.

**ELECTION OF COVERAGE BY A CONSTITUTIONAL OFFICER OR
INDEPENDENT ELECTED OFFICIAL**

I hereby make the following election regarding the MBCG Policies and Procedures Manual (select ONE):

- I elect to have the employees of my office be governed by and subject to all terms of the MBCG Policies and Procedures Manual; **OR**

- I elect to have the employees of my office be governed by and subject to the terms of the MBCG Policies and Procedures Manual, **EXCEPT** the sections relating to hiring or discipline; **OR**

- I elect **NOT** to have the employees of my office be governed by and subject to the terms of the MBCG Policies and Procedures Manual. I understand that by making this election, MBCG is not responsible for administering any employment policies and procedures of my office.

Signature

Printed Name

Elected Office

Date

CODE OF ETHICS

The Mayor and County Commission hereby adopt an ordinance establishing a code of ethics. The code of ethics establishes a standard of conduct for MBCG officials and employees who are expected to discharge their duties impartially and their affairs so as to foster public confidence in the integrity of MBCG. To that end, MBCG officials and employees are prohibited from attempting to realize personal financial gain through MBCG service or employment by conduct inconsistent with the proper discharge of their duties. Engagement in any business or transaction with MBCG or having a financial interest or private interest, direct or indirect, in any MBCG contract or proposed contract may be a conflict of interest adverse to the proper discharge of the duties of a MBCG official or employee and the best interest of the MBCG.

In addition, the following circumstances, though not an exhaustive list, are specifically deemed in conflict with and adverse to the proper discharge of official duties of MBCG officials and employees:

- Using public office for private gain;
- Giving undue preferential treatment to any business entity or person;
- Knowingly impeding government efficiency or economy;
- Receiving gifts, other than campaign contributions, complimentary services, free vacations or travel having more than a nominal value and which are calculated to influence the decision of the officers or employees as to any business dealing with the MBCG;
- Attempting to influence the actions or conduct of a MBCG official or employee on behalf of a business entity in which the MBCG official, employee, or family member has a financial or property interest;
- Obligating the MBCG without proper authority.
- Participation, directly or indirectly, by any MBCG official or employee in any decision relating to any matter in which he or she has a substantial interest or involvement which reasonably may be expected to result in a direct financial

1.05

benefit to the MBCG official or employee, or a business entity in which, he or she, or a member of his or her family has a financial interest;

The code of ethics further provides that unless independent judgment and impartiality of a MBCG official would be compromised, the receipt by a MBCG official of the following items is not a violation of the ethics ordinance:

- Meals and beverages given in the normal course of entertaining;
- An occasional, non-pecuniary gift from a single source of \$100.00 or less;
- Ceremonial gifts or awards;
- Gifts of advertising value only;
- Awards presented in recognition of public service;
- Reasonable expenses of food, travel, lodging, and scheduled entertainment of the official for a meeting which is given in return for participation in a panel or speaking engagement at the meeting;
- Courtesy tickets or free admission extended to an elected official for an event as a courtesy or for ceremonial purposes;
- Gifts from relatives, members of his household or personal friends;
- Honorariums or awards for professional achievement;
- Courtesy tickets or free admission to an elected official to educational seminars, educational or informational conventions or other similar events.

The MBCG ethics ordinance also prohibits kickbacks, employment by MBCG officials or employees by persons contracting or attempting to contract with the MBCG, and use of confidential information for actual or anticipated financial gain; and requires disclosure of potential conflicts of interest or interests adverse to the MBCG.

The entire text of the MBCG ethics ordinance, including definitions and penalties for violation, is codified in Sections ____ through ____ of the MBCG Code of Ordinances.

OPEN DOOR POLICY

The MBCG strives to provide its employees with an excellent work environment. Although most problems may and should be resolved in discussion with employees and their immediate supervisor, it is MBCG's policy that MBCG employees may speak with their supervisors, follow the chain of command and any Human Resources Representative with concerns, complaints, or suggestions at any time. The purpose of this "open door" policy is to encourage open communication, feedback, and discussion of any matter of importance to our employees.

The Human Resources staff is dedicated to listening to employee concerns, investigating facts and circumstances surrounding a situation, and assisting employees and their managers with a solution that is acceptable to all parties. Where appropriate, another staff member may be assigned to address the issue brought to the attention of the Human Resources Department. In some instances, employee concerns may be eligible for the grievance procedure described in this Manual.

While employees of Constitutional Officers and independent elected officials are not covered under this Policies and Procedures Manual, unless such officers or officials in accordance with this Manual have opted in to coverage for their employees, they are covered by all applicable federal and state laws, including those governing equal opportunity and non-discrimination. If applicants or employees of Constitutional Officers or independent elected officials desire to determine whether a particular officer or official has opted in to coverage under this Manual, they may do so by contacting the MBCG Human Resources Department.

EMERGENCY PROCEDURES

The MBCG will make every effort to respond to emergency situations in a manner which protects employees, visitors, and the public. Procedures have been established for response to certain types of emergencies; details are available from your department head, MBCG Emergency Management Agency (EMA), MBCG Fire Department, Bibb County Sheriff's Office, or the Risk Management department. Employees should familiarize themselves with those established procedures for specific emergency response. The following general guidelines apply to emergency situations which may arise:

1. Employees must respond to a building fire or smoke alarm immediately. Each department should designate a meeting place at least 1000 feet away from the building. This meeting place is where employees are to meet once they have evacuated the building. The department head or their designee should complete an accurate head count to ensure that everyone working that day is out of the building and safe. Each department head should designate a backup location for a meeting place if the primary location is not safe.

2. Should employees require assistance with responding appropriately during an emergency situation, they should notify their supervisor and department head in advance of any emergency. All employees are responsible for anticipating their own needs during a variety of emergency situations and advising their supervisor and department head of any special needs or requests for accommodations. As part of this process, employees should consider that, depending on their job duties, some emergencies require fleeing the employee's building or other location; some require staying in the building or location, or moving to different areas within the building or location; and some require directly responding to the scene of an emergency or another location.

For MBCG employees, individuals who would require assistance on a long term or indefinite basis should work with their department heads and Human Resources for acceptable accommodations. Employees with temporary or short-term injuries or other situations for which they would require assistance to exit the building should ask their department head and Human Resources for assistance.

3. In the event of a building evacuation, only emergency response personnel may re-enter the building until authorities have signaled that re-entry of the building may safely be made.
4. Department directors must identify (a) shelter in place location(s) within their departments work areas. This shelter in place location(s) should be a room or a space that ideally has the following characteristics:
 - a. Can accommodate the entire MBCG staff and an average number of outside visitors in that work area (this maybe need to be multiple locations)
 - b. Centrally located to the work area, ideally not on an exterior wall
 - c. As few windows as possible
 - d. Clearly marked for both staff and outside visitors
 - e. Examples of locations are bathrooms, closets, or interior offices
5. Department directors shall educate their staff on active shooter procedures. This includes the following three (3) areas for response
 - a. RUN - If there is an accessible escape path, attempt to evacuate the premises.
 - i. Have an escape route and plan in mind
 - ii. Evacuate regardless of whether others agree to follow
 - iii. Leave your belongings behind
 - iv. Help others escape, if possible
 - v. Prevent individuals from entering an area where the active shooter may be
 - vi. Keep your hands visible
 - vii. Follow the instructions of any police officers
 - viii. Do not attempt to move wounded people

- ix. Call 911 when you are safe

- b. HIDE - If evacuation is not possible, find a place to hide where the active shooter is less likely to find you.
 - i. Be out of the active shooter's view
 - ii. Provide protection if shots are fired in your direction (i.e., an office with a closed and locked door)
 - iii. Not trap you or restrict your options for movement
 - iv. To prevent an active shooter from entering your hiding place:
 - 1. Lock the door, and
 - 2. Blockade the door with heavy furniture
 - v. If the active shooter is nearby:
 - 1. Lock the door
 - 2. Silence your cell phone and/or pager
 - 3. Turn off any source of noise (i.e., radios, televisions)
 - 4. Hide behind large items (i.e., cabinets, desks)
 - 5. Remain quiet
 - 6. Dial 911, if possible, to alert police to the active shooter's location
 - 7. If you cannot speak, leave the line open and allow the dispatcher to listen

- c. FIGHT - As a last resort, and only when your life is in imminent danger, attempt to disrupt and/or incapacitate the active shooter by:
 - i. Acting as aggressively as possible against him/her
 - ii. Throwing items and improvising weapons
 - iii. Yelling
 - iv. Committing to your actions

- 6. The safety of visitors or citizens who may be present in a MBCG building at the time of an emergency is the responsibility of the department they are visiting.

Department employees should be aware of visitors in their respective areas and should assist them in safety and emergency procedures for the building.

7. Employees working in departments having employees deployed outside or away from their immediate department area should develop emergency procedures to accomplish the intent of this policy. Any employee involved in an emergency situation should notify his/her department head or supervisor of his/her status and advise them of developments or changes in status as they are able.

HAZARDOUS WEATHER

1. **Leave procedures during hazardous weather conditions**

The safety of our employees is a primary concern of the MBCG. Toward this end, all employees are requested to exercise safety precautions when reporting to work or leaving from work during hazardous weather conditions.

In the event that the National Weather Service issues a watch or warning for a (1) severe thunderstorm; (2) tornado; (3) flood or flash flood; (4) hurricane; or (5) winter storm, or another similar emergency designation watch or warning as determined by the Emergency Management Director for MBCG, then department heads shall have the discretion to release any employees who are fully capable of performing their job duties from home, and whose job duties do not include directly responding to such weather conditions, to go on a work from home status for the duration of the weather condition. For employees whose job duties cannot be fully performed from home, the department head shall coordinate with the Mayor or County Manager, or their designees, to determine whether to close any or all of the department's offices or facilities, or suspend any of the department's operations, and for how long.

2. **Payment for hazardous weather conditions**

Employees will be paid for days missed from work due to hazardous conditions when MBCG officials make an official decision to close MBCG buildings.

Employees reporting to work during hazardous conditions will be paid normal pay for hours worked. Employees who are not able to report to work due to situations beyond their control when MBCG buildings are open, will be required to take annual leave first and sick leave second (if no annual leave is available). This will also be the case for partial absences that are weather related.

If an MBCG building is open for part of the day, only employees who report to work during the time in which MBCG buildings are open will be paid for the portion of the day during which the MBCG buildings are closed. Employees who are absent from work for the entire day will be allowed to use annual leave, if such leave is available.

3. **Use of leave time**

Annual leave will be taken first and sick leave second (if no annual leave is available) if MBCG buildings are officially open and employees are unable to report to work. If accumulated leave is not available, employees who are unable to report to work due to hazardous weather must take leave without pay.

4. **Communications**

It is imperative that all department heads establish a departmental notification system procedure for all employees. The purpose is to contact their immediate supervisor to determine whether they are scheduled to work or if there are delayed start or early dismissal times.

Employees can always contact their department head or MBCG Human Resources to determine if MBCG buildings will be open. All employees are asked to follow local television stations, local radio stations, or local news media websites to obtain updates as to whether MBCG offices and various departments will operate.

5. **Critical positions during hazardous weather**

Certain positions require mandatory coverage and on-call status because they provide a critical MBCG service such as Bibb County Fire department, Emergency Management Agency, custodial & building maintenance, information technology, public works; and other designated personnel. Departments employing these personnel will develop departmental guidelines to ensure coverage for the department and/or on-call status to maintain critical coverage.

6. **Utilization of Employees**

If there is a power outage and/or damage to a work area that does not permit employees to work, please check with the MBCG County Manager to see if work can be provided in other departments prior to sending employees home.

SECTION 2: HUMAN RESOURCES

POLICY	NUMBER
Classification of Employees	2.01
Employment At Will	2.02
Job Postings	2.03
Nepotism	2.04
Separation From Employment	2.05
Background Checks	2.06

CLASSIFICATION OF EMPLOYEES

The MBCG classifies employees based upon conditions of employment. Classifications are used for compensation and benefit purposes. The following classifications characterize all persons working for MBCG:

Full-time: Employees with a recurring work schedule of a minimum of thirty (30) hours per week; paid through MBCG payroll.

Part-time: Employees with recurring work schedule with designated hours totaling less than thirty (30) hours per week; paid through MBCG payroll. Part-time employees may be terminated at any time with no appeal rights.

Transfer: An employee who transfers from one position to another position within MBCG.

Seasonal: Employees hired on a temporary basis for a period of time to cover duties which only occur during parts of the year; paid through MBCG payroll or through temporary employment payroll service.

Temporary or contract: Persons hired on a temporary basis to handle excess workloads, special projects, or to provide for a short-term need. These persons are generally hired by Human Resources through a temporary personnel agency. Contract employees must furnish an Employee Identification Number (EIN) with their invoices, and must meet all Internal Revenue Service (IRS) guidelines for contract employees.

EMPLOYMENT AT WILL

Nothing in these policies is intended to create or establish a contract for employment between MBCG and the employees covered by their terms, nor shall this manual constitute a promise to provide any benefits.

By accepting employment with MBCG, each employee acknowledges that the relationship established is that of employer and employee. To the extent provided for by law, employees of MBCG are at will employees except with respect to those matters governed by MBCG Civil Service Code, MBCG Code Part I, Chapter 7.

Employees of any Constitutional Officer or independent elected official work at the pleasure of that elected official. Sworn personnel of the Bibb County Sheriff's Office are under the Civil Service System. The Macon-Bibb County Fire Department is under the Civil Service System and Board of MBCG, as set forth in Chapter 7, Article II of the MBCG Code of Ordinances, Part I, "Related Laws."

JOB POSTING

1. Only positions which are open and which have been duly approved and funded by the County Commission will be posted. All such positions will be posted by the Human Resources Department.
2. Positions will be posted on MBCG's web site, and may or may not be advertised in other ways. At the discretion of the department head, and with the concurrence of the Human Resources Department, a position may be posted as an "Internal Posting Only" such that the position is not open to applicants not currently working for MBCG. Similarly, a position may be posted as a "Department Posting Only" with the result that only applications from employees currently working in that department will be accepted.
3. Open positions will be posted for a minimum of seven (7) working days. This time period may be extended if an ample number of qualified applicants have not applied. MBCG only accepts applications and resumes for open, posted positions of employment. All applicant inquiries must be made either online or through the Human Resources Department.
4. MBCG reserves the right to not process an application from any person who does not meet the minimum requirements for the position. Current MBCG employees may apply for any open position which is posted County-wide or on a public basis, provided that an employee's employment record and disciplinary history shall be considered as part of any application to transfer into a new position within the MBCG.
5. If a current employee of MBCG is selected for a posted position, the hiring manager and the employee's current manager will collaborate to determine a release date for the employee to transfer to the new position. If a release date has not been determined, or if the release date is more than two (2) weeks beyond the date the employee was selected for the new position, Human Resources should be notified.
6. All information concerning and scheduling of interviews for posted positions must be arranged through the Human Resources Department. Current employees are not permitted to contact a hiring manager directly concerning an open, posted position.

2.03

7. If an insufficient number of qualified applicants are not received before the position closing date, the position will be re-posted.

NEPOTISM

Nepotism is the practice among those with power or influence of favoring relatives or friends, especially by giving them jobs. Employees of Macon-Bibb County are encouraged to recruit friends or relatives to come work for positions within the Macon-Bibb County Government for which they are qualified. However, care must be taken to ensure that all candidates for a position are evaluated fairly and on their individual merits, and that no person receives any employment benefit because of their familial or social connections that would not also be given to somebody in the same situation without those connections.

In order to safeguard against the risks of nepotism, and to protect county officials from the possibility of outside pressure to engage in the practice of unethical nepotism, the County has adopted certain laws that must be followed with respect to nepotism. These laws may be found in the following sources:

1. Section 45-10-80 of the Official Code of Georgia Annotated;
2. Section 20 of the Macon-Bibb County Charter; and
3. Section 2-18 of the Macon-Bibb County Code of Ordinances.

Employees in a position to make hiring or employment decisions concerning any person are required to familiarize themselves with the requirements of these sources. Human Resources and the County Attorney's Office are available to help with any questions concerning the requirements of these laws. The failure to follow these policies and laws could result in a hiring or employment decision being declared invalid; the termination of employment for or withdrawal of an employment offer from the beneficiary of the improper decision; or disciplinary action against the employee making the improper hiring or employment decision, up to and including termination.

SEPARATION FROM EMPLOYMENT

All separations of employees from positions of employment with MBCG shall be designated as one of the following types, and should be accomplished in the manner indicated:

1. Resignation
2. Disability
3. Retirement
4. Reduction in force
5. Dismissal
6. Death

1. Resignation:

All employees of MBCG who wish to terminate their employment with Bibb County should provide their department head with a minimum of two (2) weeks' notice of their intention to resign, unless the department head has established a policy requiring a longer notice period where work is of a technical nature in the department. The resignation should be forwarded to the Human Resources Director or their designee. An employee who does not provide the required two (2) weeks notification shall have recorded on his/her service record that he/she resigned without giving proper notice, unless the department head approves a shorter notice requirement.

Department heads shall have discretion, subject to Equal Employment Opportunity requirements, to terminate any employee's employment immediately upon receipt of a resignation notice if doing so is in the best interest of MBCG. Department heads shall have discretion, subject to Equal Employment Opportunity requirements, to place any employee on up to two weeks' paid administrative leave immediately upon receipt of that employee's resignation notice if doing so is in the best interest of MBCG. Department heads exercising either of the discretionary powers in this paragraph shall advise Human Resources and the County Manager promptly of their intent to do so.

After an employee's resignation has been submitted, if the employee's general attitude, punctuality, and overall job performance levels decline, the department head will make the resignation effective immediately. In accordance with MBCG's attendance policies, three (3) consecutive days of unreported or unauthorized

absence from work will be deemed as compulsory resignation due to job abandonment.

2. Disability:

An employee may be separated from his/her employment for disability when the employee is not able to perform the required job duties because of a physical or mental impairment. Request for disability retirement may be initiated by the employee or by MBCG, but in all cases it must be supported by certified medical evidence so specified by a licensed, competent physician. MBCG has discretion to require an examination at its expense by a designated physician of the MBCG's choice. Before an employee may be separated for disability, the department head and Human Resources Director should make reasonable efforts to locate an alternative position of employment for which the employee may be suited; determine eligibility for long-term disability benefits under MBCG's health and welfare plan; or determine eligibility for disability retirement under MBCG's pension plan.

3. Light Duty:

Where an employee under medical care provides their supervisor, their department head, or Human Resources with instructions from a licensed medical practitioner stating that the employee may not work under their normal working conditions, or that their work is subject to performance limitations or restrictions for a period that is not expected to exceed six months, then the employee will be considered for a light duty work assignment based on the needs of the employee's department and the extent of the employee's abilities and limitations. If no light duty assignment can be provided, then the employee may instead be placed on medical leave. Nothing in this paragraph shall be construed as guaranteeing or giving any employee a right to receive a light duty assignment or medical leave other than to the extent required under Federal or State law.

If at any time the limitations are expected to last for longer than six months, or actually last for longer than six months, then the employee and the MBCG shall consider available accommodations for the employee under the Americans with Disabilities Act.

4. Retirement:

Employees who are participating in one of MBCG's defined benefit plans may choose to retire in accordance with the terms of that employee's plan. The Human

Resources Department, or its designee, should be consulted when an employee requests retirement so that all options and details of that employee's retirement plan can be fully explained. An employee who wishes to retire must notify the Human Resources Department at least 60 days prior to the date retirement benefits are expected to begin. Employees who fail to give 60 days' notice may not receive their first benefit check for as long as the first benefits disbursement date following 60 days from the date notice is given.

5. Reduction in Force:

A. Definitions:

1. Reduction in Force (RIF): A separation from a position of employment, a furlough, or a salary reduction of one or more employees.
2. Recall Registry: Registry maintained by Department of Human Resources of separated employees for recall purposes.
3. Full-Time Employee: Employee who works 30 hours per week or more.
4. Part-Time Employee: Employee who works less than 30 hours per week.

B. Procedure

The Macon-Bibb County Commission may approve an Ordinance authorizing a reduction in force for any of the following reasons:

1. Lack of work;
2. Lack of funds;
3. Lack of appropriation of funds;
4. Abolishment of a position;
5. Changes in the duties of a position;
6. Changes in the organization of a department; and/or
7. Any other related reasons that are outside the control of an employee that do not reflect discredit upon the service of an employee.

When it becomes necessary to institute a reduction in force in a department, a division of a department, or a section of a department, employees shall be separated on the basis of the following two (2) factors to be weighed equally: length of service with Macon-Bibb County and the average performance rating for the last three (3) years of service or for the entire period if it is less than three (3)

years. Service with Macon-Bibb County shall include previous continuous service with Bibb County or the City of Macon.

The duties performed by an employee separated may be reassigned to other employees already working who hold positions in appropriate classifications. No full-time employee shall be separated while another person in a similar classification is employed as a part-time, seasonal, emergency, temporary or provisional appointment. Those less than full time shall be removed first.

If an employee is scheduled to be separated, the employee shall be offered another position if a vacancy exists and the employee is qualified to fill the position. The Mayor and County Manager shall determine the extent and application of any reduction in force authorized by the Macon-Bibb County Commission. The Director of Human Resources shall work and assist Department Heads in applying the reduction in force factors to their department. All reduction in force employee lists will be screened by the Director of Human Resources before the reduction in force is implemented.

Notice of such reduction in force shall be issued as far in advance as possible of the actual reduction in force so that affected employees can be adequately informed. Any reduction in force will be in compliance with current federal and state laws (if applicable) and provide sufficient notification to employees who are potentially affected by such decree.

C. Bumping Rights

Employees who are designated for separation from employment may exercise (at their discretion) the right to bump back into the classification from which they were promoted, provided:

1. The position desired is within the affected area of separation. (Department, Division, or Section.)
2. The position is occupied by an employee with fewer retention rights.
3. The “bumped” employee will be separated.

D. Reassignment of Affected Employee

Employees vulnerable to separation may be reassigned to other open positions within Macon-Bibb County Government for which they are qualified. Refusal to accept reassignment to a “reasonably comparable kind” of position prohibits the separated employee from receiving any benefits described elsewhere in this Reduction in Force guideline.

E. Employees on Sick Leave, Injury Leave, or Leave of Absence

These employees will be treated in the same manner as those employees who are not absent when they are subject to separation from employment. They will be placed on the recall registry in order of seniority.

F. Use of Reduction in Force for Disciplinary Purposes

Use of reduction in force procedure to discipline employees with performance problems is prohibited. Employees with performance problems may incidentally be separated as a result of their position on a reduction in force list and in accordance with the rules of this guideline, but only for the purpose of economy -- - not discipline.

G. Special Training, Skills, or Abilities Retention

When a Department Director believes that a certain individual is essential to the efficient operation of the department or organizational unit, because of special skills or abilities, and the Department Director wishes to retain this individual in preference to a person using the order prescribed above, the Department Director shall submit a written request to the Human Resources Director for permission to do so. This request shall set forth in detail the specific skills and abilities possessed by the individual and the reasons why such individual is essential to the effective operation of the department. With the approval of the Human Resources Director, the individual may be retained.

H. Recall Registry

Employees separated or who have bumped to a lower classification previously promoted from will be placed on a recall registry for the classification held before

the reduction in force was implemented. Separated employees not recalled within two years from date of layoff will be removed from the registry.

I. Pension Rights

Employees who are fully or partially vested will not lose their eligibility for retirement benefits at the normal or early retirement date.

J. Insurance and Hospital Benefit Continuation

Macon-Bibb County Government will continue the employee's participation in any employee health or insurance or benefit plans for two (2) bi-weekly periods (or four weeks) after layoff. The employee must make immediate arrangements with the Human Resources Department to pay the coverage directly for any dependents. Separated employees must arrange personal coverage before the two (2) bi-weekly pay periods have passed.

K. Exit Interview

A representative of the Human Resources Department will interview every employee designated for layoff. This may be on an individual basis or in groups. The purpose of this exit interview is to explain to the employee his recall rights, unemployment benefits, etc.

L. Annual Leave and Layoff Pay

Separated employees will be paid according to specifications in Section 8.01 of personnel policy. Recalled employees will have a new annual leave eligibility date without loss of prior years' service.

M. Sick Leave Retention

Separated employees will not receive pay for accumulated sick leave hours. Accumulated sick leave hours will be held in reserve for up to two years and recalled employees will receive credit for those hours.

N. Interrupted Service

Any layoff beyond six (6) months will be considered as interrupted service and will not be used in calculating vacation, sick leave pay, or pension eligibility upon recall. If an employee is recalled within six (6) months from date of layoff, it will be considered as continued service for benefits, etc. calculations.

O. Employee Out-Placement Service

The Human Resources Department may establish an Out-Placement service to assist and advise separated employees in finding employment elsewhere.

P. Sick Leave Retention

Separated employees will not receive pay for accumulated sick leave hours. Accumulated sick leave hours will be held in reserve for up to two (2) years and recalled employees will receive credit for those hours.

Q. Interrupted Service

Any layoff beyond six (6) months will be considered interrupted service and will not be used in calculating vacation, sick leave pay, or pension eligibility upon recall. If an employee is recalled within six (6) months from date of layoff, it will be considered continued service for purposes of benefits, etc. calculations.

BACKGROUND CHECKS

The MBCG requires a criminal background check for all full-time, part-time, and temporary employees, including interns upon hire once a conditional offer of employment has been extended.

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

However, if an applicant attempts to withhold information or falsify information pertaining to previous convictions, the employee will be disqualified from further employment consideration in a position with MBCG due to falsification of an application.

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

NOTE: Bibb County Sheriff's Office applicants are required to complete a background check at the time of completion of the application and an internal affairs background investigation will be completed before employment consideration is offered.

SECTION 3: EMPLOYEE POLICIES AND GRIEVANCES

POLICY	NUMBER
Employee Grievances	3.01
Public Grievances	3.02
Grievances Procedure	3.03
Grievances Overview	3.04
Americans with Disabilities Act (ADA)	3.05
Equal Opportunity Employment, Non-Discrimination, and Harassment Policies	3.06
Break Time for Nursing Mothers	3.07
Health Insurance Portability and Accountability (HIPPA)	3.08
Limited English Proficiency	3.09
Privacy	3.10
Title VI Compliance	3.11
Whistleblowers	3.12

EMPLOYEE GRIEVANCES

1. Background:

During the course of employment at MBCG, potential grievances may arise about a wide variety of situations, conditions, or conduct that occur both within and outside of the workplace. These grievances may range from minor and mundane to potentially serious or legally significant. MBCG considers all employee grievances to be important and encourages employees to raise grievances as they arise so that they can be mitigated or addressed promptly.

In order to make sure that every employee grievance is handled appropriately, the MBCG has created three channels for official consideration, investigation, and response to employee grievances. They are the Departmental Chain of Command, the Compliance Officer, and the Human Resources Department.

Employees have the right to remain anonymous in the filing of a grievance with Human Resources or the Compliance Officer, provided that certain methods of resolution may occasionally enable co-workers to deduce the identity of the complainant. Before taking any action that will or will likely disclose the identity of an anonymous complainant, the person determining the resolution should explain the proposal to the complainant and allow them to decide for themselves whether a resolution which deprives the complainant of anonymity is acceptable. Where the law requires disclosure of the identity of the complainant, or the taking of actions which may put the complainant's anonymity at risk, the complainant shall have no authority to stop the MBCG from taking the necessary actions.

Employees should raise all grievances through their own Departmental Chain of Command as the primary channel for resolution, unless the grievance is of a nature which the employee feels would subject the employee to retaliation, or the employee believes that the Departmental Chain of Command would be either unwilling or unable to address the grievance fairly and appropriately. For purposes of this Section, the term "Departmental Chain of Command" shall refer to the employee's direct supervisor, as well as that person's direct supervisor, and so on, up to the Department Head for the employee's department. For Department Heads, the term "Departmental Chain of Command" shall refer to the County Manager, or, if the employee reports directly to the Mayor, then the Mayor.

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After raising a grievance through their own Departmental Chain of Command, or if the employee feels that using the Departmental Chain of Command would be inappropriate, all employees shall have the right to raise any grievance with either the Compliance Officer or the Human Resources Department. Nothing in the Section shall take away from any employee's rights to Open Door access to anybody in their chain of command, including access directly to the County Manager or Mayor, as appropriate. However, if an employee bypasses some or all of their chain of command, then the person receiving the concern or grievance may refer it to the appropriate staff member on the chain of command to handle as necessary.

After reviewing the initial complaint from the employee, the Departmental Chain of Command, Compliance Officer, or Human Resources Department may refer the matter to the one of the other channels for consideration, investigation, and response as appropriate.

2. Departmental Chain of Command:

All grievances should be first raised to an employee's immediate supervisor. If a person in the employee's Departmental Chain of Command is the subject of the grievance, then the employee should instead raise the grievance to the lowest-ranking person in the employee's Departmental Chain of Command who is also in the Departmental Chain of Command for the person who is the subject of the grievance.

If the employee feels that the grievance is of a nature which would subject the employee to retaliation, or if the employee feels that any person in the Departmental Chain of Command would be either unwilling or unable to address the grievance fairly and appropriately, then the employee should instead raise the grievance to the lowest-ranking person in the employee's Departmental Chain of Command who the employee feels would be willing and able to handle the grievance fairly, appropriately, and without retaliation.

If the employee's Department Head is the subject of the grievance, or if the employee feels that nobody in their Departmental Chain of Command would be willing and able to address the concern or grievance fairly, appropriately, and without retaliation, then the employee may raise the concern or grievance directly with the Compliance Officer or with Human Resources without first going through their Departmental Chain of Command.

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Employees who submit a grievance to their Departmental Chain of Command, who then feel at any time during the review process that they are no longer receiving fair or appropriate consideration free from retaliation may choose at any time to submit the grievance instead to the Compliance Officer or Human Resources Department.

Anybody receiving or reviewing a grievance within any department shall have authority to consult with any or all of their superiors, their Department Head, with the Compliance Officer, or Human resources for the purposes of seeking advice or seeking clarification of policies or rules.

3. Compliance Officer:

The compliance officer is a designated employee whose job duties include ensuring that MBCG complies with all state and federal rights and protections that are afforded to local government employees. As of July 21, 2022, Resolution R-22-0141 of the Macon-Bibb County Commission has designated the Compliance Officer for MBCG as:

Michael McNeill
Sr. Assistant County Attorney
County Attorney's Office
3rd Floor, Macon-Bibb City Hall
compofc@maconbibb.us
478-219-4393
Internal Ext. 7671

In the event that the Compliance Officer changes, then the Human Resources Department or County Attorney's Office should advise employees of who the new compliance officer is.

In general, the Compliance Officer will consider, investigate, and respond to all employee grievances which actually allege or appear to allege violations of any protected right, or in which an employee expresses a desire to exercise a protected right. These categories of issues may include:

- A. Allegations of unlawful discrimination on the basis of membership in a federally protected class – race, color, religion, sex, pregnancy, sexual orientation, gender identity or expression, national origin, age, disability, or genetic information;

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- B. Allegations of harassment on the basis of membership in a federally protected class;
- C. Allegations of retaliation against any employee for exercising any rights guaranteed under federal, state, or local law, or retaliation against any employee for supporting, assisting, testifying in, or otherwise participating in any investigation, hearing, administrative proceeding, or trial involving another MBCG employee's exercise of protected employment rights;
- D. Requests for accommodation based on a protected disability or religious practice;
- E. Allegations of fraud, waste, or abuse by government officials under the Georgia Whistleblower Act;
- F. Allegations of interference by MBCG officials in the free exercise of any of an employee's general rights of citizenship, such as freedom of speech, freedom of assembly, or the right to vote without undue influence by one's employer; or
- G. Allegations of improper medical inquiries or improper disclosure of information under the Americans with Disabilities Act;
- H. Allegations of violations of the Fair Labor Standards Act concerning the payment of minimum wages or overtime wages;
- I. Allegations of violations of the National Labor Relations Act;
- J. Allegations of violations of the Equal Pay Act;
- K. Allegations of unsafe or hazardous working conditions or practices within the MBCG;
- L. Allegations of violations of any of the compliance policies set for the in this Manual;
or

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- M. Allegations of other criminal acts or violations of state, federal, or local laws or regulations by any employee of MBCG acting within the scope of their employment.

IMPORTANT: If the designated compliance officer is an attorney in the County Attorney's Office, then that attorney has an ethical duty to serve as the representative of the MBCG in any legal proceedings that may arise out of an employee's grievance. In order to avoid putting employees in a situation of potentially having to report to an attorney who may oppose them, the Compliance Officer shall be authorized to hire outside attorneys to serve as confidential, neutral investigators.

Those investigators will be obligated to keep the contents of the investigation confidential, including from MBCG and the County Attorney's Office, and to prepare a report making factual findings of how events played out. Confidential investigators will be retained whenever an employee indicates a need to discuss a potential legal issue where the County or one of its employees is allegedly liable.

3. Human Resources:

The Human Resources Department shall designate employees as needed to receive, consider, investigate, and respond to employee grievances. The names and contact information of those designated employees will be made available to any MBCG employee upon request and will be maintained on the Human Resources Department page of the MBCG website.

In general, the Human Resources Department will consider, investigate, and respond to all employee grievances which do not actually allege or appear to allege violations of any protected right, or in which an employee expresses a desire to exercise a protected right. These categories of issues may include:

- A. Allegations concerning interpersonal disputes which do not allege violations of any protected employment rights;
- B. Allegations of annoying or inappropriate behavior or misconduct by superiors, peers, subordinates, or non-employees which do not allege any criminal activity or violations of any protected employment rights;

- C. Concerns about salary, benefits, job assignments, or similar issues which do not allege violations of any protected employment rights;
- D. Allegations concerning working conditions which do not allege violations of any protected employment rights;
- E. Requests for leave under the Family Medical Leave Act; or
- F. General questions or concerns about any aspect of an employee's position, salary, benefits, schedule, or work assignments which do not allege violations of any protected employment rights or seek to exercise any protected employment rights.

4. Conflicts of Interest:

No person who is personally the subject of any employee concern or grievance submitted to either the Compliance Officer or the Human Resources Department may participate in any way, except as a factual witness, in the consideration, investigation, or response to such concern or grievance. In such a case, the Mayor, County Manager, Compliance Officer, or Human Resources Director may designate alternative personnel, possibly including personnel outside of the MBCG, to temporarily fulfill the role of any employee who is prevented by a conflict of interest from performing their normal job duties with respect to a matter.

5. Exclusions:

- A. Review of disciplinary actions taken against an employee are handled elsewhere in this Manual, and are not subject to the grievances process except where an employee alleges that the disciplinary action itself is the result of a discriminatory practice or is a form of illegal retaliation, or otherwise violates the employee's protected legal rights.
- B. Duplicate or successive submissions of the same grievance will not be reconsidered unless there has been a material change in the available information, material additional factual developments or repeat occurrences of offending circumstances, or a change in the applicable laws or policies.

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- C. Grievances should not be filed by anybody except for an employee who is personally concerned or aggrieved by a matter. Reports in the nature of a complaint on behalf of another employee may not be considered.
- D. Where multiple individual employees file substantially similar grievances around the same time, then all substantially similar grievances may be combined and a single response issued which covers all of them.
- E. **Timing Provisions:** All grievances should be filed within five working days of when the employee first encounters or learns about the event or circumstance that is the subject of the grievance. If a grievance relates to a pattern of ongoing misconduct, then it should be submitted within five working days of the last known occurrence. If an employee wishes to escalate a grievance to a higher level in their Departmental Chain of Command, or to the Compliance Officer or Human Resources Department, then they should do so within five working days of the conclusion of the previous level of consideration. Grievances or requests for further review filed after an undue delay may be closed without resolution in the discretion of the reviewing personnel.
- F. The Departmental Chain of Command, Compliance Officer, and Human Resources Department shall all reserve the right to determine that a particular grievance that is filed is categorically outside of the scope of the grievances procedure. In such a case, the person making that determination shall inform the employee of their determination in writing, and, if known, should advise the employee regarding the appropriate channels for seeking a resolution to the matter in question.
- G. If, at any point in an investigation or any part of the review of any grievance, the reviewing officer becomes aware that the matter has been formally submitted to the jurisdiction of any government or law enforcement agency outside of the MBCG, including the internal affairs division of the Macon-Bibb County Sheriff's Office, then the MBCG will immediately cease and close its review of the matter, or any portion of the matter under formal review, without issuing any formal findings, conclusions, or recommendations. It is the policy of the MBCG to

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cooperate fully with any official outside governmental or law enforcement investigation.

PUBLIC GRIEVANCES

Members of the public may also bring grievances to the attention of the MBCG.

1. Title VI Complaints:

Allegations of any violation of rights under Title VI of the Civil Rights Act should be brought to the Compliance Officer. As of July 21, 2022, Resolution R-22-0141 of the Macon-Bibb County Commission has designated the Compliance Officer for MBCG as:

Michael McNeill
Sr. Assistant County Attorney
County Attorney's Office
3rd Floor, Macon-Bibb City Hall
compofc@maconbibb.us
478-219-4393
Internal Ext. 7671

In the event that the Compliance Officer changes, then the County Manager's Office or County Attorney's Office should advise member of the public of who the new compliance officer is.

2. Violations of Rights or Laws:

Allegations of any other violations or rights or laws should be brought to the attention of the Macon-Bibb County Attorney's Office.

3. Other Grievances:

Allegations concerning any other circumstances, conditions, or general grievances, or requests for policy rules or amendments, should be directed to the Department concerned, the County Commissioner who represents the complainant, or to the Mayor or County Manager of MBCG. Grievances of citizens or other members of the public should be resolved as quickly as practicable, and at the lowest level of the chain of command possible.

GRIEVANCES PROCEDURE

A “grievance” is any matter which a complaining employee or citizen feels is currently being, or will potentially be, carried out in a way that will or could result in any adverse effect to any person or to the MBCG, or which feels to the complaining employee or citizen to be unjust or unfair.

No punitive, discriminatory, adverse, or retaliatory action shall be taken against any employee on account of filing a grievance or an appeal unless such grievance or appeal is frivolous. Frivolous is defined as a grievance or appeal that is completely unsubstantiated or falsified.

All employees involved in processing a grievance will work diligently to ensure that all grievances are handled fairly and expeditiously and that all required deadlines are met. Every effort shall be made to resolve grievances at the lowest possible level in the MBCG. Grievances shall be resolved by making decisions that are best for the organization and employees. Not every grievance will be resolved to the employee’s satisfaction, but each grievance will be investigated, and the employee will receive a response. Department Directors shall be responsible for the administration of this procedure within their respective departments.

MBCG reserves the right to depart from this procedure in its sole discretion, including dismissing or disregarding any matters which are deemed to be frivolous or otherwise not appropriate for consideration or response. All employees are employed at will, and both they and MBCG may terminate the employment relationship at any time, with or without cause, without following any specific procedure.

1. Procedures within the Departmental Chain of Command:

- A. Employees may raise a grievance within their Departmental Chain of Command either verbally or in writing. If it is submitted verbally, the person receiving the grievance should reduce it to writing and send an email to the complainant to confirm that they have correctly characterized the issue. The person receiving the grievance should attempt to resolve the problem promptly, and in a fair and amicable manner. This means that they should attempt to investigate the grievance, obtain all relevant facts, and then make a decision and provide reasons for that decision within five working days. If at any time, it appears that an investigation and response cannot be completed within five working days, then the

person receiving the complaint should escalate the matter to the next level in the Departmental Chain of Command, up to and including the Department Head.

If the complainant is not satisfied with the decision of any person in the Departmental Chain of Command, then they may ask for that decision to be reviewed by the next person up the chain of command.

Employees within the Departmental Chain of Command reviewing the work of subordinates should discuss the decision and reasons given by their subordinate and should work as expeditiously as possible to review that decision. They should strive to respond to the complainant and their subordinates with a decision and supporting reasons within two working days if possible, or longer if further factual investigation is needed. Ultimately, the total process of escalation, if it goes all the way to the Department Head, should take no more than fifteen working days, if possible.

It is the responsibility of each Department Head to continuously review how MBCG departmental rules, regulations, policies, and operating procedures are being implemented and carried out within their respective department to ensure that all employees are receiving fair and equitable treatment. The Department Head is responsible for reviewing complaints by employees in their department and for assisting in arriving at the most satisfactory agreement or solution based on the facts and conditions that exist. Where the Department Head is also the immediate supervisor, the Department Head will have the same duties and responsibilities of a first-line supervisor as stated above.

- B. Citizens or members of the public may raise grievances to any MBCG employee, and those grievances should be resolved as quickly as practicable, and at the lowest level of the chain of command possible. If necessary, resolving such grievances may include referring the complainant to a supervisor or higher person within the Departmental Chain of Command, or to a different department, or to another official within the MBCG. All grievances of citizens should be handled in a way that respects the time, opinions, and dignity of the complainant, and complainants should be addressed courteously and professionally.

2. Procedures with the Compliance Officer:

Employees grievances filed with the Compliance Officer should be filed in accordance with the same timing provisions in Section 3.01 of this Manual, or should be filed within

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five working days of a complainant's receipt of a final determination of the Departmental Chain of Command. No such timeliness requirements shall apply to grievances of non-employee citizens or members of the public, provided that any undue delay in presenting a grievance to the Compliance Officer may be taken into account as part of the final report and recommendation in the matter.

The Compliance Officer is responsible for thoroughly and independently investigating a case, and for preparing a final report and recommendation on any matter presented to them. In an appropriate case, the Compliance Officer may conduct an intensive review of the relevant facts, which can include searching for relevant records; interviewing witnesses; and reviewing records or evidence from other sources. Where the Compliance Officer faces a risk of having to serve as adverse legal counsel to the complainant in the future, the Compliance Officer should instead refer the matter to a third-party neutral investigator. Because of the depth of these investigations, the Compliance Officer or neutral investigator may take up to forty-five days to complete their investigation.

The final investigation report should be a detailed narrative and legal analysis of the situation. If the Compliance Officer is an attorney for MBCG, or is working under the direction and supervision of an attorney for MBCG, the final report may be considered privileged attorney work product, and may not be subject to release to the complainant or the public.

The Compliance Officer shall not be empowered to directly make a decision as to the handling or resolution of a concern or grievance. However, the Compliance Officer shall advise the Mayor, County Manager, County Attorney, Department Head, and Human Resources Director as to the potential legal risks and liabilities presented by a situation, as well as recommended courses of action to mitigate future risks or liabilities. Once a policy determination has been made regarding how to handle or resolve a grievance, an appropriate member of the Department or MBCG will communicate that decision to the complainant and to all others involved as needed.

3. Procedures with the Human Resources Department:

Employees' grievances filed with the Human Resources Department should be filed in accordance with the same timing provisions in Section 3.01 of this Manual, or should be filed within five working days of a complainant's receipt of a final determination of the Departmental Chain of Command.

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The Human Resources Department is responsible for thoroughly and independently investigating a case, in conjunction with the Department Head and the complainant. In an appropriate case, the Human Resources Department may conduct an intensive review of the relevant facts, which can include searching for relevant records; interviewing witnesses; and reviewing records or evidence from other sources. However, no formal written report needs to be prepared. Because of this, the Human Resources Department may take up to fifteen working days to complete their investigation.

The Human Resources Department is a policymaking body for the MBCG. As such, the Human Resources Department may choose to directly make a decision as to the handling or resolution of a grievance, along with or over the objections of the Department Head. However, if the Human Resources Department's decision is contrary to the wishes of the Department Head, then the County Manager shall make the final determination. The County Manager shall also have the discretion to overrule the decision of the Human Resources Department and Department Head where appropriate. Once a policy determination has been made regarding how to handle or resolve a grievance, an appropriate member of the Department or MBCG will communicate that decision to the complainant and to all others involved as needed.

4. Procedures with the Macon-Bibb County Attorney's Office:

Citizens and members of the public may submit grievances at any time to the Macon-Bibb County Attorney's Office. The Macon-Bibb County Attorney's Office will determine on a case-by-case basis, and in coordination with the appropriate parties, whether any response is necessary and when to respond. The Macon-Bibb County Attorney's Office may refer the matter to any appropriate staff or departments within the MBCG for further handling, or may investigate any matter as needed. Except as provided for by law, there shall be no obligation on the part of the Macon-Bibb County Attorney's Office to provide any response to any grievances submitted directly to it by any employee, citizen, or member of the public. The Macon-Bibb County Attorney's Office will advise the government as necessary based on any information submitted to it.

GRIEVANCES OVERVIEW

For the convenience of employees, flow charts illustrating the grievance procedures have been included in Section 10, Annexes, at the end of this Manual. These flow charts may be used to help illustrate the grievance process. Because these flow charts simplify some of the details of the grievance process, the text in Sections 3.01-3.03 should be considered controlling over the text of the flow charts.

AMERICANS WITH DISABILITIES ACT

Nondiscrimination Statement, Grievance Procedure & Effective Communications Pursuant to the Americans with Disabilities Act of 1990, Section 504 of Rehabilitation Act of 1973, and ADA Amendments Act of 2008

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (“ADA”), Section 504 of the Rehabilitation Act of 1973, and the ADA Amendments Act of 2008, MBCG does not discriminate against qualified individuals on the basis of disability in the areas of employment, public accommodations, State and local government services, and telecommunications. Consistent with this policy, MBCG has designated a responsible employee to serve as MBCG’s ADA Coordinator and has adopted a grievance procedure for those individuals wishing to file a grievance.

Any individual who believes that he or she, or a specific class of individuals, has been subjected to discrimination on the basis of disability by MBCG may, by him or herself or an authorized representative, file a complaint under this part within 180 days of the date of the alleged discrimination. Filing the complaint with any appropriate Federal agency will satisfy the requirement for timely filing.

MBCG has designated an employee within the MBCG to coordinate its efforts to comply with and carry out its responsibilities under the ADA, including conducting reasonably prompt investigations of any complaints communicated to it alleging noncompliance with the ADA or related statutes or alleging any actions that would be prohibited by the ADA or related statutes. The Compliance Officer is identified in Section 3.01 of this Manual, entitled “Employee Grievances.”

Complaints should be addressed to the Compliance Officer, who has been designated by MBCG to coordinate ADA compliance efforts. If a different person is designated as the Compliance Officer in the future, then that information will be communicated to employees at that time. The following information is helpful for complaints filed with the Compliance Officer:

- Complaints should be in writing, but are not required to be, and should include such helpful information such as the name and address of the individual filing the complaint and a brief description of the alleged violation;

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- If the person filing the complaint wishes to have an in-person meeting to verbally file the complaint, an appointment should be made with the Compliance Officer by calling 478-751-7651;
- Alternative means of filing complaints, such as tape recordings, may be available for persons with disabilities upon request;
- Complaints may also be filed online by emailing the compliance officer to obtain the appropriate forms, and the MBCG shall continue to incorporate methods to provide for the accessible submission of complaints;
- A complaint should be filed within 180 days after the complaining party becomes aware of the alleged violation;
- An investigation, as may be appropriate, shall follow the filing of a complaint. The investigation will be conducted by the Compliance Officer, or the Compliance Officer's designated representative. This policy contemplates a prompt and thorough investigation, affording all interested persons and their representatives, if any, an opportunity to submit documents, photographs, and other information relevant to the complaint;
- A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the Compliance Officer or the Compliance Officer's designated representative and a copy of the written determination shall be forwarded to the complainant no later than 30 days following the conclusion of the investigation. Such determinations shall also, where appropriate, be issued in a format accessible to the complainant;
- The prompt and equitable resolution of the complaint filed hereunder will not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the appropriate Federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies;
- Complaints received by the Compliance Officer and the determination of the complaint following the investigation will be retained by the Compliance Officer for at least 3 years;
- These procedures shall be construed to protect the substantive rights of interested persons to meet appropriate legal standards and to assure that MBCG complies with the ADA and implementing regulations.

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Any individual who elects to first file a complaint with MBCG's Compliance Officer is advised that the above 180-day deadline for filing a complaint with the appropriate Federal agency still applies, and such deadline is not tolled by the filing of a complaint with the Compliance Officer.

In compliance with the ADA and related laws and regulations, MBCG will ensure that communications with individuals who have hearing, speech, vision, communication, cognitive limitations, or other such disabilities are as effective as communications with others in the delivery of its programs, services, and activities. Upon the request of a qualified individual with a disability affecting hearing, vision, speech or cognitive limitations, MBCG will furnish appropriate auxiliary aids and services where necessary to afford such an individual an equal opportunity to participate in and have access to MBCG programs, services, and activities.

A qualified individual who anticipates participation in any MBCG program, service or activity and requires an auxiliary aid or service should make a request for such auxiliary aid or service within 48 hours of the time the aid or service is needed. This is not required but is helpful to ensure that the auxiliary aid or service may be provided. The request may also be made by the qualified individual's authorized representative. MBCG may make reasonable requests for documentation regarding the qualified individual's disability and the appropriateness of, or need for, a specific auxiliary aid or service. MBCG will evaluate each request for an auxiliary aid or service on a case-by-case basis. Decisions for granting or denying an auxiliary aid will not be based on any generalized rules or broad policies. Such decision may include an evaluation of whether another equally effective auxiliary aid or service is available.

Auxiliary aids and services may include, but are not limited to:

1. Information presented in visual formats produced in 18-point font, audio tape format (including CD's), or Braille for the visually impaired;
2. Qualified readers for the visually impaired;
3. Telecommunication devices for the hearing or speech impaired;
4. Telephone handset amplifiers;
5. Assistive listening devices;
6. Qualified sign language interpreters for the hearing impaired or deaf individuals;

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7. Computer-aided real-time reporting;
8. Illustrative communications for individuals with cognitive disabilities;
9. Audio tapes;
10. Computer disks;
11. Any other similar auxiliary aid or service that may be reasonably available through advances in technology for the hearing impaired, visually impaired, and/or individuals with cognitive disabilities.

MBCG is not required to provide an auxiliary aid or service if such would “result in a fundamental alteration in the nature of [MBCG’s] program, service, or activity or in an undue financial and administrative burden.” See 28 CFR 35.150(a)(3).

Notification of this policy will be provided to MBCG employees and applicants, participants, and members of the public who have hearing, speech, vision, and cognitive disabilities in a manner determined by the Compliance Officer, including making the policy available in large print and audio format. A Human Resources Department staff member may also read this policy to a qualified individual upon request.

EQUAL OPPORTUNITY EMPLOYMENT, NON-DISCRIMINATION AND UNLAWFUL HARASSMENT POLICIES

Equal Opportunity Employment

The MBCG is an Equal Opportunity Employer. Applicants and/or employees will be treated fairly in recruitment, hiring, promotions, transfer, compensation, job assignment, training opportunities, benefits, discipline and all other employment-related actions. Employees and applicants will not be discriminated against on the basis of race, color, sex, gender identity, genetic information, religion, age, national origin, disability, veteran status, sexual orientation or political affiliation.

The MBCG has adopted a Non-Discrimination Policy (see below) to assure fair employment opportunities to all applicants and employees. Employees may seek informal resolution of alleged discrimination through the Human Resources Department. Employees may also file a grievance based upon a charge of unlawful discrimination, in response to a disciplinary action, or for any form of harassment.

It is the firm policy of MBCG that employees should be able to work in an environment free from all forms of discrimination; including sexual harassment and any other form of unlawful harassment covered under Title VII of the Civil Rights Act (*see Unlawful Harassment Policy, below*). Our goal is to provide uniform, consistent, and fair treatment of all similarly situated employees. We will not tolerate discrimination.

Equal Employment Officer

The Compliance Officer shall regularly review the implementation of the equal employment opportunity and personnel administration. His or her responsibility is to assure that equal employment opportunity is being actively practiced through reasonable performance related job requirements and standards. His or her findings shall be submitted to the Mayor and County Commission.

The Compliance Officer shall serve as the Equal Employment Opportunity Officer and shall, in that capacity, be authorized to investigate complaints of discrimination or violations of this policy.

Managerial accountability for equal employment opportunity

In order to ensure the accountability of supervisors, department heads, and directors in accomplishing equal opportunity employment, any willful or intentional violation of MBCG's policies on equal employment opportunity shall result in disciplinary action up to and including termination of employment.

Non-discrimination

The MBCG is firmly committed to a policy of non-discrimination in employment and to achieving equal opportunity for all applicants and employees. There shall be no discrimination exercised on the basis of race, national origin, color, gender identity, genetic information, religion, age, disability, sex (except where age, sex, or physical condition is a bona fide occupational qualification), veteran status, sexual orientation or political affiliation with respect to the recruiting and examination of applicants, hiring of eligible applicants, or in any personnel transactions affecting employees, including but not limited to, training, promotion and fitness of the individual, and other conditions of employment.

If employees believe that they have been discriminated against or subjected to unlawful harassment, they should immediately address their complaint to their supervisor, department head or elected official, the Human Resources Department, or the Compliance Officer. Once a complaint is received, the Compliance Officer or his/her designee will initiate an investigation.

Unlawful Harassment

The MBCG is committed to a work environment that promotes equal employment opportunities and is free from discriminatory practices, including harassment.

It is illegal and against MBCG policy for persons to harass, threaten, or intimidate other employees on the basis of their sex, race, gender identity, genetic information, religion, disability, national origin or age, or for any other reason.

Employees who believe that they have been the subject of such harassment must report the alleged act immediately to their supervisor, their department head, constitutional officer, independent elected official, the Compliance Officer, or the Human Resources Department. A complaint will be immediately investigated by the Compliance Officer, or where appropriate, a neutral independent investigator, in conjunction, where appropriate, with the employees' department. Supervisors, agents or employees who have harassed other employees on the basis of their sex, race, genetic information, religion, disability, national origin or age will be subject to appropriate disciplinary action up to and including termination.

MBCG policy also prohibits retaliation or interference, which includes threatening any individual or taking adverse actions against any individual for reporting a possible violation of this policy or for participating in any investigation conducted under this policy, or otherwise preventing an individual from reporting any possible violation of this policy or participating in any investigation conducted under this policy. Both retaliation and interference are prohibited, even where an investigation indicates that a claim is not meritorious, or that the alleged misconduct did not actually happen. MBCG does not discourage or obstruct employees and applicants from filing complaints with the Federal Equal Employment Opportunity Commission or other EEO agency. No adverse actions shall be taken against employees or applicants in retaliation for filing discrimination complaints, opposing discriminatory practices, or participating in the investigation of such complaints. Employees also are protected against retaliation for talking about discrimination not on their own initiative but when responding to questions during internal investigations. Supervisors or employees who retaliate against any individual in violation of this policy will be subject to disciplinary action, up to and including termination.

Non-employees are also covered by this policy. Harassment, discrimination or retaliation against our employees in connection with their work by non-employees is prohibited and should be reported. Likewise, this policy prohibits harassment, discrimination or retaliation by our employees against any non-employee. Any employee who experiences or observes such harassment, discrimination or retaliation should report it using the steps listed herein.

Sexual Harassment

Unlawful harassment in violation of this policy includes sexual harassment. Sexual harassment is defined as unwanted sexual attention which is considered offensive or persistent by reasonable standards from a person who knows, or reasonably should

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know, that such attention is unwanted. The definition includes creating an offensive or harassing environment; and offering, giving or withholding job benefits (assignments, promotions, salary adjustments, recognition, civility, etc.) when an employee does not accept or comply with the offensive behavior or sexual requests. Sexual harassment may apply to either sex, and includes same-sex harassment.

Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment, even if one of the incidents considered on its own would not be considered harassment.

While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct may include, but are not limited to:

- Unwanted sexual advances;
- Promising, directly or indirectly, a reward if the person complies with a sexually-oriented request;
- Threatening, directly or indirectly, to retaliate against a person if the person refuses to comply with a sexually-oriented request or advance;
 - Denying, directly or indirectly, an employee an employment-related opportunity if the employee refuses to comply with a sexually-oriented request; denying a contract employee, vendor or citizen a normal service to which they are entitled if they refuse to comply with a sexually oriented request;
- Engaging in sexually suggestive physical contact, touching, impeding, assaulting, or blocking movements of another person;
- Displaying, storing, or transmitting pornographic or sexually-oriented material using MBCG equipment or facilities;
- Sending sexually explicit, pornographic, or sexually-oriented text, photographs, videos, or other electronic communications to others via any medium, including emails, SMS/MMS messages, video calls, hyperlinks/URLs, contacts through any “app” or computer program or system without the express prior consent of the recipient;

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- Sending sexually explicit, pornographic, or sexually oriented images or videos of any person known personally to the sender or recipient, without the express prior consent of every person depicted therein, as well as the express prior consent of the recipient;
 - Taking surreptitious videos or photographs of any person in a way, or in a location, or from a perspective which intrudes or attempts to intrude upon their bodily privacy for the purpose or apparent purpose of sexual gratification;
 - Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, computer websites, emails, mobile phone pictures or messages, or other suggestive materials that are sexually demeaning or pornographic;
 - Possessing or bringing into the MBCG work environment any sexually demeaning, pornographic or other suggestive material to read, display or view at work;
1. Indecent exposure;
 2. Visual conduct that includes making sexual gestures;
 3. Verbal conduct that includes making or using derogatory comments, epithets, slurs or jokes of a sexual nature; verbal commentaries about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, notes or invitations.

This policy applies to employees while engaged in MBCG business or when representing MBCG on or off the workplace premises. Violation of this policy may subject the offender to civil damages or criminal penalties, as well as to disciplinary action up to and including termination of employment with MBCG. Employees filing false, frivolous, or retaliatory claims of sexual harassment may be subject to disciplinary action up to and including termination of employment. A copy of this policy, along with reporting information, will be posted on bulletin boards throughout MBCG buildings. New employees will be informed of this policy during orientation training; supervisors and managers will be trained periodically to reinforce their awareness of the requirements of this policy.

BREAK TIME FOR NURSING MOTHERS

MBCG complies with the provisions of the Patient Protection and Affordable Care Act (“PPACA”) which amended Section 7 of the Fair Labor Standards Act (“FLSA”) to require “reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child’s birth each time such employee has need to express the milk.” In accordance with the PPACA and O.C.G.A. § 45-1-7(c), MBCG will provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public that may be used by an employee to express breast milk.

MBCG provides a dedicated space for use by nursing mothers. MBCG recognizes the importance of this act of nurture for maternal and infant health and provides breaks to all nursing mothers irrespective of their status as exempt/non-exempt employees under the FLSA.

Under the FLSA and O.C.G.A. § 45-1-7(b), employers (including MBCG) are not required to compensate nursing mothers for breaks taken for the purpose of expressing milk when those employees are working away from their usual worksite. However, where employers already provide compensated breaks, an employee who uses that break time to express milk, even if working away from their usual worksite, will be compensated in the same way that other employees are compensated for break time. During such break time, the employee must be completely relieved from duty or else the time shall be compensated as regular work time.

Under O.C.G.A. § 45-1-7(b), any employee working at their usual worksite who requires paid break time for the purpose of expressing breast milk shall be entitled to paid break time of a reasonable duration, at their usual rate of compensation, and such break time shall be in addition to regularly scheduled break time. No employee shall be required to use leave in order to be compensated for break time taken to express breast milk at the employee’s usual worksite.

Employees using reasonable break time to express milk shall not be subject to discrimination or retaliation. Where feasible, employees desiring to express breast milk at their usual worksite shall also be afforded access, upon advanced written request, to suitable, limited access cold storage for the purpose of storing expressed milk.

Questions regarding the application of this policy should be directed to the Human Resources Department.

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT ("HIPAA")

Under the Health Insurance Portability and Accountability Act ("HIPAA"), MBCG is required to have in place appropriate administrative, technical, and physical safeguards to protect the privacy and security of Protected Health Information ("PHI"). MBCG is required to reasonably safeguard PHI from any intentional or unintentional use or disclosure in violation of the law, and to provide for notification in the case of any breach of unsecured PHI.

Protected Health Information ("PHI") is all individually identifiable health information held or transmitted by an entity covered by HIPAA or its business associate, in any form or media, whether electronic, paper, or oral. Individually identifiable health information is information, including demographic data that is related to (1) the individual's past, present or future physical or mental health or condition; (2) the provision of health care to the individual; or (3) the past, present or future payment for the provision of health care to the individual and which identifies the individual or for which there is a reasonable basis to believe it can be used to identify the individual.

This policy applies to all MBCG employees, including, but not limited to, full-time employees, part-time employees, temporary employees, retirees, spouses, eligible family members, trainees, volunteers, interns, vendors, and contractors.

The MBCG Human Resources Director is the designated Privacy Officer for HIPAA purposes. The privacy officer is responsible for the development and implementation of policies and procedures required for HIPAA compliance. The privacy officer also serves as the individual to whom complaints related to HIPAA should be communicated, and who can provide additional information about matters covered by the privacy notice.

HIPAA Definitions

- 1. Covered Entity** is a health plan, health care clearinghouse, or health care provider that transmits any health information electronically in connection with a covered transaction.
- 2. Breach** is the unauthorized acquisition, access, use, or disclosure of protected health information which compromises the security or privacy of such information.

Exceptions: Disclosures where the recipient of the information would not reasonably have been able to retain the information, unintentional acquisition, access, or use of the information by employees or persons acting under the authority of a covered entity or business associate, inadvertent disclosures among persons similarly authorized to access protected health information.

- 3. Business Associate** is a person who performs functions or activities on behalf of, or certain services for, a covered entity that involve the use or disclosure of individually identifiable health information.

Examples: third party administrators or pharmacy benefit managers for health plans, claims processing or billing companies, transcription companies, and persons who perform legal, actuarial, accounting, management, or administrative services for covered entities and who require access to protected health information.

- 4. Protected Health Information** is the individually identifiable health information held or transmitted in any form by HIPAA covered entities and business associates.

- 5. Unsecured Protected Health Information** is protected health information that is not secured through the use of a technology or methodology specified by the Secretary of HHS.

Covered entities and business associates that implement the specified technologies and methodologies with respect to protected health information are not required to provide notifications in the event of a breach of such information as the information is not unsecured. Technologies and methodologies utilized should include encryption and/or destruction techniques that render protected health information unusable, unreadable, or indecipherable to unauthorized individuals.

Encryption which will constitute securing of electronic PHI for HIPAA purposes involves the use of an algorithmic process to transform data into a form in which there is a low probability of assigning meaning without use of a confidential process or key. Electronic PHI is secured if it has thus been encrypted and if the confidential process or key has not been breached.

PHI is considered secure if the media on which the PHI is stored or recorded has been destroyed by one of the following methods:

1. *Paper, film, or other hard copy media have been shredded or destroyed such that the PHI cannot be read or otherwise cannot be reconstructed*
2. *Electronic media have been cleared, purged, or destroyed consistent with NIST Special Publication 800-88 Guidelines for Media Sanitization such that the PHI cannot be retrieved.*

6. Workforce Member is an employee, volunteer, trainee, and other person whose conduct, in the performance of work for a covered entity, is under the direct control of such entity, whether or not they are paid by the covered entity.

HIPAA Breach and Notification

The Health Information Technology for Economic and Clinical Health (“HITECH”) Act requires HIPAA covered entities to provide notification to affected individuals and to the Secretary of the Department of Health and Human Services (“HHS”) following the discovery of a breach of unsecured protected health information. In the event of a breach of unsecured protected health information at or by a business associate of a covered entity, HITECH requires the business associate to notify the covered entity. Breach notification requirements are also imposed upon vendors of personal health records and their third party service providers.

Procedure

In the event of a breach of unsecured PHI which compromises the security or privacy of the PHI, MBCG must make the following determinations, and adhere to the following procedure to notify affected individuals and HHS, where appropriate, that a breach has occurred.

- Determine whether notification is necessary by determining whether a use or disclosure of unsecured protected health information violated HITECH.
 - Was the information secured?
 - Was the disclosure of the information incident to an otherwise permissible use or disclosure?
- Determine whether the violation compromises the security or privacy of the protected health information.

- Does the disclosure pose a significant risk of financial, reputational, or other harm to the individual?
- Determine who impermissibly used or to whom the information was impermissibly disclosed.
 - Was the information disclosed to another entity governed by HIPAA rules?
 - Did the recipient of the information give assurances that the information will not be further used or disclosed or will be destroyed?
 - Is the recipient of the information willing to agree to a confidentiality agreement or a similar agreement?
- Determine if the information was returned prior to the information being accessed for an improper use. *Example: A stolen laptop returned before the information stored on the laptop has been accessed. However, **notification of a breach is not to be delayed in hopes of securing the information before the information is accessed for an improper use.***
- Determine the type and amount of protected health information involved in the impermissible use or disclosure.
 - Does the information pose a significant risk of financial, reputational, or other harm?
 - Does the protected health information include individually identifying information (i.e., name, address, birthday, Social Security number)?

If MBCG determines that a breach of unsecured protected health information has occurred and notification is necessary, the Privacy Officer must ensure that the following steps are adhered to:

- Notify each individual whose unsecured protected health information has been, or is reasonably believed by the covered entity to have been, accessed, acquired, used, or disclosed as a result of a breach.

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- A covered entity shall send the required notification without unreasonable delay **and in no case later than sixty (60) calendar days after the date the breach was discovered by the covered entity.**
 - A breach is discovered on the first day that the covered entity learns of the breach, or by the exercise of reasonable diligence would have been known to the covered entity.
 - A covered entity may take a **reasonable time** to investigate the circumstances surrounding the breach, in order to collect and develop the information that is required to be included in the notice to the individual.
 - Where an investigation is completed earlier than sixty (60) days, the covered entity must provide notice as soon as reasonable.
 - **Where an investigation is completed and the covered entity determines that a breach did not occur, notification is not required.**
- The notice to each individual shall include:
 - A brief description of what happened, including the date of the breach and the date of the discovery of the breach, if known;
 - A description of the types of unsecured protected health information that were involved in the breach (i.e., whether full name, Social Security number, date of birth, home address, account number, diagnosis, disability code, or other types of information were involved);
 - DO NOT INCLUDE A LISTING OF THE ACTUAL PROTECTED HEALTH INFORMATION THAT WAS BREACHED (e.g., a list of individual Social Security numbers);
 - Any steps individuals should take to protect themselves from potential harm resulting from the breach;

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- A brief description of what the covered entity involved is doing to investigate the breach, to mitigate harm to individuals, and to protect against any further breaches;
- Contact procedures for individuals to ask questions or learn additional information, which must include a toll-free telephone number, an e-mail address, a web site, or postal address.
- The following methods may be utilized to give notice to each individual affected by a breach of unsecured protected health information:
 - First-class mail to the last known address of the individual;
 - Electronic mail, provided the individual agrees to receive electronic notice and such agreement has not been withdrawn;
 - If the covered entity does not have contact information for the individual, the entity may provide substituted notice by:
 - In the case in which there is insufficient or out-of-date contact information for fewer than 10 individuals, then such substitute notice may be provided by an alternative form of written notice, telephone, or other means;
 - In the case in which there is insufficient or out-of-date contact information for 10 or more individuals, then such substitute notice shall:
 - Be in the form of either a conspicuous posting for a period of 90 days on the home page of the primary web site of the covered entity involved, or conspicuous notice in major print or broadcast media in geographic areas where the individuals affected by the breach likely reside; and
 - Include a toll-free phone number that remains active for at least 90 days where an individual can learn whether the individual's unsecured protected health information may be included in the breach.

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- Additional notice in urgent situations may be needed and should be completed by:
 - If the breach involves 500 or more individuals of a state or jurisdiction, the covered entity must provide notice to prominent media outlets. ***Notice to the media outlets is used to supplement notice to each individual and may not be used as substituted notice.***
 - Notice must be made to the prominent media outlets in the same time frame as written notice to each individual as discussed above.
- Notification to the Secretary of HHS must be completed:
 - When the breach involves 500 or more individuals (without regard for whether the individuals are in the same state or jurisdiction);
 - ***THIS NOTICE MUST BE DONE IMMEDIATELY. Immediately under HITECH means the covered entity must notify the Secretary of HHS concurrently as to when each individual is notified.***
 - When the breach involves less than 500 individuals the covered entity may keep a log of such breaches and submit them to the secretary annually.
- A business associate must notify the covered entity to which the breached information relates.
 - If the information relates to more than one covered entity, the business associate must notify all possible covered entities that may have been affected.
 - A business associate shall send the required notification to the covered entity without unreasonable delay and in no case later than sixty (60) calendar days after the date the breach was discovered by the covered entity.
 - A breach is discovered by a business associate on the first day that the covered entity learns of the breach, or by the exercise of reasonable diligence would have been known to the covered entity.
 - For the covered entity's notification purposes: If the business associate is an agent for the covered entity, the covered entity is said to have discovered the breach on the same day as the business associate. If the business associate is an independent contractor, the covered entity is

said to have discovered the breach on the day the business associate notified the covered entity of the breach.

- The business associate must provide the covered entity, to the extent possible, the identity of each individual whose unsecured protected health information has been, or is reasonably believed to have been, breached; a description of the types of unsecured protected health information that were involved in the breach; any steps individuals should take to protect description of what the covered entity involved is doing to investigate the breach, to mitigate harm to individuals, and to protect against any further breaches.
 - The business associate may provide the covered entity immediate notification of the breach and follow up with additional information on the identity of each individual before the sixty (60) day deadline.
- In cases involving vendors of personal health records and their third party service providers, it is appropriate for these vendors to provide the same notice as required of covered entities to each of individuals affected by the breach. Although the vendors' rules under the Federal Trade Commission may be different from the rules governing the covered entities, the vendors must follow the same rules as the covered entities.

Notice to Minors or Incapacitated Individuals

If an individual affected by the breach is a minor or otherwise lacks legal capacity due to a physical or mental condition, a covered entity may provide notice to the parent or other person who is the personal representative of the individual. If the individual is deceased, the covered entity may provide notice to the next of kin or the personal representative of the individual.

Appropriate notice of breach

Although there is not a page limitation on the notice, the notice should be written at an appropriate reading level and use clear language and syntax. The notice should not include language that distracts the individual from the purpose of the notice.

The covered entities who are obligated to comply with Title VI of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, and/or the Americans with Disabilities Act of 1990 should take steps that those with limited English proficiency and disabilities are able to

read and understand the notice and be willing to provide the notice in alternate mediums to ensure the individuals understand the implications of the notice.

Delay of notice to support criminal investigation

If a law enforcement official determines that notice of a breach of unsecured protected health information would impede a criminal investigation, notice can be delayed for up to thirty (30) days.

Administration

- a. The MBCG will train its workforce concerning this policy and MBCG's procedures regarding the privacy of PHI as necessary and appropriate for the workforce member to carry out his/her duties and specific job functions.
- b. Then MBCG will refrain from intimidating or retaliatory acts against any individual for the exercise of rights established in the breach notification.
- c. The MBCG will mitigate, to the extent practicable, any harmful effect that is known by MBCG to have occurred as a result of a use or disclosure of PHI in violation of HIPAA privacy rules.
- d. The MBCG will maintain documentation required to meet the burden of proof of MBCG in the event of a use or disclosure of PHI in violation of HIPAA, and will retain such documentation for a period of not less than six (6) years.
- e. ***Any MBCG employee who violates the provisions of HIPAA or this policy shall be subject to disciplinary action up to and including termination of employment.***

LIMITED ENGLISH PROFICIENCY

Macon-Bibb County Government recognizes the importance of effective and accurate communication between its personnel and the citizens of Macon-Bibb County. Language barriers can impede effective and accurate communication in a variety of ways. Language barriers can sometimes inhibit or even prohibit persons with limited English proficiency (LEP) from accessing and/or understanding important rights, obligations and services, or from communicating accurately and effectively in difficult situations. Ensuring meaningful communication ability between Macon-Bibb County personnel and all segments of the Macon-Bibb County community serves the interest of both.

Generally, accommodating members of the public with limited English proficiency means planning, and having accommodations in place, for interacting with those members of the public who have limited English proficiency. In particular, those significant populations which include over 1,000 local residents speaking a common non-English language should be anticipated for purposes of interacting with the MBCG, and accommodations should be provided wherever they reasonably can be in order to ensure meaningful access.

In order to achieve this goal of appropriately accommodating the limited English proficiency population in our community, the Macon-Bibb County Commission has adopted a Countywide limited English proficiency policy, which it updates from time to time. Employees are required to be familiar with the current version of the limited English proficiency policy at all times, and department heads are required to notify employees when there has been a material change to the policy.

In the course of their regular duties, any bilingual employees may be called upon from time to time to translate for members of the public seeking MBCG assistance or services if they can speak, read, and write in the same language as the member of the public.

The failure of any employee to make reasonable efforts to accommodate or communicate with any member of the public receiving any County services may be a basis for discipline. Violation of the MBCG limited English proficiency policy may also be a basis for discipline.

Employees who have any questions about the limited English proficiency policy, or who would like to receive a copy of the current policy, can contact the Human Resources department or County Attorney's office.

PRIVACY

It is MBCG's policy to comply with all laws, rules, and regulations with respect to the privacy and protection of confidential and personal information including "protected health information" as defined in the Health Insurance Portability and Accountability Act ("HIPAA") and personally identifiable information ("PII") as may be defined in relevant laws, rules, and regulations. MBCG employees are expected to be sensitive to confidentiality and privacy issues and to perform their job duties in a manner consistent with legal practices.

The following procedures with regard to employee privacy apply to all MBCG employees:

- a. Personal information such as, but not limited to, home address and telephone numbers, driver's license information, names of family members, health conditions of employees or family members, personal financial information, and other personally identifiable information such as Social Security Numbers or Federal Identification Numbers shall be protected and shall not be disclosed to any individual, vendor, or agency without a legitimate need to know, without express written permission from the employee or affected individual, or unless required by law.
 - Records containing personal information shall be secured as appropriate. In no circumstance shall records containing personal information be left open or unattended where unauthorized persons may access the information.
 - Individuals requesting personal information shall provide personal identification such as a photo id, government credentials, badge, or similar such material and legitimate proof of authority such as a warrant, court order, signed authorization from the person whose information is requested.
 - If there is doubt as to whether the personal information or documents containing personal information should be released, employees should contact the Department Head, Human Resources Department, or the County Attorney's Office.
- b. Information related to MBCG operations may be covered under the Georgia Open Records Act and may be subject to copying or examination by anyone requesting such information. Department Heads and managers shall, with

the assistance of the Macon-Bibb County Attorney or his/her designee, determine the parameters of obligations under the Georgia Open Records Act for their area of responsibility, and will train employees of their departments on the proper handling of Open Records Act requests. Employees should be aware that salary information, redacted personnel files, as well as other information concerning their positions of employment with MBCG may be subject to the Georgia Open Records Act.

- c. Special care should be taken to safeguard medical information about any MBCG employee, any employee's family member(s), and any citizen, vendor, or other person connected with MBCG.
- In the absence of express permission from the affected person, or from their legal guardian or holder of a lawful power of attorney, information concerning any of the following should not be released or otherwise disclosed, verbally or in writing:
 1. That a person is ill, hospitalized, has a disability, or is under a physician's care;
 2. Description of a person's symptoms, unless specifically work-related, i.e., to process leave under the Family Medical Leave Act, workers' compensation, return to work following leave, fitness for duty documentation, drug/alcohol investigation or documentation, or any other similar information;
 3. Description of the condition of a person beyond that which is officially given by a healthcare provider, i.e., "serious", "critical", "stable", etc.; or
 4. Diagnosis or prognosis.
 - Even where permission has been granted to reveal medical information, employees should exercise care and discretion in disclosing such information. This means avoiding casual conversations or gossip about an individual's condition.

Upon receiving notification that an employee or employee's family member has a serious medical condition or is hospitalized, the manager or supervisor should not disclose such serious medical condition or hospitalization. In the event that the

employee gives express permission for the release of information, it is appropriate for co-workers or other employees to send cards, notes, or flowers. In such situation, visiting the person or preparing meals for his/her family may also be appropriate, but must be authorized by the affected employee in advance.

- In the event that an employee develops a communicable illness which may have been transmitted to other employees, then care should be taken to notify those employees who were potentially exposed to the illness, and to do so in a way that is compliant with HIPAA and the Americans with Disabilities Act. Department heads or supervisors should consult with Human Resources and the County Attorney's Office before notifying employees of a potential exposure in order to ensure that employees' privacy is preserved.

TITLE VI COMPLIANCE

The MBCG assures that no person shall on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance. MBCG further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

The MBCG Compliance Officer and Departmental Title VI Coordinators are responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities as required by Title VI.

In order to achieve this goal of ensuring nondiscrimination in accordance with Title VI, the Macon-Bibb County Commission has adopted a Countywide Title VI compliance policy, which it updates from time to time. Employees are required to be familiar with the current version of the Title VI compliance policy at all times, and department heads are required to notify employees when there has been a material change to the policy.

The failure of any employee to fulfill the requirements of the Title VI compliance policy, or discrimination against any person in the provision of any government services on the basis of race, color, or national origin may be a basis for discipline. Violation of the MBCG Title VI compliance policy may also be a basis for discipline.

Employees who have any questions about the Title VI compliance policy, or who would like to receive a copy of the current policy, can contact the Human Resources department or County Attorney's office.

GEORGIA WHISTLEBLOWER ACT

In compliance with the Georgia Whistleblower Act and specifically O.C.G.A. § 45-1-4, MBCG encourages employees to report information concerning the possible existence of any activity constituting fraud, waste, and abuse in or relating to any state programs and operations under the jurisdiction of MBCG. In furtherance of this Policy, MBCG has designated the Compliance Officer as the individual to receive such reports. Employees may also make such reports to their Department head or immediate supervisor.

MBCG does not and will not adopt or enforce any policy or practice to prevent employees from disclosing violations of or noncompliance with a law, rule, or regulation to the Compliance Officer, their Department head, or immediate supervisor.

Employees shall not be retaliated against for disclosing a violation of or noncompliance with a law, rule, or regulation to the Compliance Officer, their Department head, or immediate supervisor unless the disclosure was made with knowledge that the disclosure was false or made with reckless disregard for the disclosure's truth or falsity. Employees shall not be retaliated against for cooperating with any investigation into any report made under the Georgia Whistleblower Act, or for supporting any report made by any other person concerning any activity within the jurisdiction of the MBCG under the Georgia Whistleblower Act.

Employees shall not be retaliated against for objecting to, or refusing to participate in, any activity, policy, or practice that the employee has reasonable cause to believe is in violation of or noncompliance with a law, rule, or regulation. This anti-retaliation provision does not apply to policies or practices which implement, or to actions by MBCG against employees who violate, privilege or confidentiality obligations recognized by constitutional, statutory, or common law.

Disclosure of the identity of an employee making such a report covered by this policy is prohibited without the employee's written consent unless MBCG determines such disclosure is necessary and unavoidable during the course of MBCG's investigation. If the employee's identity must be disclosed, the employee shall be notified in writing at least seven (7) days prior to such disclosure.

If an employee believes that he or she has been subject to retaliation prohibited under this Policy, the employee is encouraged to immediately report such retaliation to either his/her Department head, supervisor, or the MBCG Human Resources Department.

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Individuals found to be in violation of this anti-retaliation provision shall be subject to discipline up to and including termination of employment.

SECTION 4: PERSONNEL MANAGEMENT

POLICY	NUMBER
Disciplinary and Non-Disciplinary Personnel Actions	4.01
Personnel Action Review	4.02
Rehire Policy	4.03
Managerial Authority of MBCG Directors and Officers	4.04
Evaluation of Employee Performance	4.05

DISCIPLINARY AND NON-DISCIPLINARY PERSONNEL ACTIONS

It is the philosophy of MBCG that effective supervision, employee relations and commitment by employees to adhere to Macon-Bibb County and department policies in conscientious performance of job duties will avoid most matters which necessitate disciplinary action. Supervisors and managers are encouraged to work with Human Resources staff for guidance and assistance in applying disciplinary action. The purpose of Macon-Bibb County and departmental policies, and for disciplinary action imposed for infraction of such policies, is to ensure the rights of all and to secure cooperation, productivity, safety, and orderliness throughout the County for the benefit of the citizens and taxpayers of Macon-Bibb County.

This written disciplinary action policy, and the guidelines and forms of disciplinary action detailed herein, shall not limit, in any way, the absolute discretion of the authorized department head, supervisor, or other official to terminate employment at will except as otherwise limited by law, nor shall the opportunity to impose disciplinary action, up to and including termination of employment, be interpreted as creating a requirement for the specific reason for termination.

Employees of independent elected officials work at the pleasure of the elected official. Employees of Constitutional officers and independent elected officials are not covered by this policy unless the official in whose office they are employed has opted in to full coverage for their employees under this Manual by execution of an Election Form by an Elected Official contained herein. If any employee of a Constitutional officer or independent elected official desires to determine whether a particular official has opted in to this Manual, he/she may do so by contacting the MBCG Human Resources Department.

Sworn Bibb County Sheriff's Office personnel covered under the Bibb County Police Civil Service System and Board, created by an act of Georgia Law, as outlined in the MBCG Code of Ordinances.

Employees who are members of the Mayor's executive staff, including all department heads, are not covered by this policy, and shall work at the pleasure of the Mayor.

- A. **Disciplinary Action** Disciplinary action shall be taken as expeditiously as possible and as soon as a final determination is made that a violation has occurred. This normally should not require more than five (5) days after the occurrence is established

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or after a determination is made that discipline is to be based on multiple disciplinary actions which have occurred over a five-year period of time. If disciplinary action is delayed for administrative review or investigation purposes, the employee should normally be notified and advised that the imposition of disciplinary action is being considered. Notwithstanding anything in this Section 4.01, the failure to adhere strictly to the timing provisions herein, or to any other formalities as to form or notice shall not be a basis for invalidating any disciplinary action taken.

B. Probationary Employees Any former distinction between probationary and non-probationary employees under any prior version of this manual is hereby abolished. All employees of MBCG shall be considered “work at will” employees and both MBCG and the employee shall have the mutual right to terminate the employment relationship at any time, with or without notice, and with or without cause.

C. Purpose The purpose of this disciplinary action policy is to provide general, nonbinding guidance for administration, department heads, managers, and supervisory employees in the discipline of any subordinate employees. Nothing in this section should be construed as giving any employee any protected interest or right in their job or in receiving any particular form of process in the event of a disciplinary or non-disciplinary change of job status.

D. Forms of Discipline Department heads shall have the following options for addressing employee misconduct or taking disciplinary action, including the option to impose more than one form of discipline:

1. Non-disciplinary or disciplinary corrective counseling or referral to training;
2. Documented warning or reprimand;
3. Immediate removal from the workplace for the rest of the day without pay;
4. Reduction of compensation/rank within the range provided in the pay plan;
5. Suspension without pay for up to 10 working days;

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6. Temporary or permanent reassignment to a new job position, job location, shift, or schedule, which may be a position at a lower pay grade, or in a different department or sub-departmental unit;
7. Temporary or permanent reduction of hours, including from full-time to part-time;
8. Forfeiture of accrued sick, annual, or other paid leave hours;
9. Demotion of one or more pay grades;
10. Termination of FLSA-Exempt status, if applicable;
11. Termination of employment;
12. Limitation on eligibility for rehire; or
13. Any other form of employee discipline that is proportionate to an employee's misconduct or reasonable in light of the circumstances.

Department heads may delegate authority to assistant department heads, managers, and supervisors as needed, to impose discipline under Options 1, 2, or 3, above, or to recommend higher degrees of discipline to departmental leadership. However, only department heads, or, if authorized, assistant department heads, may impose discipline under Options 4 through 13, above. For purposes of this manual, those methods of discipline provided in Options 1, 2, and 3, shall be referred to as “non-reviewable disciplinary action,” while those methods provided in Options 4 through 13 shall be referred to as “reviewable disciplinary action.”

No department head or assistant department head shall be authorized to impose any reviewable disciplinary action unless the proposed action is first reviewed by the personnel action review team, as provided herein. Department heads or authorized assistant department heads proposing reviewable disciplinary action may, in their discretion, place the subject employee on paid administrative leave for a period of up to

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40 working hours for general employees, or 72 working hours for firefighters to allow time for the personnel action review team to review the matter.

In addition, any employee accused of any threats or acts of violence, sexual assault or misconduct, misconduct involving minors or vulnerable members of the community, abuse of a position of trust, fraud, theft, or compromising physical or technological security systems, shall be placed on indefinite administrative leave until the personnel action review process is completed. Only the first 40 working hours for general employees, or 72 working hours for firefighters shall be given as paid administrative leave, and employees who must remain on leave beyond that time will be required to either take unpaid leave or use accrued annual leave in order to receive pay until they are permitted to return to work. In the event that a suspension from employment is imposed, any days taken as unpaid administrative leave shall be counted towards the days served on such suspension. In the event that circumstances do not allow the employee to return to work for more than six months, then that employee shall be administratively terminated as of the last day of the sixth month following their last working day, but may reapply to work for MBCG again in the future if permitted under the MBCG Rehire Policy.

E. Example Grounds for Discipline

The categories of offenses set forth below are not to be considered absolute, but as guidelines dependent on the severity of the offense and the employee's past record of job performance and disciplinary measures. The lists represent some, but not all, offenses which will result in disciplinary action. Employees may also be subject to disciplinary action notwithstanding the fact that the acts which violated the policies of MBCG occurred while the employee was away from the job site or off-duty, if the effects or impact of the employee's actions are suffered by MBCG or any of its operations or employees. The personnel action review team will assist supervisors and department heads in investigation of incidents and in determining the appropriate disciplinary action to be applied.

Employees may be subject to disciplinary action for any conduct which consists of, causes, or contributes to any of the following:

- 1. The unreasonable failure of any employee to meet expected standards for working as scheduled, including without limitation:**

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- a. Failure to work assigned hours, including overtime, and including working overtime without permission of the supervisor or manager;
 - b. Taking more than the specified time for meal, break, or rest periods;
 - c. Taking breaks or rest periods at unreasonable or unapproved times, or at times which impede the ability of other employees to do their jobs;
 - d. Chronic tardiness, or chronically leaving before the end of a scheduled shift (6 times or more total in a 6 month period);
 - e. Chronic absenteeism (6 absences in a 6 month period, where consecutive workdays off are considered one absence);
 - f. Absence without permission or leave, or leaving the job during regular work hours without permission;
 - g. Taking leave in excess of accrued leave, except with prior approval in extraordinary circumstances;
2. **The unreasonable failure of any employee to meet expected minimum standards of productivity or performance while on the job, including without limitation:**
- a. Quitting work, wasting time, loitering or leaving assigned work area without permission;
 - b. Disregarding job duties as evidenced by loafing or neglect of work during working hours;
 - c. In continuous operations, leaving the work post at the end of the scheduled shift with no relief available;
 - d. Failure to meet required standards of productivity or quality;
 - e. Continual careless mistakes;
 - f. Interference with or disruption of another employee's performance of their job duties;
 - g. Sleeping during working hours unless otherwise provided for certain jobs, and only at times permitted by the supervisor;

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- h. Wanton and willful neglect in the performance of assigned duties;
 - i. Insubordination through the refusal to perform work assigned or to comply with written or verbal instructions of any responsible supervisor or Macon-Bibb County officer;
 - j. Habitual inefficiency, incompetence, or inadequate performance;
 - k. Concerted curtailment or restriction of production or interference with work in or about Macon-Bibb County work stations, including, but not limited to, leading or participating in any walkout, strike, slowdown, or other work stoppage or refusal to return to work when scheduled;
3. **The unreasonable creation or increasing of any risk of injury or harm to any person, or the unreasonable creation of any situation where the injury or harm suffered by any person would be worsened, including without limitation:**
- a. Violation of a safety rule or practice;
 - b. Failure to report an accident or injury incurred on the job;
 - c. Using or operating any equipment, tools, machinery, or device in an unsafe, reckless, or improper manner;
 - d. Engaging in horseplay, malicious mischief, or other disorderly conduct on the job;
 - e. Creating or contributing to unsafe or unsanitary conditions on the job;
 - f. Careless mistakes that affect the safety of Macon-Bibb County personnel or bystanders;
 - g. Unauthorized possession of any weapon, firearm, or explosive on the job (possession of explosives must be job-related and authorized by the County Commission or the supervising Macon-Bibb County officer)
 - h. Having a positive result for marijuana on any required employee drug test;
 - i. Having a positive result on any required employee drug test for any medications lawfully prescribed to the employee, which affect the employee's ability to

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- perform their job safely and effectively without first contacting Human Resources to request accommodations;
4. **The unreasonable creation of any social conditions which are unprofessional, discourteous, hostile, aggressive, or otherwise inappropriate with respect to any other person, including without limitation:**
- a. Use or possession of another employee's tools, equipment, or personal property without that employee's consent;
 - b. Discourteous treatment of the public, visitors, other employees, or any other person;
 - c. Threatening, intimidating, coercing or using abusive language toward fellow employees, supervisors, the public, or any other person;
 - d. Bullying;
 - e. Gambling or engaging in games of chance on the job;
 - f. Vending, commercial soliciting, or engaging in for-profit activities in the workplace;
 - g. Creating or causing unrest or division among employees; having or promoting a negative attitude that tends to undermine the mission or goals of an office or department;
 - h. Catcalling, harassment, insulting, or using slurs or abusive or derogatory language of any kind towards fellow employees, supervisors, the public, or any other person;
 - i. Making derogatory remarks about another employee's or member of the public's body, weight, height, hair, appearance, or dress except in the context of a supervisor counseling a subordinate on acceptable or professional attire or grooming requirements for that employee's position;
 - j. Other violations of Macon Bibb County's harassment policies;

- k. Insubordination through discourtesy, including, but not limited to, the use of abusive language to anyone with whom employee may have contact on the job, including citizens, vendors, other employees, or members of management;
 - l. Cruelty or mistreatment of subordinates, including but not limited to insulting, belittling, or yelling at subordinates; showing favoritism for inappropriate reasons; unreasonable denial of employment or development opportunities or of the enjoyment of any employment benefit in accordance with MBCG policies; unreasonable denial of scheduled employee breaks; or the chronic failure to maintain a professional and respectful working environment;
5. **The unreasonable misuse, loss, theft, damage, or destruction of Macon-Bibb County property, or the property of any person, including without limitation:**
- a. Violation of any cybersecurity, computer usage, social media, or telephone usage policy;
 - b. Violation of the anti-idling policy;
 - c. Failure to perform work in accordance with established verbal or written protocols, policies, procedures, or instructions;
 - d. Job-related careless mistakes damaging material, parts or equipment;
 - e. Deliberate misuse, destruction, damage, sabotage or pilferage of Macon-Bibb County property or the property of any employee or citizen;
 - f. Theft, attempted theft, or unauthorized removal of property belonging to Macon-Bibb County, a co-worker, or a citizen;
 - g. Giving any labor in an employee's official capacity or giving anything of value owned by MBCG to any private person or entity without a substantial benefit for MBCG;
6. **Fraud, deception, or knowing misrepresentation or omission of any fact material to the operation of any MBCG department, office, or function, including without limitation:**
- a. Any fact which is part of any internal policymaking or decision-making process;

- b. Any fact which is relevant to any internal investigation or audit of the activities of any person, incident, task, or operation of MBCG;
 - c. Any fact concerning the time, place, or manner of an employee's performance of work duties, or of the results of any work effort made by any employee;
 - d. Any fact which is presented to any court or tribunal as truth;
 - e. Falsification of any official MBCG records;
7. **Fraud, deception, or knowing misrepresentation or omission of any fact for the purpose or with the effect of improperly obtaining any undue benefit or thing of value from MBCG for any person, including without limitation:**
- a. Falsification of any job application materials;
 - b. Falsification of time cards or hours entries;
 - c. Failure to report any obvious overpayments of wages or of any sums owed to any vendor or employee;
 - d. Obtaining any undue leave, compensation, worker's compensation, or insurance benefits;
8. **Any condition which unreasonably tends to undermine the mission, policy objectives, or operations of MBCG or any office, department, function, or employee thereof, including without limitation:**
- a. Failure to follow any internal or departmental policies and procedures;
 - b. Failure to cooperate in any way in an administrative investigation conducted by any department, elected office, or by the Macon-Bibb County Attorney or his/her designee. This includes, but is not limited to, providing false or incomplete information, withholding information, failure to be available for an interview, refusal to be interviewed, failure to maintain confidentiality when instructed, and any conduct that hinders or interferes with the investigation;
 - c. Knowingly making any false statement or misrepresentation with respect to any official matter concerning the operations of MBCG, or with regard to any employment application or benefit;

- d. Collusion among employees to the detriment of another person or any function of MBCG;
- e. Using any MBCG equipment or resources for the purpose of conducting any personal business activities, or for the purpose of committing any mischievous or illegal act;
- f. Commission of any unethical act prohibited by the MBCG Ethics Ordinance, as amended;
- g. Making or publishing unauthorized statements which are presented as being official announcements or policy statements or official acts of MBCG, or any component thereof;
- h. Use of office, political influence, or bribery to secure an advantage in any private matter;
- i. Solicitation or acceptance of anything of pecuniary value from any person in exchange for taking or not taking any official action, or making or not making any official decision, except as expressly allowed under the MBCG gift policy;
- j. Engaging in, or giving the reasonable appearance or expectation of, any offer, use, or threats relating to any unjustified official action, decision, or inaction taken under color of law, in exchange for any person or entity suffering any private detriment or providing any private gain to any private person or entity;
- k. Conviction of any felony or misdemeanor which bears upon the trust, confidence, or responsibility required of an employee, based on that employee's job position;
- l. The loss by an employee of any license or credential required by law or by MBCG for the performance of their job;
- m. Repeated failure to follow the procurement, financial, or purchasing card policies of MBCG;
- n. Failure of departmental leadership, including, but not limited to, the substantial loss of confidence by subordinate employees; failure to perform core departmental functions in accordance with budget and staffing levels; widespread loss of talent; concealing, omitting, or misrepresenting significant

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operational problems or shortcomings; failure of communication; or other significant or systemic operational problems occurring at the departmental leadership; managerial; or supervisory levels;

9. **Any attempt to commit any act prohibited by this disciplinary policy, or to aid, assist, or conceal any other person's attempted or successful commission of any act prohibited by this disciplinary policy; or**
10. **Any other act, whether performed while on duty or off duty, which tends to impede or undermine the efficient and successful operation of MBCG or any component or function thereof.**

F. Zero-Tolerance Policy.

It is the policy of MBCG to make certain to the fullest extent possible that each employee and all citizens conducting business with MBCG at public buildings and facilities is provided with a safe environment which is free from violence or anti-social conduct. In support of that initiative, and in addition to the disciplinary provisions stated above, it is the policy of MBCG that there shall be zero tolerance for any conduct which consists of, attempts, causes, conceals, or contributes to any of the following, and that any employee found to have violated any such provisions shall be terminated from employment and ineligible for rehire within MBCG in accordance with the Rehire Policy provided herein.

1. The purchase, sale, possession, distribution, consumption, or use of any illegal drugs or controlled substances on MBCG property or while on the job for MBCG, except for medications lawfully prescribed to the employee, provided that employees who are taking prescription medications which affect their ability to perform their job safely and effectively should contact Human Resources to request accommodations;
2. Being intoxicated or under the influence of alcohol or any illegal drugs or controlled substances on MBCG property or while on the job for MBCG, except for medications lawfully prescribed to the employee, provided that employees who are taking prescription medications which affect their ability to perform their job safely and effectively should contact Human Resources to request accommodations;
3. Having a positive result on any required employee drug test, other than for marijuana or medications lawfully prescribed to the employee, provided that employees who are taking prescription medications which affect their ability to perform their job safely and effectively should contact Human Resources to request accommodations;

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4. Except as required for the performance of law enforcement functions, provoking, threatening, or instigating a fight on the job, fighting at any time on MBCG property (except for purposes of self-defense), or actions which result in intentional bodily harm to others while on the job;
5. Except as required for the performance of law enforcement functions or in cases of self-defense, brandishing any weapon on MBCG property;
6. Breaches of any security procedure implemented by MBCG or any official or employee under its authority;
7. Divulging information which threatens the security of MBCG personnel, property, or any computer network or system;
8. Sabotage of any property or equipment of MBCG through intentional misconduct or gross negligence;
9. Committing or threatening to commit an act of violence against any employee, supervisor, elected official, appointed official, or any other agent of Macon-Bibb County;
10. Sexual or racial harassment of an employee or citizen conducting business with Macon-Bibb County;
11. Intentionally discriminating against an applicant or employee in the terms or conditions of his/her employment or harassing or discriminating against any person on the basis of any protected class;
12. Knowing or intentional violation of Title VI or Title VII of the Civil Rights Act of 1964, or of any MBCG policies implementing Title VI or Title VII of the Civil Rights Act of 1964, as amended.
13. Retaliation against an employee for exercising rights under these policies or any state or federal law; opposing any practice made unlawful by Title VII; making a charge, testifying, assisting, or participating in a Title VII proceeding or

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investigation; or engaging in any action which dissuades a reasonable employee from making or supporting a charge of discrimination.

G. Failure in Performance of Duties

In addition to the disciplinary provisions above, any employee whose work is unsatisfactory over a period of time should be notified by the supervisor of the deficiencies in their work, and of what must be done to bring the work to a satisfactory level. Unless the employee's actions are severe, the employee should be warned either orally or in writing at least once before discipline is imposed.

In most cases where the employee's actions are not severe enough to require immediate disciplinary action, a three (3) step procedure can be a helpful and constructive guideline to follow: First, the supervisor should give non-disciplinary coaching or corrective counseling, or ensure that the employee has appropriate training for the duty assigned. Second, the supervisor should issue a written warning, to be signed by the employee and setting forth the points covered in correcting the performance deficiency. This written warning provides notice to the employee that corrected performance must take place immediately to avoid application of more stringent disciplinary action. Third, for minor performance issues, the supervisor may give an additional written warning to the employee, as a final warning, outlining the employee's continuing failure to correct performance issues, and stating that disciplinary action will be applied in the instance of any future infraction.

Department directors shall have the discretion to set departmental policy regarding whether and how written warnings are used. At the option of the supervisor, manager, or department head, direct discipline may be imposed against an employee for any violation of the disciplinary policies, including for performance issues, regardless of whether a prior written warning was given to that employee.

Written warnings and other corrective actions should all be documented on forms provided by the Human Resources Department, and placed in the employee's personnel file.

H. Record of Disciplinary Action

In all cases of disciplinary action, excluding disciplinary corrective counseling or referral to training, an appropriate form or a disciplinary memorandum/letter shall be completed, and will include the following information:

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1. Nature of the Offense-circumstances, date, time, etc.
2. Previous applicable discussions/training or active warnings in file
3. Future expectations for the employee's performance
4. Consequences of future infractions

The employee will be provided with a copy of the completed form or disciplinary memorandum/letter and will be asked to sign to acknowledge receipt of the copy. The employee shall be provided with an opportunity to respond in writing to the disciplinary action. Such written response must be provided within two (2) business days and will be placed in the employee's personnel file.

I. Immediate Removal from Workplace

In any case where there is a plausible allegation of severe misconduct by any employee, including without limitation, criminal activity; violence or threats of violence; combative behavior; misuse of any weapon, machine, or dangerous implement; physical, verbal, or sexual harassment or abuse of any other person; creation of security or cybersecurity vulnerabilities; mistreatment of children, animals, or vulnerable persons; or any other misconduct which, in the opinion of the supervisor, manager, director, or MBCG would create an unreasonable risk of further harm in the event that the employee remains at work, that employee shall be immediately relieved of their current duties and dismissed from work for the remainder of the day. The department director or county officer in that employee's chain of command shall then contact the employee once it has been determined whether or when the employee will be allowed to return to work. In the event that the employee is referred for a termination investigation, the employee's period of paid suspension shall begin from the moment that employee was first directed to leave the workplace as a result of the incident or matter in question.

J. Termination Investigation

Upon the commission of any Zero-Tolerance offense, or any action for which termination is proposed, the authorized supervisor or department head shall immediately dismiss the employee for the remainder of the workday and contact the Human Resources Department. The matter will then be referred to the personnel action review team as provided in Section 4.02. Employees accused of commission of an offense for which termination is proposed will be suspended from employment with pay while the charge is

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referred to the personnel action review process provided in this manual. The paid suspension pending termination investigation should not exceed ten (10) business days except in extraordinary circumstances. If a period of suspension needs to extend longer than ten business days, then it will generally be as an unpaid suspension thereafter.

K. County Manager Review

Employees who receive disciplinary action shall not have the right to appeal the disciplinary action through any formal process, but in the case of reviewable disciplinary action, they may submit information for the County Manager's consideration in accordance with the personnel action review process outlined in this manual. This provision shall not give any employee any legitimate expectation of continued employment.

L. Non-Disciplinary Changes in Job Status

Where a department head or authorized subordinate employee finds that current staffing arrangements are not effective at meeting the needs or goals of the department or the departmental subunit, then they may exercise managerial discretion to make non-disciplinary changes to the job status of one or more employees as follows:

1. Employees may be terminated;
2. transferred to a different department or departmental subunit;
3. moved to a different work site or different job schedule;
4. reassigned to a different job title; or
5. otherwise have job duties modified as needed to reflect the needs of the department or departmental subunit.

All of these actions shall be subject to the availability of a suitable vacancy, if applicable, and the approved organization charts and budgetary allocations of the receiving department, as well as the Macon-Bibb County Reduction in Force policy. If an employee is transferred to a different job, job status, schedule, work site, or other position within MBCG, then efforts shall be made to offer the employee a position that is comparable in qualifications, duties, salary, authority, and prestige to the extent that such a position is available and the employee is qualified. Non-disciplinary terminations or involuntary changes in job status which affect an employee's job title or which would result in the

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employee losing any amount of pay shall be subject to review under the personnel action review process in the same manner as reviewable disciplinary actions.

PERSONNEL ACTION REVIEW

A. Initiating Personnel Actions

Before any disciplinary or involuntary, non-disciplinary personnel action is initiated, the department head or subordinate employee delegated with appropriate authority shall:

1. Review the facts of the incident(s) or circumstances and any applicable department rules or regulations.
2. Review the circumstance or evidence (documentation, statements of witnesses, etc.) that substantiates the decision to take a personnel action, including any mitigating factors.
3. Review previous disciplinary or other personnel actions taken to ensure that the action considered is consistent with previous actions taken with respect to the same employee or other employees under the same or similar circumstances.

B. Applying Disciplinary Action

Disciplinary action can range from corrective counseling up to and including termination of employment, with or without the loss of other employment benefits, depending on the severity of the offense and the employee's past record of job performance and any prior disciplinary actions. It is the responsibility of all department heads and authorized assistant department heads to apply this policy with consistency. If a department head or authorized assistant department head is contemplating disciplinary action, they may contact their personnel action review team for recommendations or guidance in applying disciplinary action; the ultimate determination of the level of disciplinary action to be imposed, however, remains with the department head or authorized assistant department head.

In all cases of disciplinary action, excluding disciplinary corrective counseling or referral to training, the employee issuing the disciplinary action is required to complete a record of the disciplinary action in accordance with Section 4.01 of this manual.

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MBCG reserves the right to apply or begin disciplinary action at any level, including for first offenses. Previous disciplinary action may be taken into account when considering disciplinary action, whether the new incident is similar in nature to the previous incident(s) or not. Department heads or authorized assistant department heads should also consider the severity and nature of the incident, whether there are multiple or repeat violations, and the overall circumstances of the incident when considering disciplinary action.

C. Personnel Action Review Team

Any time a department head or authorized assistant department head desires to impose reviewable disciplinary action on any employee, or any involuntary, non-disciplinary changes in job status in which termination is imposed or in which an employee's job title is involuntarily changed or their wages or pay are reduced in any way, they shall notify the Director of Human Resources or their designee, using a form provided by Human Resources for such purpose. The form shall include the name of the employee, their job title, the name of the employee's direct supervisor, a brief factual narrative of the basis for the personnel action, the personnel action proposed, and copies of any supporting documentation or witness statements.

Upon receiving notice that a department head or authorized assistant department head is requesting to impose reviewable disciplinary action or involuntary, non-disciplinary changes in job status on any employee, the Director of Human Resources or their designee shall notify the County Manager and the County Attorney's Office that a personnel action review team needs to be formed.

The personnel action review team shall consist of:

1. The Director of Human Resources, or their designee;
2. The County Attorney, or their designee; and
3. The head of a department other than the subject employee's department, as chosen by the County Manager, or their designee.

The role of the personnel action review team shall be to:

- (1) make sure that disciplinary decisions are roughly consistent over time and across different departments within MBCG;
- (2) make sure that the alleged factual basis of the discipline is factually evident, and a bona fide reason for imposing employee discipline;

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- (3) make sure that proposed discipline is not being offered for an improper or illegal purpose, such as discipline which discriminates against members of a protected class, or seeks to punish those who exercise their protected civil rights;
- (4) in cases where multiple employees are being disciplined for the same events or reasons, make sure that disciplinary action is roughly proportionate to the relative culpability and responsibility of each individual involved;
- (5) give deference to the managerial discretion of departments where a proposed disciplinary decision is consistent with the above considerations; and
- (6) in cases where termination is imposed, or a recommendation is made for ineligibility for rehire, determine the eligibility of the employee for rehire, which shall be binding on all MBCG departments and offices.

The personnel action review team should communicate as soon as practicable after the third member is appointed to discuss each proposed disciplinary matter, and should work with deliberate speed to bring each matter to a resolution. However, the personnel action review team shall not complete consideration of any reviewable disciplinary matter until after the two business days allowed for the employee to submit a written response have passed.

If necessary, the personnel action review team shall be authorized to speak with the requesting department head or any employee, or to request additional information or documents about the subject incident(s). Except for employees or others specifically invited to give input by the personnel action review team, the meetings and deliberations of the personnel action review team shall be closed to other participants and treated as privileged and confidential.

The personnel action review team shall be authorized to accept or revise the proposed disciplinary action, or to find that no discipline at all is warranted. The personnel action review team may also impose discipline on other employees involved in the same incident or activities if discovered during the consideration of any disciplinary matter. The personnel action review team shall reduce its decision and reasons therefor to writing and provide a copy to the County Manager, the department head who initiated the disciplinary action, and the subject employee(s). If the employee is terminated, the notification shall indicate such and shall provide the date of separation. In addition, where termination is imposed, the personnel action review team shall determine the eligibility of the employee for rehire, which shall be binding on all MBCG departments and offices. The

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determination of a plurality of the members of the personnel action review team shall be controlling, provided that if no plurality can be reached, then the matter shall be referred to the County Manager to make a decision.

D. County Manager Review

If the employee or their department head disagree with the decision of the personnel action review team, then either may submit a written statement to the County Manager, either via email or in hard copy, within five business days of the decision, requesting the County Manager to review the decision. The County Manager should review any such requests expeditiously, and may revise the decision, including eligibility for rehire, if in their discretion, another result would be in the best interests of MBCG.

In addition, the County Manager may revise any decision of the personnel action review team on their own initiative if, in their discretion, another result would be in the best interests of MBCG.

Upon review at the request of the employee or their department head, or upon revising any decision on their own initiative, the County Manager shall notify the employee, the department head, and the members of the personnel action review team of their decision. Any decision of the personnel action review team not reconsidered by the County Manager, or any decision revised by the County Manager, shall be final. The County Manager shall have the discretion to receive new information discovered or presented in a timely manner after their decision, and to amend their decision if appropriate, but the County Manager shall not be required to consider any new information presented after their disciplinary decision is made.

Nothing in this Manual is intended to create any judicial, quasi-judicial, or adversarial process, or to create any right of judicial review or further appeals for any employee facing any disciplinary action. Nothing in this Manual is intended to create any property interest of any employee in their employment with MBCG. This process is intended only to provide assistance from a purely internal administrative perspective to maintain the consistent and predictable operation of the government, without intending to create any reliance interest in a certain outcome from any particular set of facts or for any particular employee.

E. Protected Employee Activities

Notwithstanding any other provisions in this manual, employees may not be disciplined for exercising their civil rights guaranteed by the constitution and laws, and to that end shall not be disciplined for such things as:

1. Becoming a member of a political club or organization and enjoying complete freedom from all interference in casting their vote;
2. Seeking signatures to any initiative or petition on any matter of public concern, or directly affecting their rates of pay, hours or work, working conditions, retirement or other benefits on their own time;
3. Publicly criticizing Mayor and County Commission or other Macon-Bibb County officials as long as such criticism is not obscene, defamatory, unlawful or made with reckless disregard for truth or falsity and does not undermine workplace operations or confidential relationships necessary to the proper functioning of MBCG;
4. Voting or choosing not to vote or advocating on their personal time and in their personal capacity for any result in any electoral contest or referendum;
5. Engaging in protected organizing activities;
6. Serving on a jury or grand jury;
7. Military service protected under USERRA;
8. Participating in any peaceful demonstration or protest; or
9. Taking any other action that is similarly protected under state or federal laws.

The Human Resources Director and the County Attorney or their designees are available to department heads and employees alike who seek advice regarding what activities or conduct may or may not be an offense against the employment relationship and the application and interpretation of this guideline.

REHIRE POLICY

A. **Eligibility Periods for Rehire** Upon separation from employment, every employee shall be immediately classified with respect to their eligibility for rehire with MBCG. In general, rehire eligibility should be classified according to one of the following time frames:

1. **Eligible** – The employee is immediately eligible for rehire for any position in MBCG for which they are qualified.
2. **Indefinite Ineligibility** – The employee is not eligible for rehire for an indefinite period of time. This classification should be used when there is something pending which, because of its uncertain outcome or duration, would be impossible to make a determination at the time of separation. The specific circumstances supporting an indefinite ineligibility should be well documents with the separation records, and upon the eventual termination of the pending matter, a new determination as to eligibility can be made based on the outcome of the matter.

For example: If an employee is arrested for a serious crime, and is going to trial to fight the charge, it may take a year or more for the trial to come. In that case, the employee would be separated. If the employee is acquitted of the crime, they may be eligible to reapply and return to work, whereas if the employee were convicted of the crime, they might not be. Because of this, the employee should be classified as indefinite ineligibility, and the circumstances of the employee's arrest and charges should be document. After the employee's trial, if the employee reapplies to work from MBCG, then the indefinite ineligibility can be reconsidered and a new classification can be given.

3. **One Year of Ineligibility** – In cases where an employee separates from employment under circumstances where, at the time of separation, the employee may pose a risk of creating or contributing to things like poor performance, carelessness, interpersonal issues, inefficiency, ineffectiveness, or harm to the operations of MBCG or any department or employee thereof, but there is a reasonable possibility that the employee might, with additional

experience, education, maturity, or training, be able to return in the future and perform as an effective employee, then the employee should be classified as ineligible for rehire for a period of one year from the date of separation.

4. **Permanent Ineligibility** – In cases where an employee separates from employment as a result of extreme, threatening, violent, criminal, or dangerous circumstances; or as a result of sexual misconduct, mistreatment of vulnerable persons, or children or animals; or as a result of violating one of MBCG’s zero-tolerance policies, then the employee should generally be considered permanently ineligible for rehire with MBCG. In rare cases where permanent ineligibility may otherwise be called for, exceptional mitigating circumstances may allow for indefinite or other terms of ineligibility instead.
 5. **Other Ineligibility Period** – In general, the preceding four classifications should adequately address the rehire eligibility limitations of nearly all separated employees. If there is an unusual circumstance that is not adequately addressed by one of the preceding classifications, then MBCG shall have the ability to impose any other term of rehire ineligibility on any separated employee.
- B. **Cause Not Required** – Determinations for eligibility for rehire may be made for any lawful reason or no reason at all. No degree of cause or justification shall be required to impose a period of ineligibility for rehire on any person, or to impose permanent ineligibility for rehire.
- C. **Classification Procedure** – Whenever any employee separates from employment with MBCG, regardless of the circumstances of the separation, the employee’s supervisor, manager, or department head shall complete a personnel action form and shall make a recommendation as to the employee’s eligibility for rehire. Employees who separate from employment on good terms shall be considered eligible for rehire, and a determination that the employee is eligible for rehire after separating on good terms should not generally require any further review.

If a supervisor, manager, or department head recommends any period of ineligibility for rehire, then that shall be considered a reviewable disciplinary action,

and referred to the personnel action review team for handling according to its usual procedure.

- D. Eligibility Determinations Binding** – Any determination of eligibility for rehire which is made for any person separating from employment on or after July 1, 2023, shall be binding upon MBCG for as long as this policy remains in effect. No MBCG department or office shall be permitted to hire any person in any capacity while that person is under a determination of ineligibility for rehire. Any job offers made in ignorance of a person’s status as being ineligible for rehire shall be void and may be revoked immediately upon discovery of the error, including any time after the employee begins working as a rehire pursuant to such job offer.

This rehire policy will not be binding on state officers or constitutional officers, provided that if any former employee applies through Human Resources for any position with a state officer or constitutional officer, then the hiring office shall still provide the notification to the hiring officer as required under this policy, but the hiring officer may exercise their discretion to hire notwithstanding a determination of ineligibility for rehire.

- E. Notification of Eligibility Status** – It shall be the duty of the Human Resources department to verify for every job applicant for every position within MBCG (1) whether the applicant has ever worked for MBCG or any other office serviced by the MBCG Human Resources Department previously; and (2) if so, whether the applicant is eligible for rehire.

For any applicant who has worked for MBCG or any other officer serviced by the MBCG Human Resources Department:

1. If they are eligible for rehire, then Human Resources shall attach a copy of that applicant’s personnel file to the submitted application prior to delivering the application to the hiring department; and
2. If they are ineligible for rehire for an indefinite period of time, and the employee has not applied for any position in MBCG in the previous twelve months, then Human Resources shall refer the application to the personnel action review team to determine whether circumstances have changed sufficiently to allow

the former employee to be reclassified as either eligible for rehire or ineligible for rehire for a definite period of time. If they have, then the employee's rehire status shall be reclassified according to the new determination. If circumstances have not changed sufficiently to allow reclassification, or if the employee has applied for any position in MBCG within the previous twelve months, then Human Resources shall notify the hiring department that an application was received by the named individual applicant, but that it was screened out of the application pool because the applicant is ineligible for rehire for an indefinite duration, and describe the circumstances that were the basis for the indefinite ineligibility determination.

3. If they are not eligible for rehire for a definite period of time, then Human Resources shall notify the hiring department that an application was received by the named individual applicant, but that it was screened out of the application pool because the applicant is ineligible for rehire, and shall state the duration or date when the applicant would become eligible for rehire again.

F. Review of Indefinite Ineligibility – Any former employee who was classified at separation as being ineligible for rehire for an indefinite period of time may contact Human Resources no more than one time per consecutive twelve-month period to request a review of their ineligibility classification. If the employee has applied for any position within MBCG within the previous twelve months, where a review of the employee's eligibility classification was performed, then that review shall count towards the once-per-twelve-months limit stated in this policy. When making such a request, the former employee should provide Human Resources with any pertinent records or other information that might show that the circumstances supporting indefinite ineligibility have resolved, and what the outcome of the circumstances was. Upon receiving such a request, Human Resources shall refer the matter to the personnel action review team to consider in accordance with its usual process, and then report the results of that consideration back to the former employee.

G. Periodic Review of Indefinite Ineligibility Not Required – Except in cases where an indefinitely ineligible former employee actually applies for a position within MBCG, or requests reconsideration in accordance with this policy, there is

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no need for the personnel action review team to review any classification of indefinite ineligibility previously imposed.

MANAGERIAL AUTHORITY OF MBCG DIRECTORS AND OFFICERS

Department directors and county officers are expected and required to manage their departments in a manner that complies with all applicable federal, state, and local laws and regulations, as well as any policy directives, goals, or priorities established by the Commission, Mayor, or County Manager.

Subject to the foregoing, department directors and county officers are authorized to exercise broad general discretion over all operations and labor under their charge. This could include policies addressing the time, place, and manner in which any assignment is carried out; the allocation of work among employees in a manner that is consistent with their job duties; or other policies generally dealing with the management of any component or components of the operations or labor within their individual department or office, or any subunit thereof.

Where no policies or laws govern a particular component of any department's or office's operations, the director or county officer may adopt or change a policy applicable to everyone in their department or office whenever they feel that it is necessary to do so. Department directors or county officers may also delegate policymaking authority, generally or on specific subjects or issues, to subordinates in their discretion.

All employees are required to follow the policies of the department director or county officer under whom they work, provided that employees shall not be disciplined for failing to follow policies which they did not know about and did not have reason to know about.

Whenever any authorized policymaker makes a new departmental or office policy, or amends an existing policy, that policy should be reduced to writing, communicated to all affected employees, given a reasonable implementation timeline, and recorded in a book or binder or electronic record with all other departmental or office policies.

Policies or practices relating to routine matters or minutiae which can be trained generally as part of normal operations do not need to be reduced to writing and recorded, so long as employees are reasonably trained with respect to those matters.

EVALUATION OF EMPLOYEE PERFORMANCE

This policy applies to all full-time and part-time MBCG employees.

MBCG has established a uniform method of evaluating an employee's job performance for the purpose of employee development. Official performance appraisals for both full-time and part-time employees will be completed as scheduled by Human Resources.

Managers or supervisors may choose to delay an employee's official performance appraisal if the employee has been absent or on leave for a significant period of time during the relevant review period. Any such decision to delay a performance appraisal should be communicated to the Human Resources Department.

Employees are evaluated on work-related performance including quantity and quality of work, general work habits, and other factors directly relating to individual task performance. The performance appraisal must be signed by the employee, the supervisor preparing the appraisal, and must continue through the chain of management to the department head, elected official, or designee.

The employee performance appraisal is intended to be and must be an honest and complete assessment of an employee's job performance. The supervisor must use the performance appraisal to make note of both the positives and the negatives related to an employee's performance, and should make specific note of any challenges and deficiencies in performance. The performance appraisal should also set forth a plan for improvement of employee performance where appropriate. Failure by the supervisor and/or department head to honestly assess and record an employee's job performance during a performance appraisal can give rise to difficulties where an objective review of the employee's performance history may be needed for other purposes later in the employee's career.

DEFINITIONS

- **Employee:** All full-time and part-time employees on the payroll of Macon-Bibb County who have been employed with Macon-Bibb County for more than six months.
- **MBCG Performance Review Form:** The performance evaluation form to be completed on each MBCG full-time and part-time employee.

- **Satisfactory Performance Standard:** When an employee is performing the duties and responsibilities for his or her job at the level of efficiency for which he or she is being paid to perform.
- **Unsatisfactory Performance:** When the employee is not meeting the performance standards required for the compensation being paid.
- **Above Satisfactory Performance:** When an employee is exceeding the performance standards of a satisfactory performer. The type of performance should be noted in the comments section of the MBCG Performance Review form.

Performance Evaluation Procedures

Each party involved in the process of evaluating an employee's job performance has specific responsibilities, which are outlined below:

- **Evaluating supervisor:** The immediate supervisor is responsible for determining and apprising the employee of the performance requirements established for the position, assigning work to the employee, developing the employee's capabilities on the job and evaluating the employee's overall performance. The supervisor establishes and/or monitors the performance requirements and (a) compares the employee's actual performance with the performance requirements of the job and pay received for performing the duties spelled out in the position description, (b) discusses the results of the employee performance evaluation with the employee, (c) plans with the employee for needed improvements or job development of activities that will help the employee grow in the position, (d) completes the MBCG Performance Evaluation form before the employee step date and (e) forwards the completed evaluation form to the next level supervisor or to the department head.
- **Department head:** (a) Directs the implementation of the employee performance evaluation plan within their department, (b) reviews the performance evaluation submitted for consistency and adherence to this employee performance guideline, (c) follows up to see that each employee is evaluated and that the evaluation has been discussed with the employee and (d) maintains the discipline necessary to ensure the employee's performance evaluation is meaningful and that employees who are in disagreement with their evaluation are given an opportunity to discuss it with not only the supervisor but their department head. Employee evaluations cannot be changed

without the concurrence of the evaluating supervisor. "Department head" includes elected officials, appointed officials, and other MBCG officials.

- **Employee:** The employee is responsible for (a) working cooperatively and diligently to perform his or her job to the best of his or her ability, (b) requesting clarification of his or her evaluating supervisor if any work requirements or standards are not understood by the employee, (c) informing the evaluating supervisor of any special factors or circumstances that should be considered in evaluating his or her performance, and (d) accepting constructive suggestions given by the evaluating supervisor or department head for the improvement of the employee's overall performance.
- **Human Resources Department:** Reviews all evaluations for conformity to guidelines.

Evaluation Period

Evaluations are normally based on observation of actual performance on the job for a one-year period, with the exception of the performance evaluation conducted after completion of the first six (6) months of service with Macon Bibb County, or first six (6) months of working in a new position.

Because of such events as shift assignment, new supervisor, etc., the employee may have been under the direction of more than one (1) supervisor during the evaluation period. In this instance, the involved supervisors should jointly evaluate (if possible) and sign the evaluation form.

SPECIAL NOTE: *It is the responsibility of all supervisors to constantly work with, correct and advise their employees of their performance status. The rating received and the comments made on the employee evaluation form should not come as a surprise to the employee. It is a responsibility of the supervisor and./or department head to assist his or her employees in developing to their fullest potential.*

Discussing Performance Issues During Evaluations

Except in the case of very recent events, supervisors should not wait until performance evaluations are given to offer employees with performance deficiencies corrective counseling or assistance. During performance reviews, supervisors should review past issues that have been discussed with the employee over the evaluation period, and should give the employee feedback with respect to their progress towards demonstrating the improvements required.

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Supervisors must maintain records on all employee discussions, agreements, time schedules, disciplinary action, etc., with copies to be sent to the Human Resources Department for the employee's personnel file. These supervisor practices reflect good management, constructive oversight of employee performance, and good labor relations.

SECTION 5: EMPLOYEE BENEFITS

POLICY	NUMBER
Employee Assistance Program	5.01
Employee Service Awards	5.02
Health and Welfare	5.03
Holiday Pay	5.04
Retirement	5.05

EMPLOYEE ASSISTANCE PROGRAM (EAP)

The MBCG government provides, free of charge to its employees, a confidential, professional counseling service. This service is outside of MBCG, and is available to all MBCG employees and their covered dependents. The EAP provides counseling on a variety of issues, including personal problems, family relationships, parental concerns, financial concerns, stress, as well as treatment for alcohol and drug abuse.

The MBCG is not aware of who utilizes the EAP or of anything that is discussed between an EAP counselor and the employee. An employee's job security and promotional opportunities will not be jeopardized as a result of a request for assistance with his/her problems. The goal of the EAP is to provide effective assistance to employees who are currently experiencing, or are at risk of experiencing, personal problems and to help Macon-Bibb County deal more effectively with employees experiencing personal problems which are causing deterioration of job performance. Each employee and dependent is entitled to a set number of visits with a counselor per incident. If the EAP counselor feels the employee would benefit from longer-term counseling, a referral will be made to a provider within MBCG's Preferred Provider network under MBCG health and welfare plan.

If employees' personal problems are causing performance problems at work, the employee's supervisor or manager may request that the employee see an EAP counselor as a condition of continued employment. If this is the case, the employee will sign a release to allow the EAP counselor to confirm to the supervisor or manager that the employee is attending the scheduled sessions and is contributing to solution of his/her problems. The EAP counselor will not reveal the nature of the employee's problems or any issues discussed in the EAP sessions. Employees are encouraged to seek help before their problems affect job performance.

Nothing in this policy shall be interpreted as constituting a waiver of a supervisor or department head's right to take disciplinary action, nor shall the EAP be interpreted as a waiver of the right for any employee to utilize MBCG's grievance procedure. Brochures about contacting the EAP are available from Human Resources, as well as in various locations throughout the MBCG buildings.

EMPLOYEE SERVICE AWARDS

Because government services in MBCG are enhanced by the professionalism and productivity of its employees, it is the policy of MBCG to recognize years of service of its employees in five (5) year increments. Employees who reach a five (5) year milestone will receive a pin and a certificate from the County Commission. Department heads have discretion in choosing how to recognize the service time of their respective employees. Options include individual recognition within the department, recognition at a department staff meeting, recognition at a special event meeting, or recognition by the County Commission at a regularly scheduled Commission meeting.

Department heads are encouraged to recognize contributions and achievements of employees not related to duration of service through both informal and formal recognition programs. Examples of such achievements include contributions which improve department processes, display outstanding customer service, result in cost savings for the Macon-Bibb County, and other work-related successes.

HEALTH AND WELFARE BENEFITS

The MBCG believes that the health and welfare of employees is the key to having a strong and dependable workforce to serve the Macon-Bibb County community and tax payers. The health and welfare programs promote healthy employees and a healthy work environment. Routine health care is a major factor for employees living free of disease and injury prevention. The MBCG health and welfare benefits programs are designed to help employees and their families to live healthy and be productive, thereby strengthening individuals, families and community. Our health and welfare benefits programs provide both choice and value to meet the needs of our diverse workforce.

As healthcare costs continue to rise at alarming rates, employees increasingly cite health care coverage as one of the primary considerations for accepting employment and staying at a job. In order to attract and retain the best workforce possible MBCG strives to offer an attractive health and welfare benefit package to employees. The following health and welfare package is available to employees classified as full-time:

- a. Health Insurance
- b. Dental Insurance
- c. Vision Insurance
- d. Disability Insurance
- e. Life Insurance
- f. Supplemental Life Insurance
- g. Flexible Spending Accounts
- h. Various vendor-provided specialty programs

These programs may be paid for by the MBCG and the employee; by MBCG only; or by the employee only. Deductions for employee costs will be made from employees' pay. Only employees classified as full-time are eligible for the MBCG health and welfare benefits. Waiting periods apply for eligibility for some programs. See the "Employee Page" of the MBCG website for details, or call the Human Resources Department at *(telephone)*.

Employees must enroll each year during an open enrollment period for benefits for the following year. This open enrollment period is generally held in the fall. Contributions, plan offerings, plan benefits and vendors may change from year to year. For each

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program in which they are enrolled each year, employees will have a Summary Plan Description ("SPD") for each MBCG program available on the Employee Page of the MBCG website. All claims will be paid in accordance with the terms outlined in the SPD.

Each year, a list of approved vendors and health/welfare products for the upcoming plan year will be provided. Supplemental life insurance products, and products purchased through outside vendors may be added or discontinued from official MBCG offerings during annual open enrollment. Employees who wish to continue coverage with a vendor who is no longer approved by the County Commission to offer the product may choose to continue the coverage with that vendor. The contributions will continue to be deducted from the employee's pay for the coverage in effect at the time of the discontinuation. Any new products purchased by an employee which are not on the approved product and vendor list will not be eligible for payroll deduction for the premium on that product.

Elections made by employees during the open enrollment period will go into effect January 1 of the following year. Changes may not be made during the year to many of the programs unless the employee has a "Major Life Change," or a change in condition which necessitates a change in persons covered under the respective plan. Events which constitute a "Major Life Change" include:

- Start of a job
- Loss of a job
- Birth or adoption of a child
- Divorce
- Marriage
- Death of a spouse or covered child

Contributions for any health-related program will be submitted through the Cafeteria Plan by the Finance Department. Claim information is available from the various vendors. Customer service phone numbers for all programs and links to most vendors are provided on the MBCG website. Employees are encouraged to work directly with the appropriate vendor if there is a question or problem about a claim. Human Resources will be glad to show employees how to use the contacts provided and how to "interpret" what the vendor tells them.

Because of the Health Insurance Portability and Accountability Act ("HIPAA") regulations and privacy concerns, the Human Resources Department is not permitted to become

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involved with individual employee claims. If the employee has worked with the vendor to solve his or her problem without results, Human Resources may be able to refer the employee to another contact with the vendor who will work with the employee to solve or explain the problem.

CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT ("COBRA")

Employees and their covered family members who are participating in any health-related benefit are eligible for continuation of benefit(s) through MBCG if they become ineligible for any of the following reasons:

1. Termination of employment from MBCG
2. Divorce from a spouse covered by MBCG health-related plan
3. Covered Adult Child reaching the age of 26

Only employees or family members who are currently participating in the program which they wish to continue are eligible for continuation of benefits. However, eligible persons may choose to take less coverage than they had previously.

Eligible persons may continue their benefits by electing to do so within sixty (60) days of the date that they become ineligible for regular coverage. Full costs for the coverage must be paid each month by the covered individual, including the amount formerly contributed by Macon-Bibb County, plus a 2% administrative fee. Failure to pay contributions on a timely basis may result in loss of coverage going forward.

Information on continuation of benefits will be mailed by the vendor which administers the MBCG health plan to the eligible person following loss of regular coverage. Questions should be addressed to the Human Resources Department.

HOLIDAY PAY

The MBCG employees classified as full-time are eligible for holiday pay. Appointed officials are likewise eligible for holiday pay.

It is the policy of the MBCG that employees must work or use accrued paid leave their last scheduled work day before an official holiday and their first scheduled work day after the holiday in order to receive holiday pay for the official holiday. The Department Head has the discretion to request a doctor's note if he or she feels that an employee may be abusing sick leave for this purpose. If an employee has **approved**, paid time off from work, e.g. annual leave, sick leave, he/she must be paid for the last scheduled work day before the **approved** time off from work and the first scheduled work day after the pre-approved time off from work to receive holiday pay for the official holiday. Employees who are out of work under the Family Medical Leave Act ("FMLA") will receive holiday pay only if they use accrued or donated paid leave for the day before and the day after the holiday.

Official Holidays

The MBCG recognizes the following holidays as official, paid holidays for eligible employees:

1. New Year's Day	January 1
2. New Year's Eve	December 31
3. Martin Luther King, Jr. Birthday	Third Monday in January
4. Memorial Day	Last Monday in May
5. Juneteenth	June 19
6. Independence Day	July 4
7. Labor Day	First Monday in September
8. Veteran's Day	November 11
9. Thanksgiving Day	Fourth Thursday in November
10. Day after Thanksgiving	
11. Christmas Eve	December 24
12. Christmas Day	December 25

The MBCG County Commission may declare other holidays during the year from time to time. Holidays falling on Saturday or Sunday will be observed either on the preceding Friday or following Monday as determined by the Mayor or County Manager.

Employees who are required to work on a holiday shall be granted a day off with pay at time convenient to the department. All holiday "days" off are to be used during the

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calendar year in which they fall with exception of the Christmas holiday which must be taken within 60 days following Christmas day. The following exceptions shall apply:

- Employees who work shift work with a variable work week, and who have worked their normal work time
- Employees on authorized paid vacation or paid sick leave the day before or the day after the holiday
- Public Works employees who are required to work on a holiday shall be paid holiday pay and additional pay for hours worked
- Public Works employees who are required to work on a regularly scheduled off day due to the holiday shall be paid holiday and additional hours for the time worked
- Part-time and temporary employees are not eligible for holiday pay.

NOTE: Employees who work a compressed work week will be scheduled for reduced hours during the week in which the holiday falls. Department heads will assign staggered work hours for employees in order to maintain department extended hours if needed.

RETIREMENT PLAN

The MBCG provides a defined retirement benefits package to employees who retire from employment with MBCG after becoming vested under the plan. Details and provisions of the retirement plan are found in the MBCG Code of Ordinances, Chapter Two, Article IV, Division 6, which is the sole, controlling legal authority. Specific information concerning the various benefits and services available to vested MBCG retirees are outlined in the appropriate Summary Plan Description (“SPD”) for the product or coverage extended.

Questions concerning Macon Bibb County’s retirement benefits should be directed to the Human Resources Department. The MBCG Mayor and County Commission reserves the right to modify, amend or close the MBCG retirement plans at any time.

SECTION 6: EMPLOYEE RESPONSIBILITIES

POLICY	NUMBER
Arrest, Indictment, Conviction	6.01
Attendance and Absenteeism	6.02
Customer Service	6.03
Employee Dress Code	6.04
Health and Safety	6.05
On Call Policy	6.06
Second Jobs	6.07
Solicitation	6.08
Tobacco Use and Cessation	6.09
Travel	6.10
Workplace Violence	6.11
Alcohol and Drug-Free Workplace Policy	6.12
Care for MBCG Equipment	6.13

ARREST, INDICTMENT OR CONVICTION

This policy applies to all full-time, part-time, and temporary employees of MBCG, and is provided to establish rules and guidelines concerning action taken when an employee of MBCG is arrested, indicted, and/or convicted of a misdemeanor or felony criminal offense.

Obligation to Report

Any MBCG employee shall notify his/her immediate supervisor as soon as possible, but in no event less than 48 hours after any arrest, conviction, no contest or guilty plea, or other adjudication of the employee for any felony or misdemeanor criminal offense.

The requirement to report a conviction or deferred adjudication shall not apply to minor traffic offenses. However, an offense of operating a motor vehicle under the influence, revocation or suspension of driver license, or driving after a revocation or suspension of driver license must be reported in accordance with this policy if the employee drives or operates a vehicle owned by MBCG or piece of mobile equipment owned by MBCG.

Failure to report under this policy may result in disciplinary action up to and including termination of employment. Such report shall be made as soon as possible, but in no circumstance less than 48 hours after the event giving rise to the duty to report. This reporting requirement applies to both on and off duty conduct.

Disciplinary Action

An arrest, indictment, or conviction of a crime shall not be an automatic basis for termination of employment. MBCG shall consider the following factors in determining what action, if any, should be taken against an employee who is convicted of a crime during his/her employment with MBCG:

- **Nature and Gravity of the Offense/Conduct**

MBCG will carefully consider the nature and gravity of the offense or conduct to determine whether a specific offense may be relevant to risks in a particular position of employment. The nature of the offense may be assessed with reference to the harm caused by the crime, (e.g., theft causes property loss), and to the legal elements of a crime (e.g., whether the elements of the offense are substantially related to job duties, whether intent is a legal element of the offense). With respect to the gravity of an offense, offenses classified as misdemeanors may be less severe than those classified as felonies.

- **Date of the Offense and the Individual**

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MBCG will consider the length of time that has passed since the offense, conduct, and/or completion of sentence as probative of the risk the employee poses in his/her particular position of employment. Where possible, this assessment will include consideration of recidivism data and studies. MBCG will also consider the number and type of pending charges and convictions, the employee's participation in or completion of programs of a rehabilitative nature, the employee's probation or parole status, and the employee's ability to perform or continue to perform the job consistent with the safe, efficient, and effective operation of MBCG.

- **Nature of the Job Held**

MBCG will conduct an individualized assessment to determine whether the employee's continued employment poses an unacceptable level of risk to MBCG. This factual inquiry will begin with identifying the job title of the employee, but will also consider the nature of the job's duties, essential functions of the job, (e.g., extent to which successful job performance requires public trust), the circumstances under which the job is performed (e.g., level of supervision, level of oversight, interaction with co-workers and/or the public, opportunity the job presents for the commission of an offense), and the environment in which the job's duties are performed (e.g., outdoors, on MBCG property, access to or opportunity for access to private property).

Termination of employment based on a conviction may be imposed where a demonstrable relationship between the offense or underlying conduct and prejudice to MBCG's interest(s), the public trust, or to successful performance of the position of employment held by the affected employee exists.

Nothing herein shall prohibit MBCG from placing an employee on administrative leave based upon an arrest, indictment or information, or conviction.

ATTENDANCE / ABSENTEEISM

Good attendance is critical to successful employment with MBCG and to the services provided by MBCG to the public. All employees are expected to be present and on time to perform the duties for which they were hired. Absence or tardiness places an extra burden on coworkers and may result in disciplinary action. Absence is defined as failure to report for and remain at work as scheduled. This includes late arrival to work and leaving early.

The following rules concerning attendance and absenteeism apply to all MBCG employees:

- A. Each employee is expected to be at work on time each scheduled day and in a fit condition to work.
- B. An employee who is unable to report to work as scheduled must contact his/her supervisor immediately and within the time limit established by the department. Normally, the notification should be within thirty (30) minutes from the employee's scheduled starting time.
- C. Each department will determine the method to be used to report call-offs or tardiness.
- D. The employee who is absent or tardy must inform the supervisor the date and/or time that he/she expects to report to work.
- E. The supervisor has discretion to require documentation for the reason for the attendance incident, e.g. doctor's note, court order, receipt for tire change or repair, etc.
- F. Three (3) consecutive days of unreported or unauthorized absence from work will be deemed compulsory resignation due to job abandonment.
- G. If the employee is out sick for more than two (2) consecutive days, the employee must provide a doctor's excuse on the third day, unless the department head requires a doctor's excuse sooner.
- H. Excessive absenteeism or tardiness may result in disciplinary action, up to and including termination from employment.
- I. Absences due to illness or injury may require written verification from a physician, or the employee's supervisor may request the employee undergo a physical

examination by a certified physician of the MBCG's choice, at the MBCG's expense. Written verification by a physician must state the general nature of the employee's illness and that the employee was unable to work on the day or days of absence.

- J. Attendance records will be considered in performance appraisals. Excessive absenteeism or tardiness may result in an unsatisfactory rating.
- K. An employee who is absent for more than five (5) consecutive days for personal or family illness should contact the Human Resources Department to determine his/her rights under the Family Medical Leave Act.
- L. No employee who is out of work for six (6) consecutive months may remain under MBCG active payroll, except where the employee has applied for and been approved for long term disability. Where an employee has applied and been approved for long term disability, his/her position of employment will be protected for twelve (12) months.
- M. If an individual who is out of work for more than six (6) consecutive months other than Long Term Disability (see #12, above) is later able to return to work, he/she will be given consideration based upon:
 - 1. Length of time he/she has been off MBCG payroll (refer to Anniversary Date and Bridging of Service, policy 7.01.)
 - 2. Whether an open position for which the individual is qualified is available.
 - 3. Prior work record.

If these conditions are satisfactory, re-hiring of the individual will be in the sole discretion of the hiring manager.

- N. Supervisors and department heads are responsible for administering prompt and consistent disciplinary action for repeat offenders.
- O. Because MBCG must have reliable employees who can perform their duties as expected on a regular schedule, excessive absences, whether excused or unexcused, including absences caused by illness can result in termination of employment. Six (6) or more absences within a six (6) month period will be considered excessive.

6.02

- P. Absences for which an employee is granted leave under the Family Medical Leave Act shall not be counted for purposes of enforcement of MBCG's attendance policy.

The following definitions relating to attendance and absenteeism govern this policy:

1. **Absence:** The failure of an employee to report for work when scheduled regardless of whether the failure to report is legitimate or unpreventable.
2. **Excused Absence:** A prearranged absence for which the employee obtained prior approval from his/her supervisor or department head, or an absence which in the opinion of the supervisor is due to illness, an unforeseen need or problem which requires being away from the job.
3. **Unexcused Absence:** Any absence without leave or proper authorization or leave taken under false pretenses is an unexcused absence. Failure to call in for what might otherwise be an unexcused absence constitutes a separate violation of this policy for which disciplinary action may be taken.
4. **Tardiness:** Arriving for work later than the scheduled starting time or returning from lunch or break periods beyond the time allotted.

CUSTOMER SERVICE

All MBCG employees are expected to serve the public, business associates, suppliers, and other employees with courtesy, professionalism, and respect for the basic human dignity of all people, regardless of their station in life. Providing good customer service is a primary responsibility for everyone employed by MBCG, as well as, for MBCG's elected officials, contract employees and agents, State or Federal employees doing business or working with MBCG, visitors, and any person doing business for or with MBCG.

Citizens of Macon-Bibb County and fellow employees are the customers we serve each day. Employees are expected to treat one another and members of the public with respect, courtesy, and dignity, even when there is a disagreement or conflict. Employees are expected to remember the following principles and conform behavior to these standards in the course of their everyday duties:

1. Be respectful of all persons with whom you come into contact, without consideration for their appearance, race, gender, national origin, orientation, disability or frame of mind.
2. Citizens of Macon-Bibb County are our customers; their tax dollars pay our salaries.
3. Co-workers in our departments and other employees of MBCG are our internal customers, who are equally entitled to respect and good customer service.
4. Behavior speaks as loudly as words. A pleasant expression, eye contact, and a sincere interest in each request go a long way toward fostering public confidence and projecting the integrity of MBCG.
5. Professional appearance goes hand in hand with employee behaviors.
6. Employee behavior in each interaction with the public is an assessment of the employee's performance and MBCG's performance.
7. Nothing projects a negative image more than inattention, not being engaged in work activities, and chatting with other employees while dealing with a customer. Citizens of Macon-Bibb County are entitled to the full attention of its employees when addressing an issue that prompted a visit to a MBCG facility.

6.03

Behavior not meeting these standards may result in corrective action in accordance with MBCG's Performance Management policies.

EMPLOYEE DRESS CODE

The MBCG considers it very important that employees be well-groomed, neat, and dressed appropriately for their respective job functions. While the members of the County Commission trust each employee's common sense and good judgment, a dress code must be followed which is appropriate to the work environment MBCG has generally adopted a business casual dress code, but emphasizes that some positions of employment may call for more professional level attire. Appropriate dress and hygiene are important in promoting a positive image to our customers, both internal and external.

1. MBCG expects employees to be well groomed, clean, neat and professionally dressed at all times. Work attire should complement an environment that reflects an efficient, orderly and professionally operated organization.

Under no circumstances may employees wear halter tops, strapless tops, spaghetti straps, tank tops, cropped tops, clothing with offensive wording, clothing that shows undergarments (sheer), torn clothing, clothing with holes, or tight fitting, revealing, or oversized clothing, flip flops, or sandals. All clothing must be clean, neat, and proper fitting. Moreover, MBCG expects its employees to dress professionally every day.

2. Employees required to wear uniforms due to the nature of their work will have uniforms furnished by MBCG. If uniforms are provided, employees are expected to keep them cleaned, pressed and in good repair.
3. Proper personal hygiene is essential to and for all employees.

This policy applies to all MBCG employees, appointed officials, contract employees and agents, and to state or federal employees doing business or working on MBCG premises.

HEALTH AND SAFETY POLICY

People are our most important asset and their safety is one of our greatest responsibilities. It is the policy of MBCG that each employee is entitled to a safe and healthful place to work.

When someone enters the employ of MBCG, he or she has the right to expect to be provided with a proper place in which to work, as well as proper machines, equipment, and tools with which to do the job, and that the employee will be able to devote his or her energies to the work without undue danger. Only under such circumstances can the association between employee and employer be mutually profitable and harmonious.

It is the desire and intention of the County Commission to provide a safe workplace, safe equipment, proper materials, and to establish and insist on safe methods and practices at all times.

It is the basic responsibility for each member of the MBCG family to make the safety of all employees and persons a part of their daily, hourly concern. This responsibility must be accepted by each one of us who conducts the affairs of MBCG, regardless of the capacity in which he or she functions.

Employees are expected to use all safety equipment provided. Rules of conduct and rules of safety shall be observed. Safety equipment must not be destroyed or abused.

As new employees join our workforce, we will ensure that each of them participates in a safety orientation program as a part of the new employee introduction program. The joint cooperation of employees and management in the observance of this policy will provide safe working conditions and accident-free performance to the mutual advantage of all.

We consider the safety of our personnel to be of paramount importance, and we expect your full cooperation in making this policy effective.

ON CALL (Standby) POLICY

The MBCG may require certain employees to be placed on call (standby) for emergency response after normal duty hours. Employees who are placed on call in any department may be required to be on-call on a weekly rotation. On call status is assigned on a rotating basis and should be assigned by a supervisor with prior approval of the department head. Employees who are scheduled to be on leave (vacation, sick or other scheduled leave) cannot be scheduled for on call (standby) duty.

When an employee is on call, MBCG will provide a pager and/or cell phone, which must be carried by the employee at all times inclusive of evenings, holidays and weekends. During the on call week, the supervisor will also be provided with a MBCG vehicle to drive to and from his/her residence; however, such MBCG vehicle may not be used for any personal use other than transportation to and from work. In the event of a call, the employee should be able to respond to any occurrence within the territorial boundaries of Bibb County within thirty (30) minutes of the call being received.

The supervisor will be responsible for determining whether there is a need for additional employee assistance for a particular call, and for securing that assistance. However, the supervisor is not permitted to impose his/her requirement to be on call to other employees of his/her crew.

As for compensation for the on-call time, the employee will be paid their regular hourly rate for two hours for each day on which he/she is on call and four hours for each Saturday, Sunday or Holiday he/she is on call regardless of whether he/she is actually required to respond to a call. On-call time is not time actually worked and will not be included when calculating overtime.

The rate of pay for actual work time while on call shall be in accordance with MBCG pay policy regarding overtime pay. Employees who have not met the threshold for required overtime shall be paid regular rate until he/she meets the required threshold.

In the event the on-call supervisor must respond to a call during the on-call time, he/she will be paid for any time actually worked inclusive of the on-call time (Ex. An employee is on call during the work week, receiving two hours on-call pay, and is called into work. The employee works 3 hours. The employee will be paid for 3 hours worked.)

SECOND JOBS

It is the policy of MBCG that no full-time or part-time employee will be allowed to work part-time for any other MBCG department. This prohibition is intended to comply with Internal Revenue Service (IRS) guidelines governing contract employees.

The MBCG employees are permitted to work part-time for other employers outside of MBCG in addition to their full-time or part-time position of employment with MBCG so long as the second job does not interfere with, or create a conflict of interest with, their position of employment with MBCG. Employees who either have a second job or who are considering a second job should contact a Human Resources representative to ensure that no conflict of interest exists.

This policy applies to all full-time and part-time employees of MBCG.

SOLICITATION

While MBCG recognizes the worthiness of many causes and organizations, in the interest of a productive and harmonious work environment, the following regulations shall apply to solicitation of donations, fundraising sales, and distribution of literature:

1. Solicitation and/or distribution of literature by non-employees in non-public areas of MBCG property is prohibited at all times. Solicitation and/or distribution of literature by non-employees on MBCG property which interferes with the work of MBCG employees is prohibited.
2. Solicitation and/or distribution of literature by employees on MBCG property during working hours which in any way interferes with the work of the employee soliciting or the work of other employees are prohibited. If a supervisor believes that the solicitation or literature distribution is interfering with work, he/she shall request that the employee immediately cease the disruptive activity and return to work activities.
3. Employees who wish to post an announcement of interest to employees in or on MBCG property must obtain permission from the Human Resources Department. Employee posted announcements must be removed from MBCG property by the posting employee when the information becomes outdated.
4. Distribution of literature by employees on MBCG property in non-public working areas, as designated by the Human Resources Department, is prohibited at all times.
5. Unless otherwise authorized by the Mayor and Commission, or their designee, MBCG buildings may not be used for activities unrelated to MBCG outside of normal business hours. This provision shall not be interpreted as applying to MBCG property that is leased to other parties.
6. This policy does not prevent any official MBCG solicitation or distribution of literature, open benefits enrollment, and in no way affects the annual charity drive(s) authorized by the Mayor and Commission or County Manager.

As used in this policy the term “non-public area” shall mean areas of MBCG property that is not open to members of the general public and access is typically limited to MBCG employees and invitees on official business.

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This policy is not intended and shall not be interpreted as applying to non-employee activity, or off duty employee activity, occurring on public streets, sidewalks, public areas of parks, and other traditional public forums. This policy is not intended and shall not be interpreted as governing the ability of non-employees or employees to comment, speak, and present information to the Mayor and Commission during open meetings of the governing authority, and the Mayor and Commission reserve the right to establish rules and policies governing the time, place, and manner of public comments during Commission or committee meetings.

TOBACCO USE

Both Georgia law and the MBCG Code of Ordinances prohibit smoking in public buildings by both employees and visitors. Use of tobacco products, i.e., smoking and use of smokeless tobacco, in areas other than those designated as smoking areas in any MBCG building is strictly prohibited. For purposes of this policy, MBCG buildings include all buildings and structures owned or operated by MBCG.

This policy applies to all employees, elected and appointed officials, contract employees and agents, State or Federal employees doing business or working in MBCG facilities, visitors, and any person doing business for or with MBCG.

Failure to adhere to this policy may result in disciplinary action, up to and including termination of employment.

Incentive for Cessation of Tobacco Use

Incentives are available to full-time employees who would like to stop using tobacco and tobacco products. MBCG provides smoking cessation classes and offers a discount on health insurance premiums to employees covered by the MBCG health care plan. Screening for tobacco use may be part of the annual wellness screening for employees covered by MBCG's health care plan. Participation in annual wellness screening is required to receive the full incentive of premium reduction for the next plan year. Employees who are interested in tobacco use cessation should contact a Human Resources representative for more information.

TRAVEL

Applicability

The provisions of this policy shall apply to all MBCG officers--whether elected or appointed—as well as to all MBCG employees and to those acting as authorized representatives of MBCG, Georgia.

Authorized Travel and Expenses

Travel and related expenses shall be authorized when an officer or employee is engaged in the conduct of official MBCG business, which shall include the following:

1. Travel to and from the location of a conference, seminar, school or training program which is held either inside or outside the territorial limits of Bibb County and which enhances an officers or employees ability to complete his/her functions or duties.
2. Travel to and from any location to conduct operations of the MBCG.
3. Travel to and from any location for the purpose of extraditing or transporting a prisoner as may be required by the courts.

Travel Request, Approval and Reporting

All travel by department personnel requires prior approval of the department head or designee. It is, therefore, the department head's responsibility to remain within the travel allocation of the budget.

Travel Advances

A travel advance for travel related expenses may be made by written request on such forms as may be prescribed by the Finance Department. Such request should be made no less than five (5) working days prior to the date the advance will be needed. Travelers who fail to submit the advance request in sufficient time to receive an advance will be responsible for travel expenses and will be reimbursed after the travel event has been completed. Travel advance payments will be made in the form of a check and will not be available before two (2) working days prior to the scheduled date of departure. No advance will be made for less than \$25.00. For reimbursement of travel expenses of less than \$25.00, the traveler must submit a travel expense report after the travel event has been completed.

Registration, lodging and transportation payments

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Registration fees and fares for common carrier transportation will be paid in advance by the Finance Department by check made payable to the vendor providing the service. The employee shall be responsible for submitting the request for payment (along with the registration form, invoice or bill) in sufficient time for the payment to be processed and mailed prior to any deadline. Whenever possible, lodging accommodations should be paid for in advance in the same manner as registration fees and fares for common carrier transportation.

Reimbursement of expenses and final settlement of advances

If the sum advanced to a traveler exceeds actual reimbursable expenses, the traveler shall reimburse the excess to the MBCG Cash Manager in the Finance Department. If the amount advanced was not sufficient to cover the reimbursable expenses or in cases where the traveler used personal funds to pay travel expenses, a voucher will be processed to cover the difference. Reimbursement will be issued within four (4) working days of the receipt of an accurately completed and approved request for reimbursement.

A request for reimbursement of expenses and settlement of advances shall be submitted to the Finance Department within 72 hours following the date of the employee or officer's return to work. Such request and settlements shall be made on such forms as prescribed by the Finance Department. The forms must be signed by the employee's department head.

If a request for reimbursement of expenses is not filed within ten (10) calendar days following the date of the employee or officer's return to work, the Finance Director shall be authorized to void the reimbursement claim.

Should a report for final settlement of advances not be filed within ten (10) calendar days following the date of the employee or officer's return to work, the employee's name will be placed on a list which makes the employee ineligible for future advances. When the reports are submitted, the employee's name will be removed from the list and they will then be eligible for future advances. Should a final settlement of advances not be filed within fifteen (15) calendar days following the date of the employee or officer's return to work, the Finance Director shall be authorized to withhold any such cash advance or direct payment from the employee's paycheck. Any expenses incurred over and above the advance will not be reimbursed after this period.

Documentation of Expenses

Receipts or other documentation shall be required for all expenses with the exception of the following: meals, toll charges and tips.

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Allowable transportation expenses:

- **Common carrier**

A common carrier shall be any scheduled airline, train, or bus and the authorized rate shall be limited to the minimum fare available (economy or tourist). Reservations should be made far enough in advance to permit procurement of proper reservations and to take advantage of any special saving plans offered by the carrier.

- **Travel by Auto**

A traveler driving either a private auto (including rental vehicles) or a MBCG-owned auto must possess a current valid Georgia driver's license. Travelers using privately owned vehicles must provide, at their expense, collision and liability insurance in at least the statutory minimum insuring themselves, their passengers, and others in the use of their private auto while on MBCG business.

When more than one MBCG official and/or employee is attending an event, separate vehicle allowances will not be approved if one vehicle is sufficient for transportation, unless separate arrival and departure times are required by other MBCG business or approved by the department head. Thorough documentation of the circumstances requiring deviation from this policy must be submitted with the request for reimbursement.

Travelers will be reimbursed for actual cost of incidental expenses incurred in the use of private, rental or MBCG-owned vehicles such as parking fees, bridge and toll road fees, etc.

- **MBCG-owned Vehicle**

If the department for which the traveler works is assigned a MBCG-owned vehicle, the traveler should, if at all possible, use the MBCG-owned auto rather than his personal vehicle.

If a MBCG-owned vehicle is used, the traveler will not be reimbursed for mileage, but will be reimbursed for the actual cost of purchased gasoline and oil. In addition, small emergency repair expenses such as flat tire, battery charges, fan belt replacement, etc. will be reimbursed, provided that appropriate receipts are furnished. Automotive breakdowns requiring repairs in excess of \$200 should be reported to the appropriate department head for instructions.

- **Personal Auto**

The use of private autos or rental vehicles for MBCG business will be reimbursed at the current IRS rate. Reimbursable travel expenses do not include trips from the traveler's place of residence to a MBCG building or visa-versa. Travelers electing to use a private auto in lieu of travel by common carrier, where common carrier is practical, will be reimbursed the vehicle mileage expense or the amount of Economy Air Fare, whichever is less. Travelers who elect to use a rental vehicle in lieu of travel by common carrier, where common carrier is practical, will be reimbursed at the cost of the auto rental, not including mileage expense, or the amount of Economy Air Fare, whichever is less.

- **Ground Transportation**

Ground transportation by taxi, bus, or limousine is an allowable expense when actually incurred in conjunction with common carrier transportation to and from terminals, hotels, restaurants, and meeting locations, if necessary. The most economical means of ground transportation should always be used.

- **Points of Departure and Return**

The points of departure and return for travel status shall be either the office at which the employee carries out his/her duties or his/her residence; whichever is more practical under the circumstances. All travel should be by the most direct route. However, an expressway route which involves more total mileage may result in savings in personnel time and therefore would be considered the more direct route in most circumstances. Travel to restaurants and other locations after reaching the initial destination should be kept to a minimum. Reason and good judgment should be exercised in this determination. It will be the responsibility of the department head to monitor the reasonableness of mileage reimbursement request.

- **Lodging**

When lodging accommodations are not available at the conference or class site, travelers should choose the most reasonably convenient and economical hotel accommodations possible. Travelers requiring overnight accommodations should inquire about the hotel's government rate. The rate is usually lower than special conference or group rates, and always less than regular rates.

When traveling within the State of Georgia, officials and/or employees can exempt both sales and local hotel/motel excise tax. When reserving accommodations, please inform the hotel staff that the accommodations will be paid for by MBCG so that they can accurately calculate the charges if an advance payment is to be made. Also,

inquire as to whether the forms necessary to obtain this exemption should be sent with the advance payment or presented at the time of check-in. If the forms are to be sent with the payment, it shall be the responsibility of the traveler to attach these forms to the payment request. Forms may be obtained from the Finance Department.

Reimbursement for lodging will cover only those nights during which an event occurs. If an employee arrives early or leaves late from an event, the MBCG will not pay for extra nights of lodging accommodation. However, if travel and event schedules require that an employee arrive the evening before or leave the morning after an event, the MBCG will pay for reasonable extra accommodations.

Travelers sharing a room with a traveling companion (other than an authorized MBCG traveler) will be reimbursed for the single occupancy rate.

Travelers requesting additional amenities including, but not limited to, suites, kitchenettes or a fireplace will be reimbursed for the standard single room rate. Travelers must pay for additional amenities.

- **Meals**

Travelers are allowed a per diem meal allowance while traveling on MBCG business. However, travelers shall not draw a per diem meal allowance from Macon-Bibb County for any meal that is provided as part of the registration fee to attend a seminar, convention, conference or similar meeting. The per diem allowance is based on the IRS Standard Meal Allowance and varies depending on the particular city to which the official or employee is traveling. The per diem rate for the city to which you are traveling may be obtained from the department head or from the Finance Department.

The following breakdown will apply for partial days of travel:

Breakfast

20% of the daily per diem allowance when travel begins prior to or at 7:00 a.m. and extends to 9:00 a.m. or beyond.

Lunch

30% of the daily per diem allowance when travel begins prior to or at 12:00 noon and extends to 2:00 p.m. or beyond.

Dinner

50% of the daily per diem allowance when travel begins prior to or at 5:00 p.m. and extends to 7:00 p.m. or beyond

Tips are included as part of the daily per diem allowance and will not be reimbursed as a separate expense.

- **Meals Within Bibb County**

Expenses associated with meals for officials and/or employees occurring within the territorial limits of Bibb County may be reimbursed if one or more of the following conditions are met:

- A. The official and/or employee attended a seminar or conference at which the meal is an integral part of the seminar;
- B. The official and/or employee must participate in a meeting with an out-of-Bibb County individual or group whose principal purpose in Bibb County is to conduct business with the MBCG. Extreme discretion should be used in spending travel funds for this purpose;
- C. There is a meeting involving an elected official who is devoting his/her time to conducting MBCG business.

The meal cost reimbursement for the above circumstances will not exceed the IRS per diem allowance rate for MBCG in effect at that time.

- **Registration Fees**

Registration fees in connection with an authorized conference or training class shall be an allowable expense and payment shall be made by the Finance Department. The employee shall be responsible for submitting the request for payment, along with the registration form, in sufficient time for payment to be processed and mailed prior to any registration deadline. The MBCG will issue a check payable as directed by the sponsor of the conference or training class.

In unusual circumstances, travelers may take the check and deliver it at the time of the conference or pay the registration fee themselves and then request reimbursement on the travel expense form, if approved by the department head. Optional assessments such as special events or personal memberships which are charges in addition to the class or conference fees are not allowable expenses.

- **Communications**

Telephone and facsimile messages directly pertaining to official MBCG business shall be an allowable expense. Claims for payment of such charges shall be itemized and shall include location, the person contacted, and the justification for the communication. One personal call to confirm the safe arrival of the individual

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shall be an allowable expense. Expenses for all other personal calls will not be reimbursed.

- **Tips and Gratuities**

Tips and gratuities in conjunction with an authorized expense (other than meals) shall be allowable if they are determined to be reasonable by the Finance Director. The per diem meal allowance includes all tips and gratuities for meal expenses.

- **Parking Fees**

Expenses for parking shall be allowable if documented by paid receipt, except however, that no payment shall be made for charges in connection with any illegal parking violation.

- **Credit Cards**

Whenever allowable expenses are purchased or paid by the employee with a credit card, the receipt shall include an itemization of expenditures, or, in the alternative, a separate receipt must be obtained for each expense. A credit card receipt showing only an aggregate of charges, unless itemized, shall not constitute sufficient documentation and shall not be the basis for reimbursement of expenses.

- **Spouses**

Reimbursable expenses for spouses include any registration fee in cases when spouses are invited to and considered part of the function or when protocol requires the attendance of spouses. Meals for spouses and/or traveling companions are not reimbursable.

- **Other Expenses**

Upon justification, the Finance Committee of the County Commission may authorize reimbursement to officials and/or employees for expenses of the limitations prescribed in this policy where the Finance Committee finds that the expenses were reasonable and proper under the circumstances.

- **Unallowable Expenses**

The following expenses are specifically unallowable for payment:

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- Expenses incurred by any person other than the official or employee unless otherwise provided for in this policy or prior written approval has been granted by the Finance Director.
 - Expenses for entertainment, including but not limited to in room movies and mini-bars.
 - Alcoholic beverages.
 - Laundry service.
 - Personal articles, toiletries, souvenirs, etc.
 - Direct expenses for operating a personal vehicle, such as gasoline, oil, parts or repairs.
 - Travel and related expenses incurred from an employee's residence to his designated work site.
 - Any expenses for per diem allowances not required to ensure the employee's performance of official MBCG business. Scheduling or extending travel periods in order to increase per diem allowances is specifically not allowable.
 - Any expenses incurred that are unrelated to official government business or activities as determined by the Finance Director.
- **Distribution of Travel Policy**

It is the responsibility of the department head and/or others approving travel for employees to ensure that the traveler reads and understands the travel policy prior to incurring any charges which he/she might expect to be reimbursed by MBCG.
 - **Information and Forms**

Employees and/or officials who have questions concerning this policy or the application of this policy should contact the MBCG Finance Department. The Internal Revenue Service (“IRS”) schedule of per diem rates by location for meal expenses, along with the MBCG Travel Advance Requisition Form and MBCG Travel Expense Requisition Form, can be found on the MBCG website, under the tab for Finance Department—Finance Forms.
 - **Final Authority**

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The County Manager has final authority for interpreting, applying, and considering any appeals from, this policy.

WORKPLACE VIOLENCE

The MBCG is committed to providing a safe environment for working and conducting business. MBCG will not tolerate acts of violence committed by MBCG employees or members of the public on MBCG property or between MBCG employees whether or not on MBCG property. Any unlawful violent actions committed by employees or members of the public while on MBCG property or while using MBCG facilities will be prosecuted as appropriate. MBCG intends to use reasonable legal, administrative, and disciplinary procedures to secure the workplace from violence and to reasonably protect employees and members of the public.

The MBCG remains committed to providing a work environment that is free of violence or intimidation. MBCG operates under a policy of zero tolerance for violence or any conduct which threatens the safety of well-being of its employees and visitors to its facilities. Accordingly, acts of violence will result in termination of employment. (*See Disciplinary Action, Section 4.01.*)

Threats or Acts of Violence

Threats or acts of violence include, but are not limited to, behavior or actions that a reasonable person would perceive as a threat against oneself, another person, or property. Persons who engage in actions or behavior that are sufficiently severe, offensive, or intimidating and/or which alters employment conditions will be subject to disciplinary action, up to and including termination of employment.

Procedures for Dealing With Threats or Acts of Violence in the Workplace

If a threat or violent act occurs:

- If the situation constitutes an emergency, CALL 911. If the situation constitutes an emergency and occurs in a MBCG building, contact (*telephone*). After 911 or (*contact person*) has been contacted, contact an immediate supervisor and the Human Resources Department at (*telephone*).
- If the situation does not constitute an emergency, contact your immediate supervisor, the appropriate department director, and the Human Resources Department.

All reports of threats or violence will be evaluated immediately and appropriate action will be taken in order to protect employees and the public from further violence. Appropriate disciplinary action will be taken when it is determined that a MBCG employee has

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committed an act of violence. Where MBCG employees exhibit such behavior, MBCG reserves the right, under the direction of the Director of Human Resources, to determine fitness for duty. Employees may be suspended with or without pay pending this fitness for duty evaluation.

Where issues of employee safety are of concern, department directors and supervisors should evaluate the workplace and make appropriate recommendations regarding a reasonable response. Additionally, supervisors are encouraged to consult with the Director of Human Resources and /or Employee Assistance Program concerning appropriate resolution of instances of workplace violence. Each employee of MBCG and every person on MBCG property are encouraged to report threats or acts of physical violence of which he/she is aware.

Workplace violence shall constitute a violation of MBCG policies and procedures. Violation by an employee of any provision of this policy will result in disciplinary action, up to and including termination of employment.

ALCOHOL AND DRUG-FREE WORKPLACE POLICY

PURPOSE AND GOAL

Macon Bibb Consolidated Government (MBCG) is committed to providing a safe, healthy, and secure work environment for all of its employees; fostering the well-being and health of its employees; ensuring that all employees perform their job duties in a safe, efficient, and productive manner; ensuring that its equipment and facilities are maintained and utilized appropriately so as not to pose a risk of harm; and, protecting the health, safety, and welfare of citizens, visitors, and persons who interact with MBCG employees during the course and scope of their employment.

The intention of this policy is to eliminate substance abuse and its effects in the workplace. This commitment is jeopardized when any MBCG employee illegally uses drugs on or off the job; comes to work under the influence of drugs; possesses, distributes, or sells drugs in the workplace; or, abuses alcohol on the job.

Therefore, MBCG has established, adopted, and will enforce the following policy to address drug and alcohol abuse:

APPLICATION

Unless otherwise provided, this policy applies to all employees of MBCG, applicants for employment who are offered positions with MBCG, applicants for safety-sensitive positions with MBCG, volunteers, interns, contract employees, and contractors when they are on MBCG property or when conducting any MBCG business in any location. This policy also applies during off-site lunch periods or breaks when an employee is scheduled to return to work. Visitors, vendors, and contract employees are governed by this policy while on MBCG premises and will not be permitted to conduct any MBCG business if found to be in violation of this policy.

MBCG is dedicated to assuring fair and equitable application of its alcohol and drug-free workplace policy. Supervisors, managers, and department heads are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor, manager, or department head who knowingly disregards the requirements of this policy or who is found to deliberately misuse the policy in regard to subordinates shall be subject to termination.

DEFINITIONS

1. "Alcohol" includes any beverage or substance containing alcohol manufactured for the primary purpose of personal consumption or as defined in 49 C.F.R. Part 382. The concentration of alcohol is expressed in terms of alcohol per 210 liters of breath as indicated by an evidential breath test.
2. "Illegal Drugs" refers to marijuana, cocaine, amphetamines, methamphetamines, opiates (including heroin and codeine), phencyclidine, and all other "controlled substances" as defined in Title 16 of the Official Code of Georgia Annotated and/or 49 C.F.R. Part 382. Use of any illegal drug or any substance identified in Title 16 of the Official Code of Georgia Annotated and/or 49 C.F.R. Part 382 is prohibited at all times unless a legal prescription has been written for the substance.
3. "Over-the-Counter Medications" includes any substance which does not require a prescription but which has the capacity to affect a person physically, mentally, or emotionally, or which could otherwise affect a person's ability to safely perform any essential job function.
4. "Prescription Drugs" means any substance which is attainable only by lawful prescription from a physician or other authorized medical provider. A lawful prescription must include the patient's name, name of the substance, quantity/amount to be taken, and the period of authorization.
5. "Safety-Sensitive Employees" are those employees who perform safety-sensitive functions, including but not limited to the use of dangerous equipment which may cause serious injury or harm to the operators or others, or a position which involves duties, functions, or situations which have the potential of causing serious injury or harm to the employee or others. Safety-sensitive functions include all time from the time an employee begins work or is on call for work and all responsibility for performing work. Safety-sensitive positions include, but may not be limited to the following:
 - a. Any duty related to inspecting equipment;
 - b. Driving or operating, in any manner, a motor vehicle;
 - c. Driving or operating, in any manner, a commercial motor vehicle;
 - d. Loading or unloading a vehicle, supervising or assisting in the loading or unloading, remaining in readiness to operate a vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
 - e. Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle;
 - f. Maintenance of any motor vehicle or motorized equipment;

- g. Maintenance and custodial functions;
- h. Dispatch personnel;
- i. Security personnel;
- j. Law enforcement personnel;
- k. Any employee who holds a commercial driver's license;
- l. Employees of the parks and recreation department who work closely with families and children of Macon Bibb County.

PROVISIONS

1. Authorized Prescribed Medicine

The use of physician-prescribed or over-the-counter medications and drugs will not be, per se, a violation of this policy. However, any employee who is taking any medication or drugs which could interfere with the safe and effective performance of duties or operation of vehicles or equipment shall notify his or her supervisor before beginning work. Failure to do so may result in disciplinary action, including termination. If there is a question regarding such employee's ability to safely and effectively perform assigned duties, pre-clearance from a physician will be required.

2. Prohibitions

The following conduct is expressly prohibited, and violations shall result in disciplinary action, which may include termination. Where criminal activity is suspected, Macon Bibb County law enforcement shall be notified.

- a. Unauthorized use, consumption, possession, manufacture, growth, distribution, dispensation, or sale of controlled substances or illegal drugs or drug paraphernalia on MBCG premises, in MBCG-supplied vehicles, in any MBCG work area, or while wearing a MBCG uniform or insignia.
- b. Unauthorized use, consumption, possession, manufacture, distribution, dispensation, or sale of alcohol, while on duty, on MBCG premises, in MBCG-supplied vehicles, in any MBCG work area, or while wearing a MBCG uniform or insignia.
- c. Being under the influence of an unauthorized or controlled substance or illegal drug or alcohol, while on duty, on MBCG premises, in MBCG-supplied vehicles, or in any MBCG work area.
- d. The use or possession of alcohol or illegal drugs off MBCG premises and while not on duty may be cause for discipline where such conduct can be shown to have a direct and material adverse impact on MBCG's interests, including public image.

- e. Reporting to work or engaging in any work activity whatsoever on behalf of MBCG in a condition which could pose a threat of harm to the employee or other person, or reporting to or engaging in any work on behalf of MBCG in a condition which could impair the ability to satisfactorily perform any essential function of the job due to the use of drugs or misuse of alcohol.
- f. A conviction of an employee for the sale of or possession with intent to sell illegal drugs at any time or place is cause for immediate termination.
- g. Storage in a locker, desk, automobile, or other repository on MBCG property of any illegally-used drug, controlled substance, drug paraphernalia, or alcohol whose storage is unauthorized.
- h. Switching or adulterating any sample.
- i. Refusing to consent to or submit a breath, urine, hair, or blood sample for testing, or refusing to undergo a drug or alcohol test(s), which may include an inability to provide a sufficient urine specimen, saliva sample, or breath sample without a valid medical explanation; a verbal declaration of refusal to undergo a drug or alcohol test(s); obstructive behavior; or, physical absence resulting in the inability to conduct the test.
- j. Failure to notify, in writing, MBCG of any arrest or conviction under any drug or alcohol statute for a violation occurring in the workplace, within five (5) days of the arrest or conviction.
- k. Abusing or misusing prescription drugs or over-the-counter medications, which includes but is not limited to the use, possession, sale, or solicitation for the purpose of purchase or sale of any prescription medication for which the employee lacks a valid prescription.
- l. Failure to notify a supervisor of the use of a prescription drug which may alter the employee's behavior or physical or mental ability. If an employee obtains a performance-altering prescription, the employee must also obtain a written release from the attending physician which states that the employee can perform his/her job duties while using the medication as prescribed.
- m. Refusing to sign a statement agreeing to abide by MBCG's Alcohol and Drug-Free Workplace Policy, and any other forms required during any testing process.
- n. Hindering, obstructing, or refusing to cooperate or participate in any investigation involving suspected violations of this policy, including but not limited to providing false, misleading, or incomplete information in response to any inquiry from a supervisor related to a suspected violation of this policy.
- o. Hindering, delaying, or obstructing a drug or alcohol test(s), including but not limited to tampering with a sample or interfering in any way with the chain of custody; providing false information in connection with a test; or, falsifying test results through tampering, contamination, adulteration, or substitution. Any employee who is suspected of false information in connection with a test, or who is suspected of falsifying

test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed specimen collection.

Any employee reasonably suspected of violating any of these provisions shall be suspended from his/her job duties pending an investigation and verification of condition. The employee will be subject to alcohol and/or drug testing and, if the employee is under the influence of a prohibited substance or fails to pass a drug or alcohol test, he/she shall be terminated.

3. Drug and Alcohol Treatment

- a. An employee who voluntarily identifies himself/herself as a user of drugs or abuser of alcohol prior to being asked or required to take a drug/alcohol test will not be subject to disciplinary action if the employee seeks immediate assistance and treatment through MBCG's Employee Assistance Program or a similarly available treatment program.
- b. Failure to comply with all requirements of a treatment program, or continued use of drugs or alcohol during or after completion of such a program, will result in an appropriate disciplinary action if such use results in a violation of this policy.
- c. Nothing in this policy is intended to discriminate against any person on the basis of addiction to drugs or alcohol or on the basis of an individual's medical history of addiction to drugs or alcohol pursuant to the Americans with Disabilities Act (ADA). However, MBCG reserves the right to take into account, for purposes of employment or disciplinary action, any history of criminal activity related to such use to the extent that such may lead to disqualification from employment.

4. Searches

- a. MBCG reserves the right to search for evidence of prohibited conduct at any time and without notice or employee consent of all areas and property, real or personal, which are owned or controlled by MBCG or where MBCG has the right to control, including joint control with an employee. Such areas and property include, but are not limited to MBCG-owned or leased or controlled buildings, parks, land, motor vehicles, desks, lockers, files, or storage containers.
- b. With respect to personal property not owned or controlled by MBCG, but which is in the possession or control of the employee on MBCG premises or located in a MBCG-supplied vehicle or in a MBCG work area, and where any supervisor has a reasonable suspicion that an employee is intoxicated or under the influence of alcohol or drugs, and where alcohol or drugs are suspected to be inside such personal property, the employee may be

ordered to submit said personal property to a search. Such may include orders to unlock and open vehicles, tool boxes, lunch boxes, lockers, etc., and to turn inside out clothing pockets and billfolds, purses, envelopes, sacks, etc. The refusal of the employee to comply with such order may be cause for discipline, including termination.

5. Testing

A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 C.F.R. Part 40, as amended.

a. Pre-Employment Testing:

Applicants for all positions of employment with MBCG must undergo pre-employment drug testing after a conditional offer of employment has been extended but before the employee is placed on payroll. This requirement also applies to seasonal employees, interns, and any other persons who will be working in any MBCG facility. A negative drug test is a prerequisite for employment with MBCG. Failure of a pre-employment drug test disqualifies an applicant for employment with MBCG.

b. Pre-Employment, Promotion, or Transfer to Safety-Sensitive Positions Testing:

- i. MBCG shall require, as part of the employment process, that all applicants for initial employment for, or appointment or promotion or demotion or transfer to, any “safety-sensitive” positions (as defined in the “Definitions” section of this policy), must submit to a pre-employment drug and alcohol screening/testing in order to determine the individual’s suitability for employment or appointment. The results of such screening/testing will be revealed to the applicant and the applicant will be allowed to request a confirmatory test. Such retest shall be coordinated by the Human Resources/Risk Management Department and shall be performed on the original specimen provided by the applicant and shall be at the applicant’s expense. Additionally, the applicant shall be given an opportunity to explain or to provide a bona fide verification of a valid current prescription for any drug identified in the drug screening/testing. The applicant will be informed if the reasons for rejection for employment or appointment include the results of the screening/testing.
- ii. An employee who screens/tests positive for alcohol or drugs will be

in violation of this policy and may be subject to disciplinary action, including termination. An applicant who tests positive shall not be hired. Refusal of an employee-applicant to submit to the screen/test will be cause for rejection of the appointment or employment of such applicant.

c. Regular Physical Examinations:

Whenever MBCG's standard policy requires an employee in a "safety-sensitive" position (as defined in the "Definitions" section of this policy) to undergo a physical examination, that examination may include a breath, saliva, urine, and/or blood tests for alcohol and drugs. Opportunity for confirmatory testing shall be provided as set in this policy. An employee who tests positive for alcohol or drugs during such a physical exam will be in violation of this policy. Refusal of the employee to submit to the test will be cause for discipline, including termination.

d. Accidents Resulting in Property Damage:

- i. Any employee who is involved in a motor vehicle accident while operating a MBCG vehicle or equipment or any job-related motor vehicle accident or any other accident which results in property damage will be required to submit to drug and/or alcohol testing. The employee will be taken to a collection site to provide the required urine and/or blood and/or breath and/or saliva specimen as soon as possible after the accident.
- ii. An alcohol test should be completed within two (2) hours of the accident or report of injury but no more than eight (8) hours after the accident or report of injury. A drug test should be completed within eight (8) hours of the accident or report of injury but no more than thirty-two (32) hours after the accident or report of injury.
- iii. All cases involving post-accident testing must be immediately reported in writing to Risk Management/Human Resources.
- iv. The record of the test results shall be included with the report to Risk Management/Human Resources. The facts underlying the determination to require testing shall be disclosed to the employee at the time the order is given.
- v. An employee who tests positive for drugs or alcohol as a result of such testing will be in violation of this policy. Opportunity for confirmatory drug testing shall be provided as set in this policy.

e. Other Post-Accident Testing:

- i. When an employee is involved in an on-duty motor vehicle collision or an off-duty motor vehicle collision while operating a MBCG vehicle, or is injured during the course of their employment, alcohol and drug testing will be performed.
- ii. An alcohol test should be completed within two (2) hours of the accident or report of injury but no more than eight (8) hours after the accident or report of injury. A drug test should be completed within eight (8) hours of the accident or report of injury but no more than thirty-two (32) hours after the accident or report of injury.
- iii. The Supervisor or Department Head shall require tests for injuries received on the job, but for which medical attention is not necessary.
- iv. All employees who have been involved in an on-the-job accident, injury, or serious safety violation under circumstances that suggest possible use or influence of drugs or alcohol in the accident or injury event shall be required to submit to a drug and/or alcohol test. "Involved in an on-the-job accident or injury" means not only one who was injured, but also any employee who potentially contributed to the accident or injury event in any way.
- v. An employee who is required to submit to a test after an on-the-job injury will be escorted to a testing site as soon as practical within the parameters set forth in Section ii above.
- vi. An employee who refuses to provide a blood, urine, breath, or saliva sample as required for testing within the time set forth in this policy shall be advised by Risk Management/Human Resources in writing that such a refusal may result in the forfeiture of all compensation to which the employee may be entitled under the Workers' Compensation Laws of the State of Georgia, and may affect the approval of leave benefits offered by MBCG. Such refusal shall constitute a violation of this policy, and shall result in disciplinary action up to and including termination.
- vii. Pursuant to Georgia's Workers' Compensation laws, if the amount of alcohol in the employee's blood within three (3) hours of the time of an alleged accident, as shown by chemical analysis of the employee's blood, urine, breath, or other bodily substance, is 0.08 grams or greater, there shall be a rebuttable presumption that the accident and injury or death were caused by the consumption of alcohol. The amount of any alcohol found in the employee's blood at any time after the accident, however, may disqualify the employee from workers' compensation benefits.
- viii. If any amount of marijuana or a controlled substance as defined in this policy, paragraph (4) of Code Section 16-13-21, Code Sections 16-13-25 through 16-13-29, Schedule I-V, or 21 C.F.R. Part 1308 is in the employee's blood within eight (8) hours of the time of the

alleged accident, as shown by chemical analysis of the employee's blood, urine, breath, or other bodily substance, there shall be a rebuttable presumption that the accident and injury or death were caused by the ingestion of marijuana or the controlled substance. The amount of any marijuana or controlled substance in the employee's blood discovered during any time frame, however, may disqualify the employee from workers' compensation benefits.

- ix. This testing is performed in addition to any testing ordered by law enforcement authorities.

f. Reasonable Suspicion Testing:

- i. Whenever a supervisor, Department Head, member of Human Resources, or member of Risk Management has a reasonable suspicion that any employee on duty or scheduled for duty is intoxicated or under the influence of alcohol or drugs, the employee may be ordered by MBCG to submit to a drug and/or alcohol test. Refusal of an employee to submit to the test will be cause for discipline, including termination.
- ii. The Department Head or his/her designee shall be notified of the circumstances necessitating the test as soon as possible.
- iii. The supervisor or Department Head shall fully document all appropriate witnesses as soon as possible.
- iv. "Reasonable suspicion" is that quantity of proof or evidence that is more than intuition or strong feeling, but less than probable cause, and must be based on specific, objective facts or reasonable inferences drawn from facts that would cause a reasonable person to suspect that the employee is or has been using drugs or alcohol.
- v. Such "reasonable suspicion" facts include, but are not limited to any one or more of the following:
 - 1. Direct observation of prohibited drug or alcohol use;
 - 2. Slurred speech;
 - 3. Alcohol beverage odor on breath;
 - 4. Unsteady walking and movement or other such physical appearance;
 - 5. An accident involving MBCG property;
 - 6. An on-duty motor vehicle accident;
 - 7. Physical altercation;
 - 8. Verbal altercation;
 - 9. Lapse in cognitive abilities;
 - 10. Aggressive, hostile, threatening, disruptive, or unusual behavior;
 - 11. A report of prohibited drug or alcohol use as provided by a

- reliable and credible source;
 - 12. Evidence that an employee diluted, tainted, tampered, or interfered with any breath, blood, saliva, or urine sample, or any test required under this policy, or that the employee attempted to do the same;
 - 13. Evidence that the employee is involved in the use, possession, sale, solicitation, or transfer of prohibited drugs;
 - 14. Drugs, drug paraphernalia, alcohol, or containers indicating the presence of drugs or alcohol observed or discovered in a location in which the employee had primary control or access, including but not limited to desks, lockers, equipment, machines, or vehicles. The employee must have accessed the location within twelve (12) hours prior to the discovery of such items;
 - 15. Conviction for a drug-related offense in the workplace or during work hours;
 - 16. Repeated or flagrant violations of MBCG's safety or work rules which are determined by a supervisor to pose a substantial risk of injury or property damage and which are not attributable to other factors and appear to be related to drug and/or alcohol abuse;
 - 17. Tardiness or absence indicative of off-duty use of alcohol or prohibited drugs, which renders the employee unable or unwilling to perform duties.
- vi. Any employee ordered to be tested based upon reasonable suspicion shall be immediately removed from duty, escorted to the testing facility, and taken home (unless other suitable arrangements have been made to transport the employee, including calling a cab). Under no circumstances will the employee be allowed to drive himself/herself home. The employee shall turn in keys to a MBCG vehicle, building, or office, as well as his/her identification badge or any other property belonging to MBCG.

g. Random Drug Testing:

- i. Employees identified below are subject to alcohol and/or drug testing on a random basis.

- 1. Safety-Sensitive Positions:

- In order to ensure a safe working environment, promote employee efficiency, protect MBCG from liability, and protect

MBCG's assets, other employees, and the public, individuals employed in safety-sensitive positions shall be subject to testing on a random basis.

2. Commercial Drivers:

Individuals employed as operators of vehicles or equipment requiring the Commercial Driver's License (CDL) shall be subjected to additional alcohol and drug testing on a random basis as required by 49 Code of Federal Regulations Part 382, as amended.

- ii. Tests will be ordered on a random, unannounced basis from the pool of CDL and safety-sensitive employees throughout the year.
- iii. A random number table or computer-based random number generator will be used to select employees for random drug and alcohol testing, thereby allowing each employee an equal chance of being tested each month.
- iv. The percentage of employees in the CDL random testing pool to be selected for breath alcohol testing and the percentage of employees in the CDL random testing pool to be selected for substance abuse testing shall be determined by the United States Department of Transportation and the Federal Motor Carrier Safety Association's Random Testing Rates, published annually.
- v. At least 2-10% of safety-sensitive employees per department will be selected and tested for alcohol and drugs each year.
- vi. An employee's name will remain in the pool after being selected so that every employee will have an equal chance of being tested each time selections are made. Therefore, it is possible that any employee who is randomly selected may be randomly selected again during the same year.
- vii. Any employee with a confirmed positive drug or alcohol test will be removed from his/her position to a substance abuse professional for assessment at the employee's expense. A confirmed positive drug or alcohol test will result in termination of employment.
- viii. The County Administrator or Risk Management or Human Resources shall ensure that all departments comply with all reporting and recordkeeping requirements of 49 Code of Federal Regulations Part 382, as amended.

h. After-Care Testing:

- i. Employees in safety-sensitive positions returning to work from an

approved, self-referred treatment program for drug or alcohol abuse will be subject to frequent, unannounced urine and/or breath testing following return to duty. Follow up testing will be performed for a period of one (1) to five (5) years with a minimum of six (6) tests to be performed during the first year following return to duty.

- ii. Employees who re-enter MBCG's work force following self-referral to a drug or alcohol treatment program or facility must agree to a re-entry agreement with MBCG. The agreement may include, but is not limited to:
 - 1. A release to work statement from the substance abuse professional;
 - 2. A negative test for alcohol and/or drug use;
 - 3. An agreement to submit to unannounced and frequent follow-up testing for a period of one (1) to five (5) years with a minimum of six (6) tests to be administered during the first year following return to duty;
 - 4. Statement of work-related behaviors;
 - 5. An agreement to follow specified after-care requirements with the understanding that violations of the re-entry agreement shall be grounds for termination of employment.

i. Return to Duty Testing:

Employees who are absent from work on any leave for thirty (30) days or longer shall be tested for drugs immediately prior to returning to work and before performing any job duties. Any employee who screens/tests positive for alcohol or drugs will be in violation of this policy and may be subject to further disciplinary action, including termination. Refusal of an employee to submit to the screen/test will also be cause for disciplinary action, including termination.

j. Consent Testing:

When any employee has consented to a drug or alcohol test, the consent must be signed by the employee and a supervisor from the employee's department or an authorized person from the Human Resources Department or Risk Management Department. This consent shall also include consent to the release of the test results to MBCG's Human Resources or Risk Management Department. Absent such signature, the testing provider will note on the form the individual's refusal and attempt to go forward with the test. Continued refusal by the employee constitutes failure to obey an

order to submit to the test and is grounds for disciplinary action, including termination. The failure of an employee to provide a urine specimen within two hours of the request at the test site is tantamount to a refusal. Refusal by an applicant to sign the consent form and/or be tested shall be grounds for rejection of the application.

6. Testing Procedures

- a. Testing for the presence of alcohol and/or drugs may be conducted by analysis of breath, urine, hair, saliva, and/or blood.
- b. In any situation in which the employee has been ordered to be tested or tests positive and the employee refuses assistance in leaving the building or property or insists on leaving in his/her own vehicle, supervisors and/or department heads must document the situation and, depending on the circumstances, contact the Macon Bibb County Sheriff's Office non-emergency line and provide the sheriff's department with the employee's name, vehicle description, and license plate number. However, if the employee is extremely agitated, violent or is making threats of violence, leaves the premises in a MBCG vehicle, or if it is believed that the employee has violated the law, 9-1-1 must be called.
- c. The drug and/or alcohol analysis may test for alcohol or a controlled substance which could impair an employee's ability to safely or effectively perform the function of his/her job. Controlled substance means any drug listed in 21 U.S.C. 812 and other federal regulations and any "illegal drugs" as defined in the Definitions section of this policy. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to prescription medications, heroin, cocaine, morphine and its derivatives, P.C.P., methadone, barbiturates, amphetamines, marijuana, and other cannabinoids.
- d. Lab reports and/or test results will not be placed in the employee's personnel record. This information will remain in a separate medical record that will be securely kept under the control of Risk Management/Human Resources. Test results will only be released by Risk Management/Human Resources to MBCG officials on a strictly need-to-know basis, to the tested individual upon request, and other persons required by law. Such release may also occur in case of the following events:
 - i. The information is compelled by law or by judicial or administrative process, including disciplinary proceedings;
 - ii. The information is needed as evidence in a disciplinary hearing involving the subject employee;
 - iii. The information is needed to determine eligibility for employee benefits, including sick leave, disability pension, retirement benefits.
 - iv. The information is needed by medical personnel for the diagnosis or

treatment of the patient who is unable to authorize disclosure.

7. Drug/Alcohol Screen Analysis

a. Alcohol:

- i. For purposes of this prohibition, an employee shall be deemed to be “under the influence” of alcohol where a blood alcohol content by weight of alcohol exists in the person’s blood exceeding .04 percent.
- ii. An employee may be found to be “under the influence” where blood alcohol content by weight of alcohol exists in the person’s blood is less than the foregoing amounts and other competent evidence shows job performance or employee safety to be affected.
- iii. Pursuant to Georgia’s Workers’ Compensation laws, if the amount of alcohol in the employee’s blood within three (3) hours of the time of an alleged accident, as shown by chemical analysis of the employee’s blood, urine, breath, or other bodily substance, is 0.08 grams or greater, there shall be a rebuttable presumption that the accident and injury or death were caused by the consumption of alcohol. The amount of any alcohol found in the employee’s blood at any time after the accident, however, may disqualify the employee from workers’ compensation benefits.
- iv. If any amount of marijuana or a controlled substance as defined in this policy, paragraph (4) of Code Section 16-13-21, Code Sections 16-13-25 through 16-13-29, Schedule I-V, or 21 C.F.R. Part 1308 is in the employee’s blood within eight (8) hours of the time of the alleged accident, as shown by chemical analysis of the employee’s blood, urine, breath, or other bodily substance, there shall be a rebuttable presumption that the accident and injury or death were caused by the ingestion of marijuana or the controlled substance. The amount of any marijuana or controlled substance in the employee’s blood discovered during any time frame, however, may disqualify the employee from workers’ compensation benefits.
- v. No CDL employee shall perform his/her safety-sensitive job functions within eight (8) hours after using alcohol.
- vi. Alcohol screening will be conducted using a federally approved testing device operated by a trained technician. An initial screening will be conducted first. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test will be performed using a federally approved evidential breath testing device operated by a trained breath alcohol technician.
- vii. Any tested employee with a confirmed alcohol concentration of 0.02

or greater but less than 0.04 will be removed from duty for 24 hours without pay. This removal from duty will be treated as an unexcused absence subject to termination of employment for a second offense. A confirmed alcohol concentration of 0.04 or greater shall constitute a positive alcohol test in violation of this policy and a violation of the federal requirements for safety sensitive employees set forth in 49 C.F.R. Part 654, and the employee may be subject to termination of employment.

b. Drugs:

- i. The drug screen analysis will include those agents that most frequently are the drugs of abuse. The list will be subject to review and modification. Each drug screening may include a test for the following illicit narcotics or drugs:
 1. Amphetamines (Benzedrine, Dexedrine, Methamphetamine);
 2. Barbiturates (Seconal, Phenobarbital, Pentobarbital);
 3. Benzodiazepines;
 4. Cannabinoid metabolites (Marijuana, Hashish, THC);
 5. Opiate derivatives (Heroin, Morphine, Codeine);
 6. Cocaine metabolites (Benzoyllecgonine, Ecgonine, Crack);
 7. Phencyclidine (P.C.P.);
 8. In any instance in which there is reason to believe an employee is abusing a substance other than what is listed above, MBCG reserves the right to test for additional drugs under its own authority using standard laboratory testing protocols.
- ii. To ensure accuracy and fairness of the testing program, all testing will be conducted by medical personnel.
- iii. Two types of drug tests may be employed: initial screening tests, often referred to as color tests; and confirmatory tests. Initial screening (color) tests are designed to distinguish negative from presumptive positive samples. Confirmatory tests positively identify a drug or metabolite when preliminary or field tests indicate their presence. Drug screening technologies will include gas chromatography/mass spectrometry (GC/MS) analysis and may include other tests as follows:
 1. Enzyme Immunoassay (EIA);
 2. Radioimmunoassay (RIA);
 3. Fluorescence Polarization Immunoassay (FPIA);
 4. Intoxilyzer Model 5000 (for alcohol);
 5. Field tests such as Abuscreen ® Assays.

- iv. Thresholds have been established which set the limit at which a drug test may be called positive. Specimens containing the drug or metabolite below the threshold are identified as “negative.” All specimens identified as positive on the initial test shall be confirmed.
 - 1. The initial and confirmatory drug test cutoff values promulgated by the Department of Health and Human Services (Federal Register, Vol. 53, No. 69, published April 11, 1988), and as amended, are hereby adopted as the cutoff values for this policy. These tests levels are subject to change by the Department of Health and Human Services as advances in technology or other considerations warrant identification of these substances at other concentrations.
 - 2. Threshold levels specified by the reagent manufacturers will be used for drugs or compounds not listed in the Federal Register, or specified by law.

c. Acceptable Laboratories:

- i. Only laboratories currently certified to meet Subpart C of Mandatory Guidelines for Federal Workplace Drug Testing Programs (53 F.R. 11986) may conduct confirmatory drug tests.
 - ii. Chain of custody procedures will be followed and documented.
 - iii. Specimens found to be positive will be maintained (frozen) for one year, unless the laboratory is otherwise directed.
 - iv. An inadvertent failure to comply with a requirement of this protocol which does not render the test result unreliable shall not prevent MBCG from imposing disciplinary action, including termination, against the employee.
- d. All positive drug results will be interpreted by a physician approved by MBCG as a Medical Review Officer (MRO) before the results are reported to MBCG. The MRO will make reasonable efforts to ascertain whether there may be a legitimate medical explanation for any positive test result by requesting information from the employee prior to administering the test.
- e. Upon notification of a verified positive result for drugs, the employee may request that the remaining portion of his/her (original) split specimen undergo a second confirmation test at his/her expense at a different DHHS laboratory. If the test conducted at the employee’s request is negative for the presence of drugs, a third test may be made at MBCG’s sole expense at a separate DHHS facility of its choosing. The results of the third facility will be determinative. If the results from the third facility are negative, all prior positive tests will be disregarded and shall not be the basis for any

disciplinary or adverse action.

- f. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 C.F.R. Part 40, as amended. The employee's request for a split sample test must be made to the MRO within 72 hours of notice of the original sample verified result. Requests after 72 hours will only be accepted if the delay in the request was due to documented facts beyond the control of the employee.
- g. MBCG will make reasonable efforts to notify the employee of a positive test within five (5) days from the date it receives the test results. Because the results of a breath alcohol test are immediately available, this provision will not apply to alcohol tests conducted in such a manner.
- h. In the event that it is not reasonable under the circumstances to conduct an alcohol test based on a breath test, MBCG reserves the right to test for the presence of alcohol by a blood, or other, test analysis. If this procedure is used, MBCG will make reasonable efforts to notify the employee of a positive test within five (5) days from the date it receives the test results. An MRO will not be used when a blood test for alcohol is administered.

8. Program Administration:

- a. Risk Management/Human Resources is responsible for the overall administration of the program.
- b. Responsibilities are to:
 - i. Prepare a report outlining the number of tests given; the basis of the tests (random, pre-employment, post-accident, etc.); the results on a summary basis; and, the costs incurred in the program.
 - ii. Provide Department Heads with the names of employees selected at random to be tested.
 - iii. Assist Department Heads in the administration of MBCG's Drug-Free Workplace Program.
 - iv. Assist employees who voluntarily come forward to get assistance with any substance abuse problems.
 - v. Receive the results of all drug tests and maintain the information in a secure file for a minimum of five (5) years. When positive results are received, notify the appropriate Department Head. The Department Head will provide the person tested with an opportunity to explain the results prior to personnel action being taken.
 - vi. Designate collection sites and perform other actions necessary to implement this policy.

9. Consequences for Violation of this Policy:

- a. One of the goals of the alcohol and drug-free workplace program is to

encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates this policy, the consequences are serious.

- b. MBCG will allow all applicants and employees who test positive for alcohol and/or drugs the opportunity to explain the test results prior to taking an adverse action.
- c. If an applicant tests positive for drugs and/or alcohol and is unable to provide a reasonable explanation for the result, MBCG will withdraw the offer of employment or, in the case of applicants applying for safety-sensitive positions, MBCG will not offer employment.
- d. Violation of this policy may result in severe disciplinary action, including discharge for a first offense at MBCG's sole discretion.

10. Confidentiality:

All reports of test results for drugs and alcohol, searches, or any employee referral to or participation in an EAP program or treatment program for addictive disorders will be maintained in strict confidence. Any person authorized to have access to such confidential information who, without authorization, discloses it to another person shall have engaged in gross misconduct and shall be subject to severe disciplinary action up to and including termination of employment.

The confidentiality of such information shall not apply to any use by or communication to the office of the MBCG Attorney, or where the information is relevant to the MBCG's defense in an administrative or civil action. Such information may also be disclosed to the extent required by any federal, state, or local law, statute, ordinance or regulation. All personal health information shall be maintained in accordance with the Health Insurance Portability and Accountability Act (HIPAA); access to such information shall be limited to individuals who need the information to process claims under a MBCG program, or to individuals for whom the employee has signed a release form and presented the form to the administrator of such program.

11. Shared Responsibility:

- a. A safe and productive alcohol and drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.
- b. All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.
- c. In addition, employees are encouraged to:

- i. Be concerned about working in a safe environment.
 - ii. Support fellow workers in seeking help.
 - iii. Request information from Human Resources or Risk Management on alcohol and/or drug rehabilitation programs in the community.
 - iv. Report dangerous behavior to their supervisor.
- d. Supervisors' responsibilities are to:
- i. Assist Human Resources and Risk Management in informing employees of the Alcohol and Drug-Free Workplace Policy.
 - ii. Observe employee performance.
 - iii. Work with Human Resources and/or Risk Management to investigate reports of dangerous practices.
 - iv. Document negative changes and problems in performance and to counsel employees as to expected performance improvement.
 - v. Refer employees to Human Resources or Risk Management for information on alcohol and/or drug rehabilitation programs in the community.
 - vi. Clearly state consequences of policy violations.

12. Training:

- a. In an effort to ensure that department heads, managers, supervisors, the Mayor, and members of the County Commission continue to be informed and educated on MBCG's alcohol and drug policies, updated training will be required every three (3) years.
- b. Any employee hired or promoted into a supervisory position must receive training on this policy within one (1) year of hire or promotion.
- c. All employees will receive training on this policy upon hire at orientation.

13. Communicating the Alcohol and Drug-Free Workplace Policy:

- a. All employees will receive a written or electronic copy of this policy.
- b. This policy will be reviewed in orientation sessions with new employees.
- c. All employees will receive an update of this policy annually.
- d. Employee education about the dangers of alcohol and drug use and the availability of help will be provided to all employees.

**MACON BIBB CONSOLIDATED GOVERNMENT
ALCOHOL AND DRUG-FREE WORKPLACE POLICY**

ACKNOWLEDGEMENT

I hereby acknowledge that I have received the Macon Bibb Consolidated Government Alcohol and Drug-Free Workplace Policy. I have carefully and thoroughly read this Policy. I agree, without reservation, to follow the policy and procedures. I understand I may be required to submit to an alcohol and/or drug test. I also understand that failure to comply with the policy and procedures is the basis for discipline, including termination.

DATE

EMPLOYEE'S SIGNATURE

EMPLOYEE'S NAME (PRINTED)

CARE FOR MBCG EQUIPMENT

To aid in the performance of employees' job duties, MBCG provides certain equipment to employees, when and as needed, and consistent with the budgetary allocations approved by the County Commission.

Some of this equipment is large, specialized, or otherwise intended to be used by employees in common with other employees. This may include machinery, large tools, technology systems, or vehicles. Some of this equipment is small, or otherwise issued to a single employee. This may include items such as cell phones, laptops, tablets, radios, guns, cameras, tools, personal protective equipment, or other items.

In the course of each employee's employment, it is the responsibility of every employee to take care of all MBCG equipment that is made available for the use of that employee, or otherwise issued to that employee. Misuse, abuse, neglect, or negligent use of MBCG equipment can lead to workplace injuries or death, and the replacement or repair costs for misused equipment across MBCG are significant. The purpose of this policy is to require all employees to use reasonable care when handling or using MBCG equipment, and to return any issued equipment to MBCG upon separation from employment.

1. General Policy:

It is the general policy of MBCG that employees shall be responsible to pay for those costs associated with the loss, damage, destruction, or failure to return MBCG equipment to the extent allowed by law, and to the extent that such equipment is covered under this policy. Where allowed by law, the costs owed for loss, damage, destruction, or failure to return any MBCG equipment shall be calculated according to the terms of this policy.

2. Equipment Covered Under This Policy:

This policy shall include the following:

- A.** All equipment worth more than mere surplus or scrap value, which is knowingly or intentionally lost, damaged, destroyed, stolen, removed, or taken and not returned; and
- B.** All equipment valued at over \$100.00, and which is lost, damaged, or destroyed through the intentional or knowing act or omission or gross negligence of any employee.

3. Equipment Not Covered Under This Policy:

Except as provided in Paragraph 2(A), above, this policy shall not include any of the following:

- A. Any items or equipment which are consumable (for example, pens, paperclips, copier paper, fuel, ammunition), or which are not intended to be used for longer than one year, and which, in the aggregate, total less than \$100.00 in value;
- B. Any items or equipment which have been lawfully declared as surplus or scrap;
- C. Any items given to any employee as a benefit of employment, with the express understanding that they would become the employee's personal property and not need to be returned (for example, shirts or uniforms embroidered with an employee's name, or tokens of appreciation given to commemorate a departmental or organizational event or personal achievement);
- D. Any equipment which is lost, damaged, or destroyed through the ordinary negligence of any employee, including normal wear and tear; or
- E. Any equipment which is improperly taken from MBCG but returned within five business days of the employee being instructed by a superior to return the item, or of the employee's date of separation, whichever is earlier.

4. Calculation Of Costs Owed:

If an employee's actions or omissions cause any equipment covered under Paragraph 2 of this policy to be lost, damaged, destroyed, stolen, removed, or taken and not returned, then costs owed by that employee shall be calculated as follows:

C = Total cost to repair (if cost effective) or replace the equipment (estimated, if unknown)

A = Age of the equipment (estimated, if unknown)

L = Expected commercial useful life for new equipment of that type (estimated, if unknown)

N = Number of people responsible for the equipment costs being incurred

Total Costs Owed = $C \times (L-A)/L \times 1/N$

5. Collection of Costs Owed:

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Costs incurred by employees under this policy may be collected through one or more of the following means:

- A. Forfeiture of accrued annual leave or comp time, to be achieved by paying that employee wages equal to the employee's regular hourly wage for each hour of accrued time forfeited, withholding taxes in accordance with law, and then deducting the costs incurred on an after-tax basis;
- B. Deduction of wages from a paycheck on an after-tax basis for any payouts of accrued leave of any kind made to any employee upon the separation of that employee from employment;
- C. For FLSA Non-Exempt employees, deduction of wages from a paycheck on an after-tax basis, provided that deductions shall not be so great as to cause any employee's wages for any work week to fall below the prevailing legal minimum wage for both regular and overtime hours worked;
- D. An invoice issued to the employee for payment, which may be paid according to mutually agreeable terms; and
- E. In exceptional cases, referral of the debt to a collection agency.

6. Discretionary Waiver Of Excess Costs Owed:

If an employee has insufficient accrued leave or unpaid wages which can be withheld to pay for costs incurred under this policy, and the amount of the excess costs owed is so small that the burden of collecting would clearly exceed the amount owed, or if circumstances are such that the likelihood of collecting would be small, then the department head shall have the discretion to waive those excess costs without requiring repayment, if the costs are no greater than \$2,500.00, or the Mayor or County Manager shall have the discretion to waive costs of any amount.

7. Employee Discipline Or Prosecution:

Nothing in this policy shall prevent MBCG from also disciplining or terminating any employee for their role in the events giving rise to the loss, damage, destruction, theft, removal, or taking in accordance with the disciplinary policies of MBCG. Nothing in this policy shall prevent MBCG from referring any matter to law enforcement for prosecution in the event that any actions which might give rise to the loss, damage, destruction, theft, removal, or taking of MBCG property constitute crimes under the laws of MBCG, the State of Georgia, or the United States.

SECTION 7: COMPENSATION

POLICY	NUMBER
Anniversary Date and Bridging of Service	7.01
Compensatory Time	7.02
Compressed Work Week and Timekeeping	7.03
Deductions From Pay and Direct Deposit	7.04
Overtime Pay	7.05
Recording Hours Worked, Pay Periods	7.06
Wage and Salary Administration	7.07

ANNIVERSARY DATE AND BRIDGING OF SERVICE

An employee's anniversary date is defined as the date of hire for the latest period of employment with MBCG, City of Macon and Bibb County. The anniversary date is used as a benchmark in a variety of ways relating to qualification for various benefits, seniority, and the employee's performance evaluations.

Previous periods of service may be credited to the employee's service time under certain circumstances for pension purposes only. Employees who have already met their vesting period for pension, but have not yet met eligibility for drawing their vested pension will have their service time bridged after reemployment with MBCG. For non-vested employees rehired by MBCG, no more than five years may have elapsed between the last period of employment and the beginning of the latest period of employment for bridging of service time. *(Refer to appropriate Pension Plan)*

The Human Resources Department will determine whether an employee is eligible for bridging of service at the time of rehire. If the employee is granted credit, he/she will be given an adjusted hire date, which will then serve as the employee's Anniversary Date.

COMPENSATORY TIME

In order to comply with the Fair Labor Standards Act, MBCG will provide overtime pay in lieu of compensatory time to non-exempt and hourly-paid staff members whose employment status is full-time, part-time, or temporary for all hours worked in excess of forty (40) hours in one week. All non-exempt staff members are subject to the overtime requirements of the Fair Labor Standards Act and must be compensated accordingly (*Refer to Overtime Pay policy, Section 7.05.*)

Effective March 17, 2009, Bibb County ceased to offer compensatory time in lieu of overtime hours. Any accrued compensatory time on the books before March 17, 2009 will be available for the employee's use when scheduled with the approval of their department head.

The Mayor and County Commission may authorize compensatory time to be paid to exempt employees in the event of a declared emergency by Federal or State officials.

To avoid overtime, a non-exempt employee may be allowed time off from work during the same week as the overtime hours were worked, where department schedules and functions permit. Bibb County law enforcement personnel will have a two (2) week time frame within the pay period to make up for time worked above their regular scheduled work day instead of receiving overtime pay.

Holidays, annual leave, sick leave, and any other types of leave are not considered "hours worked" in calculating overtime pay. (*Refer to Overtime Pay policy.*)

"Flex time" is not permitted.

COMPRESSED WORK WEEK AND TIMEKEEPING

The MBCG permits some MBCG departments and offices to work a compressed work week consisting of four (4) ten-hour days per week upon approval of the Mayor or County Manager. The department head has discretion to determine whether his/her department will participate. Hours of operation for departments participating in the compressed work week are 7:00 a.m. to 5:30 p.m., with one half-hour for lunch.

Individual employees within a department which offers the compressed work week may choose not to participate and to instead work the regular eight-hour, five (5) day work week. Department directors will work a five day work week.

Once an employee agrees to the compressed work schedule he/she may opt out or make changes to his/her work schedule approved by his/her department head on one occasion only. The employee's work schedule may be changed in the discretion of the department head to meet the needs of the department. No employee will be permitted to alter his/her work schedule back and forth from regular work hours to the compressed work week schedule at his/her convenience. The compressed work week schedule shall not be used as a "flex time" option for the convenience of individual employees. Each employee is expected to adhere to his/her chosen schedule once the schedule has been established.

If a department on a compressed work week schedule serves the public, the department's hours of operation are extended to include the compressed schedule hours to allow for availability of services to the public at all times on days when the MBCG facility is open to the public.

Compressed Work Week Timekeeping

Overtime will be paid to any non-exempt employee who works a compressed work week schedule and who works more than forty (40) hours in one week—just as with any other non-exempt employee of MBCG. (Refer to Fair Labor Standards Act section of this handbook). To record hours worked on time sheets, non-exempt employees who work a compressed work week schedule should enter "10, 10, 10, 10" if they work each scheduled day during the week.

Time off from work for all employees who work a compressed work week schedule should be entered according to MBCG payroll guidelines. If an employee who works a compressed work week schedule (both exempt and non-exempt employees) takes a full day off for sick leave, annual leave, or banked compensation time, he/she will be charged ten (10) hours against the respective account. If a non-exempt employee who works a

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compressed work week schedule is absent for a partial day, the precise amount of time absent from work will be charged against the employee's sick leave, annual leave, or banked compensation time account, if applicable.

If any of the following leave time is awarded by MBCG, the employee who works a compressed work week schedule will be paid for **eight (8) hours**:

Holiday Pay

Notes: Employees who work a compressed work week schedule will be scheduled for four (4) eight-hour days during the week in which the holiday falls. Department Heads will assign staggered work hours for employees in order to maintain employees' extended hours. All employees must be paid their last scheduled work day before the holiday and their first scheduled work day after the holiday to be eligible for holiday pay.

Funeral Leave

Notes: If bereavement leave would apply to a day which is the employee's regularly scheduled day off from work, bereavement leave will not be paid.

Jury Duty Leave

Notes: If an employee's call for jury duty occurs on a day which is the employee's regularly scheduled day off, jury duty leave will not be paid for that particular day.

DEDUCTIONS FROM PAY AND DIRECT DEPOSIT

In accordance with federal, state, and local laws, the following deductions will be made from employee paychecks:

- Federal Income tax
- Social Security tax
- State Income Tax
- Garnishments, Bankruptcies and/or Liens
- Deductions mandate by local, state, or federal law

Authorized deductions will also be made for employee benefit programs--primary and supplemental--chosen by the employee and for any charitable contributions authorized by the employee. Any employee benefit program must be officially approved, adopted and implemented by the MBCG County Commission. Deductions for employee benefit programs may include health and dental insurance, life insurance, retirement plans and deferred compensation programs, and other approved savings programs.

Employees should contact the Human Resources Department for information regarding voluntary deductions from pay, including deduction of union dues. Questions concerning deductions for taxes, garnishments, bankruptcies or levies should be directed to the Finance Department.

Direct Deposit

- Newly hired employees will be informed that direct deposit is the desired MBCG's standard method of paying employees.
 - Employees may choose to deposit into two (2) bank accounts. This may be two (2) accounts at one bank or separate accounts at two (2) different banks.
1. Employees at their discretion may elect to receive a check rather than direct deposit. Employees who are not currently using direct deposit may sign up to have their pay directly deposited by contacting the Finance or Human Resources Department.

It will take approximately two (2) weeks from the time an employee signs up for his/her direct deposit to become effective.

2. The entire amount of the paycheck must be direct deposited, along with all other

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payroll checks issued such as checks for incentive pay and longevity bonuses. Payment for any excess vacation time shall be by manual check issued by the Finance Department and is not subject to direct deposit.

3. If two (2) bank accounts have been chosen for direct deposit and the amount of the paycheck increases, the increase will be direct deposited into the primary account. If the amount of the check decreases and two (2) accounts have been chosen, the amount of the decrease will be deducted from the amount deposited into the secondary account.
4. Changes in any of the designated accounts will be handled by the Finance Department. The Finance Department must be notified five (5) days in advance of any changes in banking institutions or designated accounts.
5. All direct deposit enrollment forms and questions concerning direct deposit will be handled by the Finance Department/ Human Resources Department.
6. Any charges incurred by MBCG due to a returned direct deposit will be charged to the employee/retiree.
7. Individual information from direct deposit funds is available online on the Employee Page of the MBCG Website under "My MBCG." This information can be accessed by the employee by entering a secure user name and password, which will be provided to each employee.

OVERTIME PAY

MBCG employees may be required to work overtime at the request of their immediate supervisor or department head as circumstances may warrant. It is MBCG's policy to comply with the Fair Labor Standards Act ("FLSA") with regard to overtime payment for non-exempt employees. All overtime hours must be approved in advance by the department head or his/her designee. An employee's base work week or work cycle for computing overtime compensation will be the actual hours worked. Annual leave, holidays, sick leave and other leave time will not count toward hours worked for overtime pay purposes. On-call time, excluding time spent by an employee responding to a call, also will not count toward hours worked for overtime pay purposes.

Exempt employees and non-exempt employees are expected to work 40 hours per week. Exempt employees are not eligible for overtime pay and are expected to work whatever hours are necessary in order to meet the performance expectations outlined by their supervisors. Exempt and non-exempt employees are required to record and track time. All employees (exempt and non-exempt) are expected to discuss scheduling (including meetings off-site) with their supervisor in advance of absences, leaving early or coming in late.

Non-exempt hourly employees will be paid overtime at a rate of one and one-half times their regular hourly rate for all hours worked over forty (40) hours in a work week, except as noted below regarding employees who fall under the 207(k) exemption. For all employees, only actual hours worked count toward the computation of any weekly overtime.

Employees Excluded From Overtime

Exempt salaried employees do not receive overtime pay. Also excluded from the overtime pay requirements of the FLSA are:

- **Elected officials**--Includes holders of public elective office, members of the officeholder's personal staff, employees appointed by elective officials to policymaking positions, and employees who serve as immediate advisors to the constitutional or legal powers of the officeholder.
- **Executive personnel**--Includes employees who earn a salary of not less than \$684 per week and whose primary duties include management of an organization or management of a subdivision of department of an organization; supervision of two (2) or more employees; and authority to hire and fire employees or the making of recommendations with respect to hiring, firing or advancement of employees.
- **Administrative personnel**--Includes employees who earn a salary of not less

than \$684 per week and whose primary duties must include the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers; and the exercise of discretion and independent judgment with respect to matters of significance. In addition, administrative personnel must assist an executive or administrative employee; perform only general supervision along specialized lines; or execute specialized assignments under only general supervision.

- **Professional personnel**--Includes employees who earn a salary of not less than \$684 per week and whose primary duties include the performance of work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction; or work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.
- **Computer worker**--The FLSA describes these employees as a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker in the computer field. Primary duties consist of: (a) the application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications; (b) the design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications; (c) the design, documentation, testing, creation or modification of computer programs related to machine operating systems; or (d) a combination of the aforementioned duties, the performance of which requires the same level of skills. A computer worker must be compensated on a salary or fee basis at a rate of not less than \$ 684 per week or receive compensation on an hourly basis at a rate not less than \$27.63 an hour.

Exempt employees shall be entitled to their full wages for any week in which they work, provided that wages may be deducted for any workdays in which the exempt employee does not perform any work. Exempt employees may use accrued leave in accordance with the Macon-Bibb County Government leave policies in order to receive wages for any workdays on which no work is performed.

Note: Exempt employees abusing the benefits of "Exempt" status (such as working a fraction of a day and getting paid for the full day) may be subject to disciplinary wage deductions for violations of safety rules of major significance, violations of workplace conduct rules, suspensions, reductions of accrued leave, reclassification to non-exempt status, or termination of employment.

Definition of “hours worked”

For purposes of FLSA compliance, “hours worked” includes all time that an employee is required to be on duty, or on the employer’s premises, or at a prescribed workplace for the employer, and all time during which the employee is suffered or permitted to work for the employer. Hours worked have been established as at least all time spent in physical or mental exertion controlled or required by the employer and pursued necessarily and primarily for the benefit of the employer or his business. This term includes any work which the employee performs on or away from the premises, if the employer knows or has reason to believe that the work is being performed.

Time spent by an employee in waiting for and receiving medical attention at the direction of MBCG during the employee’s normal working hours on days when he is working constitutes hours worked. This includes time spent traveling to and from and visiting the doctor’s office for workers compensation physician and physical therapy appointments.

Annual leave, sick leave, worker’s compensation time, on-call time not including time spent by an employee actually responding to a call, and other leave time will not count toward the hours worked in the work cycle for overtime purposes.

In addition, the following categories of time associated with work are further defined under the FLSA:

1. **Waiting Time**—In cases where an employee is unable to use his/her time effectively, but waiting is an integral part of the job, such time is considered to be hours worked.
2. **Off Duty**—Periods during which an employee is completely relieved from duty and which are long enough to enable the employee to use the time effectively for his/her own purposes are not hours worked.
3. **Meal Periods**—Bona fide meal periods are not working time. Bona fide meal periods do not include coffee breaks or time for snacks. These are rest periods. The employee must be completely relieved from duty for the purposes of eating regular meals. Ordinarily thirty (30) minutes or more is long enough for a bona fide meal period. A shorter period may be long enough under special conditions. The employee is not relieved if he is required to perform any duties, whether active or inactive, while eating.
4. **Approval Required For All Overtime**—The MBCG does not permit the working of overtime hours unless such is specifically approved by a MBCG official or department head. MBCG officials and department heads are accordingly

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responsible for ensuring that all overtime worked by their employees is approved before it is worked, and for maintaining daily and weekly records of each employee's "hours worked."

NOTE: *The Bibb County Sheriff's Office personnel must adhere to the Bibb County Sheriff's Office standard operating procedures for approval of overtime hours.*

Classification of Jobs

The Human Resources Department is responsible for administering this overtime policy and for classifying a job as exempt or non-exempt upon review of the job description and duties with the department head and with the counsel of the MBCG Attorney or his or her designee.

On-Call (Standby) Policy

The MBCG may require certain employees to be placed on-call (standby) for emergency response after normal duty hours. Employees who are placed on-call in any department may be required to be on-call on a weekly rotation. On-call status is assigned on a rotating basis and should be assigned by a supervisor with prior approval of the department head. Employees who are scheduled to be on leave (vacation, sick or other scheduled leave) cannot be scheduled for on-call (standby) duty.

When an employee is on-call, MBCG will provide a pager and/or cell phone, which must be carried by the employee at all times inclusive of evenings, holidays and weekends. During the on-call week, the supervisor will also be provided with a MBCG vehicle to drive to and from his/her residence; however, such MBCG vehicle may not be used for any personal use other than transportation to and from work. In the event of a call, the employee should be able to respond to any occurrence within the territorial boundaries of Bibb County within thirty (30) minutes of the call being received.

The supervisor will be responsible for determining whether there is a need for additional employee assistance for a particular call, and for securing that assistance. However, the supervisor is not permitted to impose his/her requirement to be on-call to other employees of his/her crew.

As for compensation for the on-call time, the employee will be paid as though he/she actually worked two hours for each day on which he/she is on-call and four hours for each

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Saturday, Sunday or Holiday he/she is on-call regardless of whether he/she is actually required to respond to a call.

The rate of pay for actual work time while on-call shall be in accordance with MBCG pay policy regarding overtime pay. In the event the on-call employee must respond to a call during the on-call time, he/she will be paid for any time actually worked above and beyond the on-call listed above. Employees who have not met the threshold for required overtime shall be paid regular rate until he/she meets the required threshold.

Public Safety Activities (Sheriff, Fire)

Employees engaged in fire protection or law enforcement activities, including correctional officers, on behalf of a public sector employer are subject to liberalized overtime standards under section 207(K) of FLSA. MBCG has adopted the 207(K) exemption for qualifying employees.

An Employee engaged in “Fire Protection” activities for purposes of the 207(k) exemption must:

- Be trained in fire suppression;
- Have the legal authority and responsibility to engage in fire suppression;
- Be employed by a fire department of a municipality, county, fire district, or state; and
- Be engaged in the prevention, control, and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk. (29 CFR § 553.210).

An Employee engaged in “Law Enforcement” activities for purposes of the 207(k) exemption must:

- Be a uniformed or plain clothed member of a body of officers and subordinates who are empowered by State statute or local ordinance to enforce laws designed to maintain public peace and order and to protect both life and property from accidental or willful injury, and to prevent and detect crimes;
- Have the power to arrest; and
- Be undergoing or have undergone or will undergo on-the-job training and/or a course of instruction and study which typically includes physical training, self-defense, firearm proficiency, criminal and civil law principles, investigative and law enforcement techniques, community relations, medical aid, and ethics.

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The 207(k) exemption of the FLSA provides that for employees engaged in fire protection or law enforcement activities, the “work period” rather than the shift cycle, determines when overtime must be paid. A “work period” may be from 7 consecutive days to 28 consecutive days in length. For work periods of at least 7 but less than 28 days, overtime pay is required when the number of hours worked exceeds the number of hours that bears the same relationship to 212 (fire) or 171 (police) as the number of days in the work period bears to 28 (see chart below).

NOTE: Law enforcement personnel does not include clerks, radio operators, or dispatchers in the Sheriff's Office.

Overtime pay is required to be paid to law enforcement and fire personnel in accordance with the following table:

Work Period (Days)	Max. Hours Standards (Law Enforcement)	Hours Standards (Fire)
28	171	212
27	165	204
26	159	197
25	153	189
24	147	182
23	141	174
22	134	167
21	128	159
20	122	151
19	116	144
18	110	136
17	104	129
16	98	121
15	92	114
14	86	106
13	79	98
12	73	91
11	67	83
10	61	76
9	55	68
8	49	61
7	43	53

The Macon-Bibb County Fire Department has adopted a 27-day work period. Therefore, qualifying employees must meet the threshold of 204 hours worked within the 27-day

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work period in order to qualify for overtime pay. Questions concerning application of this policy should be addressed to the Human Resources Department.

RECORDING HOURS WORKED, PAY PERIODS

MBCG employees must accurately record hours worked, time off from work, whether paid or unpaid; and any use of sick leave or banked compensatory time. Failure to do so may result in disciplinary action, up to and including termination of employment.

Pay Periods; Compensation Schedule

MBCG issues paychecks to all employees on a bi-weekly basis. When the pay day falls on a holiday, the employee will be paid the day before the holiday.

In the event of termination or resignation from employment, employees must return all MBCG property and participate in exit procedures prior to issuance of the final paycheck by a member of the Human Resources Department. Direct deposit of any final paycheck shall not be approved until these conditions have been satisfied.

Final payment for hours worked shall be paid on the normal pay schedule for the employee in question in the event of termination from employment or resignation. This payment shall be made by direct deposit where the employee's regular form of payment has been by direct deposit. Payment for accrued leave time, if any, shall be paid on the pay date after the pay period ends for hours worked, and shall be made by a hard check, i.e., not by direct deposit.

WAGE AND SALARY ADMINISTRATION

It is the policy of MBCG to maintain a wage and salary system which maintains internal and external equity. All wage and salary determinations are made based upon the duties of the position. The Human Resources Department is responsible for wage and salary determinations, job classification and re-classification, changes in job titles, and other compensation-related decisions, contingent upon approval by the MBCG County Commission. The purpose of this written policy is to define the MBCG's pay administration philosophy and to establish a uniform and consistent method for adjusting the compensation and pay received by the employees of MBCG.

Definitions

- **Pay grade:** Letter assigned to each position in the MBCG that identifies its position in the appropriate pay schedule. (Example: Pay Grade A, B, C, NN, OO, PP, etc.)
- **Pay range:** The minimum and maximum pay for the position and all steps in between.
- **Position:** A collection of duties and responsibilities performed by an employee that has been assigned a classification title and pay grade.
- **Classification title:** The approved title assigned to a position in the MBCG's organizational structure.
- **Job code:** A three-digit number assigned to all classification titles in the MBCG's organization for control and identification purposes.
- **Merit step increase:** Pay increase granted per schedule if work has met satisfactory performance standards if approved by the County Commission for that fiscal year.
- **Starting salary or pay:** Initial salary or pay received by a new employee at the beginning of his/her employment.
- **Promotional increase:** The increase received at the time an employee moves at least one pay grade to a different classification than his or her present pay grade.
- **Demotion decrease:** The decreased pay received after an employee has been demoted at least one pay grade to a different classification below his or her present pay grade.
- **Full-time employee:** An employee with regularly scheduled work hours of 30 hours or more per week.

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- **Part-time employee:** An employee with regularly scheduled work hours of less than 30 hours per week.
- **Temporary employee:** An employee who is working full-time or part-time for a specific stated period. This type of employee knows when his or her job will begin and end before initial employment.
- **Cost of Living Step Increase:** A one-step increase on the MBCG pay scale given to certain employees at the start of each fiscal year, if approved during the budgetary processes of the MBCG. Such increases are not tied to employee performance, but are not available to employees who have attained the highest step level within their pay grade, and are not available to employees whose salaries are otherwise set by operation of law.

Responsibilities

- **County Commission**

Reviews and approves compensation or reclassification recommendations from department heads.

- **Department Heads**

1. Prepare compensation recommendations or reclassification recommendations for personnel under their direct supervision.
2. Assure that all supervisors and employees in the department are aware of the pay policy.
3. Recommend and/or approve promotions, merit step increases and demotions for employees.

- **Director of Human Resources**

1. Reviews all compensation decisions prior to their being announced and advises department heads and/or Human Resources Committee of the inconsistencies in decisions.
2. Reviews all compensation adjustments starting salaries or reclassifications before they are implemented and advises department heads and/or Human Resources Committee of inconsistencies in decisions.
3. Reviews all proposed merit step increases, cost of living step increases, promotions, demotions, compensations and adjustments for approval.

- **General Salary Administration**

MBCG's employee compensation policy is to pay salaries commensurate with the value of service performed. Each position will be assigned a pay grade which reflects the level of duties and responsibilities performed.

The assignment of positions to pay grades is reviewed periodically to ensure that they correspond to competitive levels of compensation for similar positions in local government and industries.

Recommendations for pay adjustments will be made by the employee's immediate supervisor or department head, reviewed by the Human Resources Director and approved by the Human Resources Committee.

- **Hiring Range**

The Mayor and County Commission has established the first three (3) steps of each grade as the hiring range for the positions associated with that grade in order to provide flexibility in the hiring of exceptionally qualified candidates. Hiring above step 3 in a particular pay grade shall be reviewed by the Human Resources Director and approved by the County Commission.

- **Compensation Program**

A compensation evaluation study (salary survey) will periodically be made for the entire MBCG pay structure, with a goal of conducting such a study at least every three (3) years. Pay ranges and individual compensation may be adjusted as necessary by the MBCG to maintain a competitive compensation program.

- **Merit Step Increases—Non-Promotional**

New employees may be granted one (1) merit step increase at the end of six (6) months continuous service for satisfactory performance if merit increases have been approved by the County Commission for that fiscal year.

Step dates will be adjusted to compensate for time loss through any unpaid leave of absence.

Merit step increases are not automatic and will only be approved for employees whose yearly written MBCG Review form identifies them as satisfactory or above performance. The written evaluation and review form are to be submitted to the Department Human Resources by the first day of the month in which the merit increase is due.

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A new employee will be eligible for his or her first merit step increase after the completion of six (6) months of continuous service, if the County Commission has approved merit increases for that fiscal year and if the employee meets all performance and other requirements. A MBCG Performance Review form must be submitted on each employee whether they are recommended for the merit step or not. This review form must be signed by the employee, the supervisor and the department head and must be reviewed by the Human Resources Director.

Promotional Increases

- **One pay grade promotion:** Compensation or pay will be adjusted to the like step in the new pay grade.
- **Two or more pay grade promotion:** Compensation will be adjusted to the minimum of one step of a one-step increase in the pay grade held before promotion OR to the minimum of the new pay grade, whichever is higher.

***NOTE:** Employees promoted will have a new step date coinciding with the date of promotion.*

Reallocation of Positions

- **Reclassifications:** Employees in positions reclassified to a higher pay grade or classification as a result of reclassification study will have their compensation adjusted a minimum of one step increase in their present pay grade or to the minimum of the new pay grade, whichever is greater.
- **Realignment of positions:** When positions are realigned to different pay grades or classifications for organization of pay plan purposes, the employees will be placed in the step in the new pay grade which continues his or her present hourly rate. If no pay step equals the hourly rate the employee presently receives, the employee will be placed in the step, which has the nearest hourly rate to that of the present rate received. Such a rate must receive concurrence of both the department head and the Human Resources Director.

***NOTE:** Employees reclassified and placed above step one of a pay grade will retain the same step date held previously.*

Demoted Employee's Pay

Employees demoted for cause to positions for which they are qualified will have their compensation adjusted to the hourly wage rate of the step in the lower pay grade which is equal to one step less than the step the employee holds in his or her present pay grade.

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NOTE: Employees demoted for cause will have a new step date coinciding with the date of the demotion.

Transfers

An employee transferring from one position classification to another position classification will continue to be paid at their present rate of pay or at step one of the new position, whichever is higher.

NOTE: Transferred employees will retain their same step date.

Unsatisfactory Performance Pay

An employee whose performance is not satisfactory (after the employee has been appropriately counseled and warned) may have his or her pay decreased by one step in his or her present pay grade.

An employee whose pay is reduced should be given a maximum of 90 days to bring his or her performance to a standard at which time his or her pay will be returned to the level held prior to decrease. Employees who cannot or do not improve in the time period stipulated should be considered for demotion or possible termination.

When an employee's merit step increase is due and the employee is evaluated as an unsatisfactory performer, the employee is not eligible for an annual merit increase. Department heads must receive the concurrence of the Director of Human Resources before reducing employee's pay due to unsatisfactory performance.

Temporary Appointments

A temporary appointment to a position of a higher pay grade will be considered a training assignment if the appointment is for less than two (2) calendar months/60 days and no pay increase will be granted. Appointments for periods in excess of two (2) calendar months/ 60 days may receive a promotional increase per the pay administration guideline if the department head makes a written request to the Human Resources Department and the Human Resources Committee approves such action. All appointed positions of the MBCG are eligible for promotion immediately upon the approval of the Mayor and County Commission.

Other Provisions

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Retroactive pay adjustments will not be permitted without the concurrence of the Human Resources Director.

Merit step increases shall be effective for the pay period in which the merit review date falls, if the MBCG Performance Review form is returned to the Human Resources Department by the first day of the month in which the merit review date falls. Annual merit review increases for all MBCG employees are subject to approval by the County Commission during budget hearings for each fiscal year.

SECTION 8: LEAVE

POLICY	NUMBER
Annual Leave	8.01
Family and Medical Leave Act (FMLA)	8.02
Funeral Leave	8.03
Jury Duty Leave	8.04
Sick Leave Bank	8.05
Military Leave	8.06
Sick Leave	8.07
Parental / Family Leave	8.08
Administrative Leave	8.09

ANNUAL LEAVE

The MBCG employees in the full-time classification will receive an annual leave accrual, the amount of which is based upon tenure with MBCG. The total amount of annual leave hours accrued, less any annual leave used by the employee, will determine how much annual leave time the employee has available for use where time off from work has been approved by his/her supervisor, manager or department head. To receive the requisite accrual of vacation time the employee must be paid for at least twenty-four hours during the work week in question.

The MBCG recognizes that annual leave is important to an employee's morale, productivity, and well-being. Employees are encouraged to take their earned annual leave each year at the time best-suited to their department's work schedule. Due to seasonal operations of some departments, annual leave can be granted only during certain times of the year.

Annual leave will be scheduled at the convenience of the department involved, and longer service employees will be granted preference in the event of conflicting leave requests. Employees having more than forty (40) hours of annual leave accrued who wish to take the annual leave in separate weeks will receive seniority consideration for only the first selection of week(s). All other annual leave will be scheduled at the convenience of the department and will not displace less senior employees before those employees have had the opportunity to select their annual leave time unless the department head approves preference for the senior employee's remainder of annual leave. If an official holiday falls within an employee's vacation period, that day of leave will not be charged against the employee's annual leave.

Where possible, the employee should submit his/her annual leave request at least thirty (30) days prior to the date requested. The manager, supervisor, or department head has discretion as to whether the time off from work will be permitted, and as to whether annual leave will be awarded where less than thirty (30) days' notice has been provided by the employee.

Annual leave entitlement is paid at the rate of pay received at the time of the leave (normal hourly wage) but not including overtime pay. Employees (or their supervisor if the employee is unavailable) will record on the weekly time sheet any annual leave taken. Employees working on a compressed work week schedule will record ten (10) hours for each day of annual leave taken; all others will record eight (8) hours for each day of annual

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leave taken. This does not apply during a week in which a holiday recognized by MBCG falls; all employees work eight (8) hour days during holiday weeks.

If an employee records annual leave on his/her weekly time sheet and the employee does not have an annual leave balance to cover such leave, the leave will be charged to any banked compensatory time to cover the leave. If the employee has no accrued annual leave or banked compensatory time, the leave will be unpaid. Unpaid leave cannot be taken where an employee has an existing annual leave balance.

Negative balances of annual leave hours will not be allowed. Annual leave cannot be used until the week following the week in which the accrual was earned. No more than 480 hours of accumulated annual leave may be carried over into the next calendar year for all employees except firefighters. No more than 720 hours of annual leave may be carried over into the next calendar year for firefighters who work a 60 hours week. For employees participating in the Bibb County Pre May 2011 Pension Plan, all annual leave hours in excess of 480 hours on December 31st of each year will be credited toward “service time” when calculating the employee’s pension benefit. Former City of Macon sworn employees hired prior to 1977 leave accumulation will remain the same, but will follow the new accrual rates. On December 31 of the requisite year, for employees not in the Bibb County Pre May 2011 Pension Plan, any hours over 480 (720 where applicable) will be lost. During the year an employee retires or terminates employment with MBCG, he/she will be paid for the full balance of hours, including any accrued over the 480 hours carried over from the previous year. No former City of Macon employee will have vacation leave applied to service time at retirement. Accrued annual leave may be used in lieu of sick leave when an employee’s sick leave has been exhausted. For exempt employees, annual leave should not be used—or marked on the employee time sheet—in less than full day increments in the absence of extenuating circumstances. If a non-exempt employee takes a full day off from work for annual leave, he/she is not permitted to “make up” the time by working additional hours during the work week or on the weekend.

Department heads have discretion to approve use of annual leave for employees to take immediate family members to a physician, or to care for immediate family members who are ill or hospitalized if the employee does not have banked compensatory time (where applicable). For purposes of this policy, immediate family members are parent, step-parent, spouse, child or step-child.

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The MBCG appointed officials must request annual leave time from the County Manager or the Mayor, and must receive approval in advance of taking any such leave.

New full-time employees do not accrue annual leave for the first six (6) months of employment, but upon completion of six months of employment, will be awarded 40 hours of annual leave (1 week). Annual leave may not be taken during the first six (6) months of employment. Annual leave accrual for an employee who is rehired more than six (6) months following the date of termination of employment will be treated the same as annual leave accrual for any newly hired employee. Annual leave accrual for an employee reinstated to a position of employment with MBCG within six (6) months of the date of termination of employment will return to the rate of accrual previously in effect.

Each week after the first six (6) months of service, a full-time MBCG employee accumulates annual leave on the following schedule:

Accrued Leave	Work Days	Hours Per Week	Hours Per Pay Period	Sworn Firefighter (60 hours per week)
6 months to 5 years	10	1.54	3.08	4.62
5 years to 10 years	12	1.85	3.70	5.55
10 years to 15 years	15	2.31	4.62	6.93
15 years to 20 years	20	3.08	6.16	9.24
20 years plus	25	3.85	7.70	11.55

The “20 years plus” accrual rate will not be available to former Bibb County and City of Macon employees hired after May 1, 2011.

Employees terminating employment with MBCG after six (6) months of service will be paid their annual leave entitlement in one lump sum, on the pay period following the final pay check. Part-time employees are not eligible for annual leave or accrual of annual leave.

FAMILY AND MEDICAL LEAVE

The Family and Medical Leave Act of 1993 (“FMLA”) provides unpaid, job-protected leave to eligible employees for certain family and medical reasons, without loss of health insurance benefits. The existence of this policy shall not alter or expand the statutory requirements of the FMLA, and application of this policy is correspondingly limited based on the provisions of the FMLA.

In addition to the information on the form styled as “Employee Rights and Responsibilities” at the end of this policy, the following information is provided to explain the employee’s rights and obligations when requesting a family or medical leave:

Eligibility for Leave and Amount of Leave

- To be eligible for leave under this policy, an employee must have been employed for a total of twelve (12) months, must have worked at least 1,250 hours during the 12-month period preceding the commencement of the leave.

- An eligible employee may take FMLA leave for up to 12 weeks of unpaid leave for one or more of the following reasons: (1) the birth of the employee’s child; (2) placement of a child with the employee for adoption or foster care; (3) to care for a child, spouse, or parent who has a serious health condition; (4) when the employee is unable to perform the essential functions of his or her position because of a serious health condition, or (5) because of a qualifying exigency arising out of the fact that the employee’s spouse, child, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty). An employee may take a total of 12 workweeks of unpaid leave for the reasons specified above during a rolling 12-month period measured backward from the date an employee uses any FMLA leave.

- An eligible employee may take up to twenty-six (26) weeks of unpaid, job protected leave in a single 12-month period (measured beginning on the date the leave begins) to care for a covered service member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces. FMLA leave to care for a seriously ill or injured service member runs concurrently with other leave entitlements provided under federal, state, and local law. Leave that qualifies as both leave to care for a covered service member and leave to care for a family member with a serious health condition during a single 12-month period may not be designated and counted as both types of leave. Such leave will be designated first as leave to care for a covered service member.

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- Unless otherwise required by law, no employee will be entitled to more than a combined total of 26 weeks of leave in a single 12-month period for any FMLA-qualifying reason.
- The FMLA permits eligible employees to take leave intermittently or on a reduced-schedule leave when medically necessary for the serious health condition of the employee's or the employee's family member or to care for a covered service member with a serious injury or illness. In the case of planned medical treatment, the employee must attempt to schedule the intermittent or reduced-schedule leave so as not to unduly disrupt MBCG's operations. Intermittent leave is not available for the birth, adoption or placement of a child unless agreed to by MBCG. MBCG may transfer the employee temporarily to an alternative position with equal pay and benefits that better accommodates any recurring periods of intermittent leave.
- If an employee is entitled to paid leave under another benefit plan or policy, which includes, but is not limited to, short-term disability, unused paid vacation, sick leave, annual leave, or banked compensatory time, the employee must substitute the paid leave for FMLA leave. Such available paid leave will be counted against the unpaid FMLA leave entitlement. The employee is required to satisfy any procedural requirements for receiving payment under paid leave as provided in this Manual when substituting paid leave for FMLA leave.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Request For and Designation of Leave

- To request FMLA leave, the employee should inform the Human Resources Department, and a Human Resources representative will ensure that he or she receives the appropriate FMLA request form(s). When the need for FMLA leave is foreseeable, the employee must provide notice and submit the Request for Family

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and Medical Leave form at least thirty (30) calendar days in advance of the effective date of the leave. If thirty (30) days' notice is not practicable (such as if the employee is uncertain as to when the leave will begin or in the case of a medical emergency), the employee must provide notice as soon as practicable. If the need for leave is not foreseeable or in the case of a qualifying exigency, the employee must give the MBCG notice of the necessity for FMLA leave as soon as practicable under the particular circumstances.

- An employee must provide notice sufficient for the MBCG to determine that the leave is for an FMLA-qualifying event. In the case of unforeseeable leave, calling in "sick" without providing any additional information is not sufficient. When an employee seeks FMLA leave for a qualifying reason for which MBCG previously has granted FMLA protected leave, the employee must specifically reference the qualifying reason for leave or the need for FMLA leave. If the employee fails to provide the MBCG the reason for leave, leave may be denied.

The employee will be notified within five (5) business days of his or her request for FMLA leave whether the employee is eligible for FMLA leave, absent extenuating circumstances. At that time, employees will be provided written notice of their rights and responsibilities and the consequences for failure to meet these obligations. When the MBCG has sufficient information to determine whether the leave is for an FMLA-qualifying event, the employee will be notified within five (5) business days whether the leave will be designated and counted as FMLA leave, absent extenuating circumstances.

- When scheduling elective medical treatment, the employee must consult with the MBCG in advance to ensure that their department's operations are not unduly disrupted by the employee's absence(s).
- Employees out of work due to an injury which is covered by worker's compensation for more than seven (7) days must utilize FMLA leave hours concurrent to time out of work for worker's compensation.

Certification and Recertification of Leave

1. MBCG requires that an employee provide a complete and sufficient certification of a serious health condition of the employee or the employee's family member, of a qualifying exigency, or of the need to care for a covered service member with a serious injury or illness. Certification forms are available from the Human

Resources Department. The employee must submit the completed certification form to the Human Resources Department within fifteen (15) calendar days, unless it is not practicable to do so under the particular circumstances. Failure to provide such certification may result in the delay or denial of FMLA leave.

2. If the MBCG has reason to doubt the validity of a medical certification, the MBCG, at its own expense, may require a second medical opinion from a physician it chooses. If the first and second opinions differ, the MBCG, at its own expense, may require the opinion of a third health care provider that is approved jointly by the MBCG and the employee. The third opinion will be considered final and binding.
3. Where the employee's need for leave due to the serious health condition of the employee or the employee's covered family member lasts beyond a single leave year, the MBCG requires the employee to provide a new medical certification in each year the employee subsequently takes leave.
4. Where leave is taken for the serious health condition of the employee or the employee's covered family member, the MBCG may require recertification of the leave every sixty (60) days, or on a more frequent basis in certain circumstances.
5. Employees returning from an approved FMLA leave due to their own serious health condition will be required to present a fitness-for-duty certification from their health care provider indicating that they are medically able to resume work. This certification specifically must address the employee's ability to perform the essential functions of his or her job. The MBCG may delay returning the employee to work until this certification is received. Failure to provide this certification may subject the employee to termination of employment.
6. In the case of intermittent FMLA leave for an employee's own serious health condition, employees are required to present a fitness-for-duty certification every thirty (30) days if the MBCG determines that reasonable safety concerns exist regarding the employee's ability to perform his or her duties because of the employee's serious health condition.

Employee Responsibilities While on Leave

- During an approved FMLA leave, employees are entitled to the same health insurance they had before the leave began. ***Employees who pay for some***

portion or their entire health insurance premium will be required to continue to pay the premiums in order to continue benefit coverage during the leave period. The employee is responsible for making arrangements to pay any premiums due during the leave period. If an employee fails to pay required premiums for more than two (2) months, health insurance coverage will be canceled and will not resume until the employee returns to work and premiums are deducted from the employee's pay. Employees who do not return to work following FMLA leave will be liable for the payment of any health insurance premiums paid by the MBCG during unpaid FMLA leave, unless the failure to return to work was due to the continuation, recurrence, or onset of a serious health condition or for other circumstances beyond the employee's control.

- Employees will be required to periodically advise the MBCG of their status and intent to return to work at the conclusion of the FMLA leave. Employees also must provide notice to the MBCG at least two (2) business days prior to their return to work. If an employee unequivocally indicates his or her intent not to return to work after taking FMLA leave, the employee is subject to termination.

Return from Leave

Employees returning from FMLA leave will be restored to the same or an equivalent job. The FMLA does not entitle a restored employee to any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken leave.

FUNERAL LEAVE

The MBCG employees will receive their normal salary or wage rate for any awarded day with pay due to the death of an immediate family member. For purposes of this policy, an immediate family member is parent, step-parent, spouse, sibling, step-sibling, child, step-child, grandparent, parents-in-law, or in-law relations of the types herein named.

The employee's department head may grant funeral leave in the event of death of an employee's immediate family member from the date of the death to and including the day of the funeral, not to exceed three (3) days. Prior to taking funeral leave, the employee must notify his/her direct supervisor of the death or as soon as possible if notification were not possible at the time of the death.

The department head may authorize one (1) additional day of paid absence following the day of the funeral if the location of the funeral is beyond a 200-mile radius of Bibb County. Funeral leave for the death of some person other than those described as immediate family members in this policy may be approved in the discretion of the department head, but such leave, if approved by the department head, will be annual leave. If no annual leave is available, the leave will be unpaid. Such a leave, if authorized, shall not exceed one (1) working day, unless extenuating circumstances, or long-distance travel for the funeral, apply. Total Funeral Leave will not exceed four (4) days.

The employee must provide some form of documentation, such as an obituary program from funeral service, or death certificate, in connection with the approval of funeral leave.

JURY DUTY LEAVE

Any full-time MBCG employee is eligible for a leave of absence for jury duty.

To receive a leave of absence for jury duty, the MBCG employee must present to his/her department head, official notification that he/she has been called for jury duty. Any employee who is released from jury duty, or who is dismissed early from jury duty, is responsible for reporting back to work as soon as possible. A copy of the Jury duty notice must be forwarded to payroll.

Employees serving jury duty during their regularly scheduled work hours will receive their regular salary for jury duty hours served, as long as the department head has confirmed the leave of absence for jury duty. The hours spent serving on jury duty will be considered hours worked. Additionally, the employee is entitled to keep his/her remuneration for serving on jury duty in addition to his/her pay from MBCG.

SICK LEAVE BANK

The Macon Bibb County Government (MBCG) offers a sick leave bank for full-time employees to use in the event of a non-job related, catastrophic, personal injury or physical or mental illness of an employee of MBCG. Catastrophic injury or illness is defined as a physical or mental illness or injury that requires a leave of absence from work of five (5) or more consecutive work days.

Membership

1. Any full-time employee who has accumulated the equivalent of two (2) weeks of sick leave may become a member of the sick leave bank. An initial assessment of one workday of sick leave hours will be made at the time of membership with additional hours assessed as required to maintain the bank. Fifty-four hour per week Fire Department employees will be assessed twelve (12) hours. All other employees will be assessed eight (8) hours as members. All sick leave hours will be deposited into the sick leave bank when an employee becomes a member.
2. Membership is voluntary and must be made by written application. Employees may apply during an enrollment period which will be held once a year. Membership will continue until the employee resigns from participation in the sick leave bank, terminates employment with MBCG, or provides a written request to the Human Resources Department. An employee who resigns membership may be eligible to apply for re-enrollment at the next enrollment period, and, if eligible to re-enroll, such employee will be subject to the same initial assessment of sick leave hours as any new enrollee. All resignations of membership are effective the date of receipt of resignation notice by the Human Resources Department. Employees who resign from membership in the sick leave bank will not be entitled to recoup any leave time previously donated to the sick leave bank. Termination of employment will automatically terminate membership.
3. Membership automatically continues from year to year without application renewal.
4. When the balance of sick leave hours in the bank are exhausted, all members will be assessed the equivalent of one workday of sick leave. Members will be given written notice of the assessment, prior to the payroll in which it is to occur.

If the member has insufficient accumulated sick leave at the time of the assessment, then they will be assessed all accumulated hours plus the first

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accrued hours thereafter until the assessment requirement has been met. Deposits into the sick leave bank are not refundable or transferable.

Eligibility for Sick Leave Bank Withdrawals

A member of the sick leave bank may request withdrawal of sick leave from the bank provided that:

1. The member is absent due to a personal physical or mental health illness, non-job related injury or temporary disability that requires the employee to be absent from work for five (5) or more consecutive days. An employee's family illness does not qualify for withdrawal.
2. The member has exhausted all accumulated sick leave and banked compensatory time (where applicable).
3. Annual leave balances do not have to be used unless needed after the exhaustion of the member's annual allotment of sick leave bank hours.
4. The member is not receiving worker's compensation
5. The member has not received any disciplinary actions due to violations of the leave and attendance policies within the last twelve (12) months.

Procedure for Requesting Withdrawals

Requests for withdrawals must meet the following requirements:

1. The request for leave must be accompanied by a written statement signed by a licensed medical or mental health professional verifying the member's physical or mental health illness, injury (non-job related) or temporary disability and attesting to the member's incapacity to performed assigned duties. The statement must be presented at the time of request for withdrawals of hours except in cases where the employee is confined to a hospital or other in-patient physical or mental health treatment center. In case of in-patient confinement, a statement must be sent within ten (10) workdays of the application.
2. Withdrawals from the bank are permitted only where a member will be absent more than five (5) workdays consecutively. Withdrawals from the bank are not permitted for intermittent absences.

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3. Members may withdraw up to a maximum of the equivalent of six (6) weeks of leave during a rolling twelve (12) month period. For forty (40) hour per week employees, the maximum withdrawal is two hundred and forty (240) hours. For fifty-four (54) hour per week employees, the maximum withdrawal is three hundred and twenty-four (324) hours. Members who withdraw the full six (6) weeks are not eligible for another withdrawal until twelve (12) months have passed from the initial withdrawal, and may only withdraw enough hours such that the annual maximum is never exceeded for the most recent twelve (12) calendar months. Sick leave withdrawn and used from the sick leave bank will be paid to the employee at the employee's regular rate of pay, as though the employee used his or her own accumulated sick leave.
4. Withdrawals will be made only in increments necessary to cover the employee's normally scheduled work hours in a pay period.
5. All leave granted but not used by a member must be returned to the bank.
6. If a member is physically or mentally unable to make a request for withdrawal, a family member may file the request on the member's behalf.

Processing the Request

Requests for withdrawals will be processed as follows:

1. Any employee requesting use of sick leave bank time must submit a Sick Leave Withdrawal Request Form to Human Resources along with a written statement signed by a licensed medical or mental health professional.
2. Human Resources will review the request for eligibility and verification and will notify the employee's department head of whether the employee is eligible to use the sick leave bank, and the number of hours of sick leave bank time available to the employee.
3. Employees who meet all eligibility requirements shall be granted a withdrawal of sick leave. Sick leave granted from the bank to and used by a member does not have to be repaid. All members are subject to uniform assessments of sick leave hours as needed to keep the bank sound. Any member who obtains leave based on misstated information or erroneous or false information will be required to repay MBCG for the time granted and will be subject to disciplinary action pursuant to the Conduct and Discipline Guideline.

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4. Any employee who returns to work after using sick leave bank time must submit a new Sick Leave Withdrawal Request Form, and have such form approved, before they will be able to use any additional sick leave bank time.

Administration

The Human Resources Director or his/her designee will administer the sick leave bank in accordance with the regulations contained herein. The Human Resources Director or his/her designee has the responsibility of receiving, verifying and acting on requests for membership and withdrawals.

MILITARY LEAVE

The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

USERRA is administered by the Veterans' Employment and Training Service (VETS), and applies to persons who perform duty, voluntarily or involuntarily, in the "uniformed services," which include the Army, Navy, Marine Corps, Air Force, Coast Guard, Public Health Service commissioned corps, and reserve components of each of these services. Federal training or service in the Army National Guard and Air National Guard also gives rise to rights under USERRA. In addition, under the Public Health Security and Bioterrorism Response Act of 2002, certain disaster response work (and authorized training for such work) is considered "service in the uniformed services."

Uniformed services include active duty, active duty training, inactive duty training (such as drills), initial active duty training, and funeral honors duty performed by National Guard and reserve members, as well as the period for which a person is absent from a position of employment for the purpose of an examination to determine fitness to perform any such duty.

USERRA covers nearly all employees, including part-time employees, and applies to virtually all U.S. employers, regardless of size.

- **Leave of absence generally** – You may take a leave of absence while engaged in the performance of ordered military duty and while going to and returning from such duty. You must give a written request to the department head upon notification of "ordered duty," so that leave to participate in the required training may be granted.
- **Leave of absence while attending service schools** – If you are or become a voluntary member of any force of the organized militia or of any reserve force or reserve component of the armed forces of the United States, you may take a leave of absence while in attendance at any service school conducted by the armed forces of the United States for a period up to and including six (6) months, and while going to and returning from the school. However, you are not entitled to leave in excess of a total of six (6) months during any four-year period.

- **Employment rights** – Time during which you are on military leave shall not constitute an interruption of continuous employment, and you will not be subject to any loss or diminution of time, service, increment (merit increase), vacation, holiday privileges, or any other right or privilege by reason of such absence.

You will be paid your full salary or other compensation for any periods of absence while engaged in the performance of ordered military duty and while going to and returning from duty, not exceeding a total of eighteen (18) days (144 hours total) in any one federal fiscal year.

In the event the Governor of Georgia declares an emergency and orders you to perform military duty as a member of the National Guard, you will be paid your full salary or other compensation during such military service for a period not exceeding thirty (30) days (240 hours total) in any one federal fiscal year.

NOTE: *The military leave requirement does not apply to employees who are employed on a temporary basis.*

- **Reemployment rights** – You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:
 1. You ensure that your employer receives advance written or verbal notice of your service, unless such notice was precluded by military necessity or otherwise impossible or unreasonable;
 2. You have five (5) years or less of cumulative service in the uniformed services while with that particular employer;
 3. You return to work or apply for reemployment in a timely manner after conclusion of the service or have submitted a timely application for reemployment, unless timely return or application was impossible or unreasonable; and
 4. You have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be reemployed in the job that you would have attained had you not been absent for military service (the “escalator” principle), with

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the same seniority, status and pay, as well as other rights and benefits determined by seniority. Reasonable efforts (such as training or retraining) must be made to enable you to qualify for reemployment. If you cannot qualify for the “escalator” position, you must be reemployed, if qualified, in any other position that is the nearest approximation to the escalator position and then to the pre-service position.

While you are performing military service, you are deemed to be on a furlough or leave of absence and are entitled to the non-seniority rights accorded other similarly-situated individuals on non-military leaves of absence. The time limits for returning to work are as follows:

1. **Less than 31 days of service:** By the beginning of the first regularly scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight (8) hour rest period. If this is impossible or unreasonable through no fault of your own, then as soon as possible.
2. **31 to 180 days:** You must apply for reemployment no later than fourteen (14) days after completion of military service. If this is impossible or unreasonable through no fault of your own, then as soon as possible.
3. **181 days or more:** You must apply for reemployment no later than ninety (90) days after completion of military service.
4. **Absence for any length of time for purposes of an examination to determine your fitness to perform service in the uniformed services:** By the beginning of the first regularly scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight (8) hour rest period. If this is impossible or unreasonable through no fault of your own, then as soon as possible.
5. **Service-connected injury or illness:** Reporting or application deadlines are extended for up to two (2) years for persons who are hospitalized or convalescing.

If you fail to report or apply for employment or reemployment within the appropriate period, you do not automatically forfeit your entitlement to your rights and benefits, but will be subject to the MBCG’s conduct rules, established policy, and general practices, pertaining to explanations and discipline with respect to absence from scheduled work.

USERRA establishes a five-year cumulative total for military leave with a single employer, with certain exceptions allowed for situations such as call-ups during emergencies,

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reserve drills, and annually scheduled active duty for training. However, an employee may complete an initial period of active duty that exceeds five (5) years.

An employer is not required to reemploy a person if:

1. The employer's circumstances have so changed as to make such reemployment impossible or unreasonable;
 2. In the case of a person entitled to reemployment under 38 U.S.C. § 4313(a)(3), (a)(4), or (b)(2)(B), such employment would impose an undue hardship on the employer;
 3. The employment from which the person leaves to serve in the uniformed service is for a brief, non-recurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.
- **Right to be free from discrimination** – If you (1) are a past or present member of the uniformed service; (2) have applied for membership in the uniformed service; or (3) are obligated to serve in the uniformed service – then an employer may not deny you initial employment, reemployment, retention in employment, promotion, or any benefit of employment, because of this status.
 - **Right to be free from retaliation** – An employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.
 - **Health insurance protection** – If you leave your job to perform military service of more than thirty (30) days, you may elect to continue your existing employer-based health plan coverage for you and your dependents for up to twenty-four (24) months while in the military. However, you may be required to pay up to 102% of the full premium. If you leave your job to perform military service of less than thirty-one (31) days, health care coverage is provided as if you had remained employed.

Even if you do not elect to continue coverage during your military service, you have the right to be reinstated under your employer's health plan when you are reemployed,

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generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

- **Pension plan protection** – USERRA pension protections apply to defined benefit plans and defined contribution plans as well as plans provided under federal or state laws governing pension benefits for government employees. For purposes of pension plan participation, vesting, and accrual of benefits, USERRA treats military service as continuous service with the employer.
- **Enforcement** – VETS, a division of the U.S. Department of Labor, is authorized to investigate and resolve complaints of USERRA violations.

For assistance in filing a complaint, or for any other information on USERRA, contact VETS at **1-866-4-USA-DOL** or visit its **website at <http://www.dol.gov/vets>**. An interactive online USERRA Advisor can be viewed at **<http://www.dol.gov/elaws/userra.htm>**.

If you file a complaint with VETS, and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.

You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

- **Penalties/Sanctions** – A court may order an employer to compensate a prevailing claimant for lost wages or benefits. USERRA allows for liquidated damages for “willful” violations.

SICK LEAVE

- a. Employees who are classified as full-time employees begin accruing sick leave at the end of the first full week of continuous employment with MBCG. An employee accrues 1.85 hours per week or eight (8) hours of sick leave each month. No more than 1040 hours accumulated sick leave may be carried over into the next calendar year. For employees participating in the Bibb County Pre-May 2011 Pension Plan, all sick leave hours in excess of 1040 hours on December 31st of each year will be credited toward “service time” when calculating the employee’s pension benefit. On December 31st of the requisite year, for employees not in the Bibb County Pre-May 2011 Pension Plan, any sick hours over 1040 will be lost.
- b. To receive the requisite accrual of sick leave time, the employee must be paid for at least forty-eight (48) hours during the work week in question.
- c. It is the policy of the MBCG that the physical and mental wellbeing of its employees are both equally important, and sick leave is provided as an employee benefit to allow employees to protect and maintain their physical and mental wellbeing, and to recover from illness, injuries, or similar conditions that may arise from time to time.
- d. Sick leave can generally only be used for three purposes:
 1. when an employee is “Work Prohibited,” meaning that the employee's personal physical or mental health conditions would prevent them from performing their job duties safely and adequately; or that the employee or other people the employee works with would be at risk of illness or harm if the employee attempted to work because of the employee’s personal physical or mental health condition;
 2. for receiving professional treatment, including preventative or maintenance treatment, from a licensed medical or mental health practitioner; or
 3. in accordance with O.C.G.A. § 34-1-10, employees may use up to forty hours (sixty hours for firefighters) of earned sick leave per fiscal year to provide care for an immediate family member in need of physical or mental health care.
- e. Where sick leave is used for an employee to attend a professional medical or mental health appointment, the employee should report to work for as long as

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reasonably possible both before and after the appointment, accounting for scheduling and travel, and should not take the full day off from work unless the employee is otherwise Work Prohibited as provided above.

- f. As examples, physical health conditions for which sick leave may be used include, without limitation, common colds or the flu, physical injuries, major or chronic illnesses, appointments for routine physical or dental exams or other preventative care, doctor's appointments, or physical therapy appointments. Mental health conditions for which sick leave may be used include, without limitation, mental health conditions such as grief or anxiety which cause the employee to be Work Prohibited as provided above, major mental health crisis conditions, or routine professional counseling or mental therapy sessions. Sick leave may not be used in cases where an employee feels that they simply need an extra day of rest or leisure away from work because of routine tiredness or general life stress that does not rise to the level of being Work Prohibited as provided above. In those cases, annual leave, if available and approved, must be used.
- g. One exception applies in instances where an employee has applied for and been approved for leave time under the Family Medical Leave Act ("FMLA") to care for a family member, when sick leave may be used after the exhaustion of both annual leave and any compensatory time so that the employee can be paid during the period of FMLA leave. Sick leave cannot be used in advance of accrual or donation. If an employee does not have enough sick leave to cover the amount of time he/she is out of work, annual leave or compensatory leave, if available, may be used to pay for the time the employee is out of work.
- h. Sick leave pay is calculated at the current rate of pay, exclusive of overtime pay. Prior sick leave entitlement is not re-credited to a rehired employee. A rehired employee begins accruing sick leave in the same manner as a new hire. Sick leave balances, upon retirement of the employee shall be added to the employee's service time for calculating pension for former Bibb County employees with an adjusted hire date prior to May 1, 2011, only. Employees hired on or after May 1, 2011, will not have sick leave balances added to their retirement benefit.
- i. If an employee is sick and unable to come to work, he/she must contact his/her supervisor or manager at least thirty (30) minutes prior to the start of the work day. Department managers may develop policies for reporting absences which employees in that department are expected to follow. Employees who cannot

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come to work due to personal illness should inform their supervisor or manager that they are sick, and how long they expect to be out of work.

- j. If an employee is out of work on sick leave for three (3) days or more, he/she must present a statement from a licensed medical or mental health practitioner verifying the dates that he/she needed to be out of work due to illness. At the discretion of the department head, an employee may be requested to bring a statement from a licensed medical or mental health practitioner for an absence of less than three (3) days if the department head feels that the employee may be abusing his or her sick leave benefits.
- k. Failure to report an absence at or before the start of the employee's shift as required may result in disciplinary action, up to and including termination of employment. Frequent absences, excessive use of sick leave, misuse of sick leave, patterned absences, or failure to follow reporting requirements will result in an unsatisfactory attendance record which may be considered in the employee's performance evaluation, and may justify disciplinary action up to and including termination of employment. Any employee working at a second job while out on sick leave will be subject to disciplinary action up to and including termination of employment.
- l. Non-exempt employees (or the supervisor if the employee is unavailable) must record on the weekly time sheet all sick leave time taken. Employees who work on a compressed work week schedule should record ten (10) hours of sick leave for each day of sick leave taken. This does not apply during a week in which a holiday recognized by MBCG occurs, as all employees work eight (8) hour days during holiday weeks.
- m. Supervisors and MBCG officials are responsible for ensuring that all sick leave utilization is properly used and recorded on the employee's weekly time sheet, and for ensuring that accrued sick leave entitlement is not exceeded. Sick leave is a privilege and benefit of employment provided by the County Commission to MBCG's full-time employees. Sick leave is not an absolute right, and it must be used for the purpose for which it was intended.
- n. If an employee is awarded long term disability, any unused sick leave will remain in the employee's sick leave account. Sick leave will not be accrued while an employee is on unpaid leave for more than one (1) week.

PARENTAL / FAMILY LEAVE

Macon-Bibb County employees that have accrued at least one (1) year of full-time service at the time leave is granted are eligible to receive parental/family leave. Qualifying employees may receive leave under this section once per calendar year.

1. Maternity Leave. A qualified employee who gives birth to a child shall be entitled to time off with pay not to exceed four (4) weeks.
2. Paternity Leave. A qualified employee shall be entitled to time off with pay not to exceed one (1) week upon the birth of a child he has fathered.
3. Adoption Leave. A qualified employee shall be entitled to time off with pay not to exceed one (1) week upon the legal adoption of a child.

Employees shall provide documentation of the basis for any leave requested under this section. In the event of adoption leave, such documentation shall be provided within ninety (90) days of the leave. Failure to provide required documentation shall result in the forfeiture of the appropriate amount of annual or sick leave. Leave provided in this section shall run concurrently with that provided under the Family and Medical Leave Action (FMLA).

ADMINISTRATIVE LEAVE

Any Macon-Bibb County department heads may, at their discretion and subject to the approval of the Mayor, grant administrative leave to personnel under his or her supervision with pay, under extraordinary circumstances. Leave under this section may not exceed a total of five (5) days in any one calendar year. This provision shall be applied retroactively to February 1, 2015.

SECTION 9: USE OF MBCG PROPERTY

POLICY	NUMBER
Anti-idling	9.01
Computer Usage	9.02
Green Computing/Printer	9.03
Personal Hand-held Devices	9.04
Social Media	9.05
Telephone	9.06
Use of Vehicles	9.07
Anti-Salvaging	9.08

ANTI-IDLING

The MBCG has committed to conserve fuel and lessen pollutants that pose a detriment to the region’s air quality. These pollutants include nitrogen oxide, carbon dioxide, particulate matter and volatile organic compounds.

- Vehicle idling gets zero miles per gallon of fuel.
- Unnecessary idling wastes fuel and pollute the environment.
- Running an engine at low speed also causes twice the wear on internal parts compared to driving at regular speeds.
- The break-even point for shutting off and restarting gasoline engines or leaving it to idle is 30 seconds – from the point of view of both emissions and fuel consumption.
- Idling of vehicles consumes approximately 17% of the fuel that a vehicle has on board.

Unless exempted in the following section, no MBCG vehicle or piece of equipment is to be idled in a non-emergency situation. The operator of the vehicle/equipment is to turn off the unit and the keys are to be removed from the ignition.

EXEMPTIONS

The following situations will allow idling, when necessary:

- Emergency vehicles at scenes where lights, PTOs and/or other accessories are needed to accomplish the mission
- Law Enforcement vehicles working traffic enforcement details
- Macon-Bibb County Fire Department, Public Works, Engineering, Lake Tobesofkee, Animal Welfare, and Buildings and Properties vehicles at job sites requiring the use of emergency lights, PTOs and/or other accessories to accomplish their assignment
- Inclement weather situations where use of the heater/defroster is authorized by a supervisor for the work crew’s comfort according to the guidelines listed below:

Temperature	Idling Time
Outside temperature above 32 degrees	5 minute maximum idling time
Outside temperature 10-32 degrees F	15 minutes maximum idling time

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Outside temperature below -10 degrees F	As necessary
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NOTE: Operators of vehicles/equipment and supervisors will be judicious in the idling of units at emergency scenes and job sites. If not all units at the scene/site need to be idling, those units must be turned off and the keys removed from the ignition.

Each vehicle/equipment operator will be responsible for the idling operation of their unit and will have the unit keys in their possession to ensure that crewmembers do not arbitrarily violate the policy without the operator's knowledge.

Supervisors in each department/division will be responsible for adherence to and enforcement of the anti-idling policy. Violations of this policy will be documented and disciplined in accordance with MBCG's policy for disciplinary action.

The vehicle/equipment operator will be informed of the violation by the supervisor at the time of the infraction.

COMPUTER USAGE

Introduction

This policy is set forth to communicate to users the accepted and appropriate use of computer systems and services. It is to ensure that the integrity of the systems is maintained at the highest level while establishing a standard which will create a professional work environment. In addition, this policy is in place to protect MBCG's technological resources and ensure that the rules and regulations set forth by the State of Georgia and the United States concerning the operation of local administrative and criminal justice computer systems are met.

Scope

This policy applies to every employee, contractor or remote user who is provided access to the system of MBCG computer and network resources, which encompasses: 1) computers provided by MBCG 2) users of computers provided by other sources, but housed in a MBCG Facility 3) any computer used by a MBCG employee in the course of their job responsibilities 4) users connected directly or indirectly to MBCG's network and/or who directly or indirectly use MBCG computer services 5) any electronic appliance (blackberry, iPhone, iPad, Smartphone, PDA, cell phone, etc.) that is connected to the MBCG network or associated with any MBCG telephone plan.

1. Ownership of computer and electronic files

All computer and electronic files belong to MBCG. Data created by a MBCG employee while working under the auspices of MBCG is owned exclusively by MBCG. Employees are prohibited from unauthorized removal or deletion of computer or electronic files or data compiled during the course of their employment which is considered vital to departmental operations as determined by the Department Director.

2. Unauthorized access to files and directories

Employees shall not engage in any activity intended to circumvent computer security controls. Employees shall not attempt to break passwords, uncover protected files, or to decode encrypted files. This includes creating, modifying, or executing programs designed to surreptitiously penetrate computer systems. Employees shall not access the accounts of others with the intent to read, browse, modify, copy, or delete files and directories without specific authorization. Employees are prohibited from using software designed to destroy data, provide unauthorized access to computer systems, or that will disrupt computing

processes in any other way. Using viruses, worms, Trojan horses, and other invasive software is expressly forbidden.

3. **Electronic mail and text messages**

The MBCG electronic mail (“e-mail”) services and phone systems are provided to facilitate more effective communication related to employee job duties. Distribution of personal interest items, jokes, poems, and the like are prohibited.

Messages must not contain unnecessary graphics, fonts or attachments that increase the demand on server resources.

Messages must be of a professional nature and must never contain offensive or lewd statements. Email must be read and discarded on a regular basis. A minimal number (2 or 3 per day) of personal email messages to one or two recipients (not to a list of people) is acceptable as long as the messages adhere to the above guidelines.

If you receive messages from within MBCG that do not adhere to this policy, please advise Information and Technology Services (ITS) so that we may address the situation. If you receive messages from outside the MBCG system that do not adhere to this policy, please send a reply to the sender advising them not to send the violating messages. If the violating messages persist, please contact Information and Technology Services for assistance.

It is emphasized that the privacy and confidentiality of e-mail transmissions cannot be assured. E-mail transmissions may be subject to disclosure through legal proceeding or otherwise through various laws which may be held to apply to such transmissions. Users are advised to use discretion in drafting e-mail messages, and are cautioned not to “say” things by e-mail that they would not want to be viewed by others.

The MBCG’s computer systems shall not be used to harass anyone. This includes the use of insulting, sexist, racist, obscene, or suggestive electronic mail.

4. **Electronic mail retention**

Due to the substantial expense involved in an archive system, the MBCG Information and Technology Systems (ITS) Department does not own or manage

an Email Archive System. The only emails that are retained are in the Microsoft Exchange files and the server backup system.

All users of MBCG electronic mail are responsible for maintaining their email boxes and any archives they may establish. ITS will assist with the creation of any archives that the user would like to manage. These archives may be created on one of the servers in the ITS department. The user is responsible for retention times and items on the Exchange server, and in their email archive.

ITS performs a backup of all servers on a weekly basis with incremental backups during the week. Up to thirty (30) days' worth of data may be stored on the backup tapes at any time they are needed, but ITS cannot guarantee that an email requested will be retrievable. The user may have deleted the email before any backups were run. In addition, depending on the amount of data backed up during any given week, tapes may cycle earlier than thirty (30) days.

Electronic mails retrieved for e-discovery requests will be provided as a PST file.

5. No expectation of privacy

Users have no expectation of privacy regarding e-mail, text message or anything else created, stored, sent or received using the MBCG's IT Network or phone plan. The IT Network is the property of MBCG and all e-mail messages and attachments created or transmitted on the MBCG's IT Network become the property of the MBCG, regardless of the subject matter or purpose. The MBCG reserves the right to access, review, copy and delete all materials created, stored, sent or received through the IT Network or any MBCG Internet connection. The MBCG further reserves the right to disclose such materials to any party (inside or outside the MBCG), as the MBCG deems appropriate. This policy applies to personal messages and documents as well as work-related messages and documents. The fact that the MBCG's IT Network may allow users to designate messages as "confidential" or "private," or restrict access to documents with a password/access code, does not alter this Policy or confer upon Users any right to privacy regarding such messages or documents.

6. Public Records

Documents created, stored, sent or received using the MBCG's IT Network may constitute public records. Georgia law determines whether a document constitutes a public record. Nothing in this Policy shall be deemed to invalidate any exception

to the public records laws, or to imply that all documents created, stored, sent or received using the MBCG's IT Network constitute public records.

7. **Internet**

Internet service is provided to certain personnel for job related research. It is **strictly prohibited** to access sites that would create an offensive or unprofessional work environment; inappropriate web sites are those hosting pornography, obscene materials, gambling enterprises, online games, or personal online shopping.

In addition, it is strictly prohibited to use the MBCG system to download and play personal interest items – music, video, screen views and items unrelated to job responsibilities (iTunes, Napster, Webshots, Webradio, Pandora, You Tube, etc). This is to include signing up for services that provide continuous real-time updates to your computer.

The use of any element of the MBCG's computer system, including Internet access, for the receipt or transmission of information disparaging to others based on race, national origin, sex, sexual orientation, age, disability, genetic information, or religion is not permitted under any circumstances. When you are not using the internet, please close your browser (Internet Explorer/Netscape). Do not leave your browser minimized.

The MBCG reserves the right to monitor the user's history of web sites visited, and internet access use in order to ensure compliance with this policy. Employees are prohibited from blogging, i.e., keeping online journals that chronicle various aspects of the blogger's life such as problems on the job, issues in their personal life, politics, favorite television shows, etc. Prohibited under this policy is spending work time writing blogs or reading those created by others.

Many of the materials on the internet are protected by copyright laws. Though materials may seem to be freely accessible, intellectual property laws which apply to print media still apply to software and material published on the Internet. Copying or disseminating material which is copyrighted is prohibited.

8. **Computer Software**

Only software licensed to MBCG or provided to MBCG with proof of license may be installed on MBCG computers. Software must be procured by and installed by MBCG Information and Technology Services. Personal interest, free, shared or any other software of unknown source shall not be installed on any MBCG

computer. Virus protection is crucial to the welfare of our system; therefore, under no circumstances is your virus protection software to be turned off.

9. Computer Hardware

All computer hardware and computer upgrades must be purchased and made by the MBCG Information and Technology Services (ITS) department. Unless there is a special need expressed to the ITS department, all computers purchased by MBCG will be a standard issue computer with Microsoft Office Software. Computer hardware, network hardware and network connections may not be modified or relocated by personnel or vendors other than ITS and vendors they contract for service.

10. Security

ITS issues user names and passwords to individuals to provide controlled access to authorized systems, applications, documents and resources. User names and passwords *must not be shared* with anyone. Disclosure of employee user names and passwords is prohibited. If an employee discloses his/her user name and password to another person, the employee will be solely responsible for the actions that person takes using the user's name and password. Deletion, examination, copying, or modification of files and/or data belonging to another user without his/her prior consent is prohibited. If an employee feels that his/her password has been jeopardized, he/she should notify ITS to have the password reset.

Computers and/or equipment described in the scope of this policy shall not be connected to any phone line, modem or network connection other than those provided and installed by ITS. It is strictly prohibited to modify any network or computer component or provide information about any such items that may jeopardize any MBCG resource or compromise security of the same.

11. Violation of Policy

The following conduct is a violation of MBCG's computer usage policy:

- A. Forwarding or posting content that is abusive, slanderous, or defamatory or which is offensive, harassing, vulgar, obscene or threatening. (Offensive and abusive material includes sexual comments or images, racial slurs, jokes, remarks, profane language, inappropriate gender-specific comments, or any comments that would offend someone on the basis of his or her age, race, sex, color, religion, national origin, handicap, disability, genetic information or veteran status or any other protected classification.)

- B. Accessing, creating, posting, viewing, transmitting or otherwise using pornographic or other sexually explicit material.
- C. Placing confidential or proprietary information of MBCG or a third party on any Internet site without proper authorization or transmitting it to persons who are not permitted to receive such information.
- D. Broadcasting personal views on social, political, religious or other non-business related matters.
- E. Creating or transmitting chain letters.
- F. Soliciting for commercial purposes unrelated to MBCG business.
- G. Sending electronic mail or other electronic communications in a manner which hides or misrepresents the identity of the sender.
- H. Gaining unauthorized access to another employee's user ID or electronic mail messages.
- I. Establishing Internet or other external network connections that would allow unauthorized persons to gain access to the MBCG's communications systems.
- J. Using non-licensed, pirated software.
- K. Transmitting without authorization any internal documents to external parties.
- L. Using MBCG computers in Internet scams or criminal activities.
- M. Doing anything else that conflicts with the intent of this policy or other policies of MBCG.
- N. Unauthorized transfer of MBCG files, data, or information to a home or other personal computer.

12. Enforcement

MBCG will investigate any alleged abuses of its computer resources. MBCG reserves the right to monitor the computer system for signs of illegal or

unauthorized activity. As a condition of employment and continued employment, employees and applicants who have accepted an offer of employment are required to sign an acknowledgement of receipt and review of this policy and to indicate whether their position and job duties provide them with access to MBCG's computer system and infrastructure. Employees in violation of this policy may be subject to disciplinary action, up to and including suspension from work without pay or termination from employment.

13. Changes to policy

This policy does not constitute, nor is it intended as, a contract. MBCG reserves the right to change it at any time, with or without notice.

GREEN COMPUTING

In the interest of conservation of energy, reduction of MBCG's carbon footprint, and extending the life of computers and related equipment, this policy defines steps that employees should take to conserve the energy used by computers and shared-use equipment.

This policy applies to all employees, contractors, vendors, volunteers and other personnel who use, manage, or are responsible for the approval or procurement of computers and shared-use equipment, including servers, network devices, office printers, copy machines, and fax machines.

1. Overview

Computers and other office machinery consume power and generate heat whenever they are on. Employees should seek to optimize the power consumption of office machinery in order to reduce the waste, environmental impact, and energy costs associated with its use. Even small changes to the way we typically use and manage common devices can significantly reduce the amount of energy consumed by office machines.

To help reduce MBCG's carbon footprint, save costs related to energy consumption, and extend the life of computers and other equipment, MBCG requires employees to follow energy efficient computing strategies for the devices for which they have direct responsibility. Moreover, we encourage employees to apply the same principles of energy conservation to shared-use devices within office environments.

2. Policy

Desktop (Personal) computer usage and management

- A. Comply with any MBCG remote power management systems. It will be possible to turn some computers on and off to suit an individual's work schedule.
- B. Turn off your computer monitor when it is not in use, such as during breaks, meetings, and other periods when you are away from your computer for 1 hour.
- C. Turn off peripherals such as printers, PDA devices, fax machines, and scanners when they will not be in use for more than three hours. Check with the MBCG IT Department to see if specific peripherals have "power saver"

or "sleep" modes and configure devices to activate these modes at the minimal time that does not impede work performance.

- D. Please ensure that your PC is powered off over the weekend.
- E. Plug computers and other equipment into power strips instead of wall outlets, which allows the equipment to be more easily turned off.

Shared-use Office Device Management

- A. Use the "print preview" function for office applications to review documents before printing documents to public printers.
- B. Avoid printing e-mail messages and other electronic documents unless you have a specific need to retain or distribute a hard copy.
- C. If printers allow two-sided printing, use this option whenever possible.
- D. Reduce the font size on your document which will allow more information on each page.
- E. Do not print in color, unless it is entirely necessary. All color printers have an option to print as black and white.
- F. Keep your used printed documents to be used again. You should allow the paper to cool from previous printing before using. Print on the unused side for unimportant documents. If possible, load one tray of your printer with paper that has already been printed on one side and use that paper for your drafts.
- G. Use email or other electronic communication media whenever practical as an alternative to paper memos and faxes
- H. Copiers, faxes, and shared-use office devices should be turned on only when needed. On a daily basis, the first person who requires the use of a device should turn it on. Employees should turn off shared-use devices at the end of each work day or, on a daily basis, at whatever time it becomes unlikely that the equipment will be used again before the next day.
- I. Always use the most convenient shared printer/copier in your department.
- J. You can continue printing confidential documents at your desk.

Development, architecture, and infrastructure management

- A. IT, project, and development managers should factor energy-efficiency and utility cost savings into technology decisions. Virtualization technologies that optimize server use, for example, can improve the operating efficiency of server and data center environments.
- B. Development managers should consider the need for information availability in server allocation and selection. When possible, resources or processes that may be made periodically unavailable (e.g., overnight, on weekends, and over holidays) should be housed on servers that can be periodically shut down to reduce energy consumption.

Data Center Management

- A. The MBCG IT Department must review and document data center equipment use at least once every 2 years for:
 - 1. Excess numbers of data copies, indicating inefficient use of server resources
 - 2. Dormancy of information resources stored in the data center. Data that has not been accessed at least once in the previous 2 years should be marked for removal to offline storage media.
 - 3. Servers that do not support 24x7 operations and may be turned off after work hours, over weekends, and during holidays without interfering with normal business functions.
- B. As part of the MBCG energy policy, MBCG Buildings and Properties will measure, track, and document electrical consumption by all MBCG buildings:
 - 1. Measurements must be taken every year.
 - 2. MBCG Buildings and Properties should track and maintain ongoing comparative metrics for energy consumption by the all MBCG buildings.
 - 3. MBCG Buildings and Properties must note and report any anomalous energy consumption by any building that might indicate the impending failure of a machine or the need to replace a machine with a more

energy-efficient alternative.

4. MBCG Buildings and Properties will provide recommendations to the MBCG IT Department for specific actions to reduce electricity consumption in the data center, either by computing equipment or data center cooling systems.

3. Procurement Management

In general, office and procurement managers should review equipment requests for energy-efficient characteristics and seek energy-efficient and/or green-computing options for new purchases.

- A. All technology procurement evaluations for equipment costing more than \$1,000.00 shall include an evaluation of energy efficiency and energy consumption costs related to long-term use of the equipment.
- B. Procurement should prefer equipment that is certified by the U.S. Environmental Protection Agency's (EPA) "Energy Star" program at a Plus 80 rating or higher. Where the cost difference between a technology alternative rated at Plus 80 is less than ten (10) percent higher than an alternative rated at a lower energy efficiency (all other factors being equivalent), the more energy efficient alternative should be purchased.
- C. Flat-panel liquid crystal display (LCD) monitors should be preferred over conventional cathode-ray tube (CRT) monitors.
- D. Printers that can print on both sides of paper (duplex printing) should be preferred over single-side printers.
- E. Except in cases of a specific business or security need for the procurement of a dedicated printer assigned to a single individual, departmental management and procurement should encourage the use of network/shared printers.
- F. When procurement of a personal/dedicated printer is indicated, procurement should prefer more energy-efficient inkjet printers over laser printers.
- G. Procurement should actively seek and evaluate energy efficient and "green computing" offerings, noting computer vendors that offer resource-efficient

machines designed for eventual recycling.

4. Equipment Reclamation, Recycling, and Disposal Management

- A. Employees who are *not* in charge of equipment disposal should not throw away computers or other equipment, even if they are non-functional. Employees should contact the MBCG IT Department to properly dispose of unused or unusable equipment.
- B. Employees who *are* responsible for equipment disposition should seek, whenever possible and always in compliance with secure disposal policies, to recycle, reallocate, or reuse reclaimed equipment.
- C. In cases where the entirety of a machine cannot be reused, it must be designated as surplus in accordance with MBCG policy.
- D. CRT monitors contain hazardous materials and must be disposed of in accordance with MBCG's disposal policy.

5. Printer policy

The MBCG has many shared network printer/copiers in its facilities, and at least one of these devices is located in most departments. The cost of operation of shared printers is far less than inkjet printer supplies and the quality of printing is considerably better.

Inkjet cartridges are expensive and the number of copies from even a new cartridge (not recycled) is not very satisfactory. Inkjet printers have a very short life span and can become very messy and unreliable at the end of that life. Even by using MBCG's cartridge recycling program, the process is still expensive and environmentally wasteful.

Inkjet printers at individual desks will not be replaced unless the department head can provide a compelling reason for the replacement. Any printer that is purchased will be charged as a capital expenditure item. MBCG will apply the same policy to the purchase of inkjet cartridges for individual ink jet printers, whereby the department head must provide a compelling reason for purchase of inkjet cartridges for individual desk printers. This policy will apply in tandem with MBCG's green computing policy.

MBCG expects each employee to adhere to the following guidelines:

- A. Use the "print preview" function for office applications to review documents before printing documents to public printers.

- B. Avoid printing e-mail messages and other electronic documents unless you have a specific need to retain or distribute a hard copy.
- C. If printers allow two-sided printing, use this option whenever possible.
- D. Reduce the font size on your document which will allow more information on each page.
- E. Do not print in color, unless it is entirely necessary. All color printers have an option to print as black and white.
- F. Keep your used printed documents to be used again. You should allow the paper to cool from previous printing before using. Print on the unused side for unimportant documents. If possible, load one tray of your printer with paper that has already been printed on one side and use that paper for draft documents.
- G. Use email or other electronic communication media whenever practical as an alternative to paper memos and faxes
- H. Copiers, faxes, and shared-use office devices should be turned on only when needed. On a daily basis, the first person who requires the use of a device should turn it on. Employees should turn off shared-use devices at the end of each work day or, on a daily basis, at whatever time it becomes unlikely that the equipment will be used again before the next day.
- I. Always use the most convenient shared printer/copier in your department.
- J. You may continue printing confidential documents at your desk.

6. Enforcement

Willful violation of this policy may result in disciplinary action which may include performance sanctions, termination of employment for employees and temporary employees, termination of employment relations in the case of contractors or consultants, or dismissal for interns and volunteers. Additionally, individuals may be subject to restriction or suspension of MBCG electronic mail privileges.

PERSONAL HAND-HELD DEVICES

The MBCG provides personal hand-held device access to some MBCG network resources for MBCG employees. This service will provide certain exempt employees with access to their Microsoft Outlook files (mailbox, calendar, contacts, etc.) Access to these resources through a personal hand-held device is and should be viewed as an optional benefit; making use of this benefit is not a requirement for employment with MBCG.

Users who choose to make use of this optional benefit are responsible for setting up their end of the service with their service provider. If remote connection issues occur, those issues should be addressed with the user's service provider.

Users must understand that use of any personal hand-held device has attendant security risks. MBCG's Information and Technology Services Department ("ITS") and MBCG administrators are aware of many potential risks. Remote access provided by MBCG has been equipped with the highest level of security that current, commercially-available technology can provide. While MBCG will keep the original data safe, these security measures do not protect against physical access to the user's hand-held device. The user must not leave his or her device unattended while Outlook access provided by MBCG is open and active. ITS will make a strong effort to secure the connection between the remote user and MBCG's network, but it is the user's responsibility to ensure the physical security of the device itself. The user alone is responsible for any security breach arising from misuse or inadequate protection.

In accordance with MBCG's Computer Usage Policy, any MBCG employee who uses a personal hand-held device is responsible for ensuring that the MBCG Outlook data in his/her possession is managed and protected. This means that the employee may be required to install encryption solutions, and employees are strictly prohibited from allowing any non-MBCG employee unlocked access to the device. Where any MBCG Outlook data resides on a personal hand-held device, it should only be backed up to a MBCG-owned device.

In the event that an employee's personal hand-held device becomes subject to a legal hold or electronic discovery requests, the employee must surrender the device if asked to do so. All files on the device may be subject to copying, and relevant files may be used in a MBCG legal proceeding. The ITS Department has no obligation to provide a replacement device during the period of legal hold. By utilizing personal hand-held device access to MBCG network resources, the employee specifically agrees to allow the MBCG

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Attorney or his designee to review and copy information on the personal device at any time the MBCG Attorney deems it necessary.

In the event of a legal event hold affecting an employee's device, the ITS Department will inform the employee of any restrictions on services which may be used on a particular device.

SOCIAL MEDIA

The MBCG recognizes that social media presents both new possibilities and obstacles. MBCG embraces this challenge and believes that the use of social media can help broaden its audience and further the mission of its departments.

The MBCG has an overriding interest and expectation in deciding what is “spoken” on behalf of the MBCG on social media sites. This policy provides guidance on the implementation and use of social media applications in order to:

1. Prevent violation of MBCG policies such as the computer usage policy, electronic mail policy, retention of public records, personnel information, and protection of the MBCG logo/seal.
2. Demonstrate how technology can support MBCG’s communication needs; and
3. Ensure proper designation of MBCG spokespersons and/or subject matter experts.

Administration

- A. All MBCG social media sites posted by MBCG departments will be subject to approval by the Information Technology Services Department (“ITS”) and the Mayor. Department directors for departments wishing to implement a social media site for the department must provide the following information:
 1. Goals and objectives of the site or application, and the reason(s) why these cannot be accomplished through the MBCG website alone;
 2. Identify the strategic purpose for use of social media. The social media effort should support a larger communication strategy with identification of audiences, messages, and other tactics.
 3. Implementation plan, as well as process for managing site accounts such as frequency and protocol associated with posting information. While social media sites do not entail a direct financial cost, they do require human resources. The department is responsible for tasks such as updating, monitoring content, and fulfilling public information requests.

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B. MBCG's web site will remain MBCG's primary and predominant Internet presence. MBCG's best and most appropriate use of social media tools falls generally into two (2) categories:

1. As channels for disseminating time-sensitive information as quickly as possible (e.g., emergency information).
2. As marketing/promotional channels to increase the MBCG's ability to broadcast its messages to the widest possible audience.

C. Wherever possible, content posted to MBCG social media sites will also be available on the main MBCG web site.

Wherever possible, content posted to MBCG social media sites should contain links directing users back to the official MBCG web site for in-depth information, forms, documents, or online services necessary to conduct business with MBCG.

D. As is the case for MBCG's web sites, a designee of the department director may be responsible for the content and upkeep of any social media sites their department may create.

All social media sites shall comply with all appropriate MBCG policies and standards, including, but not limited to:

1. Computer usage policy
2. Personal hand held device usage policy
3. Electronic correspondence policy

Any exceptions must be approved by the Assistant Director of the ITS Department, and are subject to review by the Director of the ITS Department and/or the Mayor.

E. The MBCG will approach the use of social media tools as consistently as possible.

1. All new social media tools proposed for MBCG use must be approved by the Director of the ITS Department.
2. The ITS Department will maintain a list of social media tools which are approved for use by MBCG departments and staff.
3. The ITS Department will maintain a list of all MBCG social media sites, which must be set up through MBCG's e-mail system. Department

directors or designated social media site administrators must inform the ITS Department of any new social media sites or administrative changes to existing sites.

4. The ITS Director and the Mayor reserve the right to restrict or remove any content that is deemed in violation of this social media policy or any applicable law, with the knowledge of the department director.

F. For each social media tool approved for use by MBCG, the following documentation must be developed and adopted:

1. Operational and usage guidelines
2. Standards and processes for managing accounts on social media sites
3. MBCG and departmental branding standards
4. Standards for the administration of social media sites

Public Records and Retention

The MBCG social media sites are subject to Georgia's public records laws, including the Georgia Open Records Act. Any content maintained in a social media format which is related to MBCG business, including a list of subscribers and posted communication, may be subject to production under the Open Records Act. The department maintaining the site will be responsible for providing records in response to any request for records on social media made pursuant to the Open Records Act. Content related to MBCG business shall be maintained in an accessible format and so that it can be produced in response to such a request. Wherever possible, such sites shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure. Users shall be notified that open records requests must be directed to the relevant departmental information officer.

Georgia state law and relevant MBCG records retention schedules apply to social media formats and social media content. Unless otherwise addressed in a specific social media standards document, the department maintaining a site shall preserve records required to be maintained pursuant to a relevant records retention schedule for the required retention period on a MBCG server in a format that preserves the integrity of the original record and is easily accessible.

Social Media Use By MBCG Employees

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1. Social media will only be used as a vehicle for communicating MBCG's message.
2. When utilizing social media activities for MBCG business, those activities are considered an extension of MBCG's information network and are governed by the computer usage policy, electronic mail policy, and personal hand-held device usage policy.
3. Outside the workplace, your rights to privacy and free speech protect online activity conducted on your personal social networks with your personal e-mail address. However, what you publish on such personal online sites should never be attributed to MBCG, and should not appear to be endorsed by or originated from MBCG. If you choose to list your work affiliation on a social network, then you should regard all communication on that network as you would in a professional network. Online lives are ultimately linked, whether you choose to mention MBCG in your personal online networking activity or not.
4. Employees who actively participate online by blogging or posting comments online may want to add the following disclaimer: Views expressed are strictly my own and do not represent the official views of MBCG and/or the _____ Department.

TELEPHONE USE

The MBCG telephones are intended to be utilized for conducting MBCG business. Employees who make or receive personal calls must limit them to short conversations. Excessive use of telephones for personal calls not only interferes with completion of work duties by employees, but also ties up telephone lines that are intended for citizens and for MBCG business. Continued excessive or frequent use of telephones for personal calls is grounds for disciplinary action, up to and including termination of employment.

Use of Cellular Telephones

The MBCG cellular telephones are provided to employees who, due to the nature of their jobs, have a routine and continuing **business** need for use in performing **official MBCG business**. The MBCG expects appropriate and responsible use of MBCG cellular telephones.

Elected officials and department heads will apply the following guidelines in issuing MBCG cellular telephones and in regulating use of such phones by employees:

1. Ensure that the need for and utilization of cellular telephones are clearly justified for MBCG business purposes.
2. Consider alternative solutions for work production and communication prior to issuance of a MBCG cellular telephone.
3. Ensure that employees provided with cellular telephones understand the purpose and limitations of usage.
4. Terminate cellular telephone accounts when no longer justified by MBCG business needs or when an employee has demonstrated disregard for the policy.
5. Ensure that employees are responsible for understanding and following all policies relating to use of MBCG cellular telephones.

Users of a MBCG provided cellular telephone should not make any call which could reasonably be made from a standard telephone that is available at a lower cost.

MBCG provided telephones should not be used for any personal business, or for anything that does not relate to MBCG business. Making any call for the purpose of personal entertainment is strictly prohibited.

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Each user of a MBCG provided cellular telephone will be allotted a certain number of minutes which, in the opinion of the department head, should be adequate to conduct that employee's MBCG business. In the event of usage in excess of allotted minutes, the department head must certify in writing that the extra minutes were related to MBCG business.

If the department head does not certify that the extra minutes were related to MBCG business, there will be an automatic payroll deduction for charges for the usage in excess of allotted minutes. Other deductions may be made for unauthorized calls, roaming fees, directory assistance calls, and long distance calls. The employee shall be responsible for replacement costs in the event of loss or destruction of the cellular telephone. Where a payroll deduction occurs, an administrative fee of five percent (5%) shall also apply.

To avoid the payroll deduction, the department head or elected official responsible for authorizing cellular telephones for the employees in his/her department or office must submit a form (provided by the Finance Department) stating that the costs at issue resulted from legitimate MBCG business or expenses. The form must be submitted to the Finance Director by 12:00 p.m. on the fifth (5th) day of the month following the month in which the report detailing the charges is submitted to each department. The form must be the original form, not a faxed copy, and must be signed by the department head or elected official or his/her designee. Failure to submit this form by the stated deadline will result in the requisite payroll deduction from the employee's pay on the fifteenth (15th) day of that month. Reimbursement to an employee will not be made where submission of the form has been untimely.

USE OF MBCG-OWNED VEHICLES

General Policy

The MBCG-owned vehicles are assigned to individual full-time employees of departments for the purpose of facilitating MBCG-oriented and authorized activities of full time employees or the department. Operation of MBCG vehicles on MBCG's streets and roadways is constantly under the watchful eye of the public, so it is imperative that the use and operation of MBCG vehicles be lawful and in complete accordance with this policy. Departure from the terms of this policy not only brings discredit to MBCG and to the individual driver, but also increases the potential for liability on the part of the MBCG, which directly affects taxpayer funding of MBCG. Violation of the terms of this policy may result in disciplinary action up to and including termination of employment.

Use of MBCG Vehicles

Vehicles owned by, titled to or otherwise controlled by MBCG are authorized for use in the performance of all essential, MBCG-related travel and transportation duties. Unless specifically excluded under this policy, use is not authorized for unofficial travel, unofficial duties or tasks, the transport of unauthorized persons or items, or the performance of tasks outside the rated capabilities of the vehicle. If an employee is uncertain as to whether use of a MBCG vehicle constitutes an authorized use, he/she should evaluate the nature of the travel task to determine whether it is directly related to MBCG business, and should also consider the extent to which the task would be defensible in the event of public criticism or questioning of the task by some higher authority.

Authorized and unauthorized uses of MBCG vehicles are categorized as follows:

Authorized Uses

1. Performance of law enforcement duties
2. When on official travel status, between place of official business and place of temporary lodging
3. When on official travel status and not within reasonable walking distance between either of the above places and:
4. Places to obtain meals
5. Places to obtain medical assistance, including pharmacy

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6. Transport of officers, officials, full time employees, clients or guests of MBCG
7. Transport of consultants, contractors, or commercial firm representatives when in the direct interest of MBCG
8. Transport of materials, supplies, equipment, parcels, baggage or other items belonging to or serving the interest of the MBCG
9. Transport of any person or item in an emergency situation
10. Commute between the location(s) of dispatch or between place of performance of official business and personal residence, when specifically authorized by the provisions stipulated herein
11. "De minimis" personal uses such as lunch or an occasional stop for a personal errand on the way between a business delivery location and the full time employee's home

Unauthorized Uses

1. Travel or task performance of a personal nature, except for commuting and "de minimis" personal use, not connected with the accomplishment of official business
2. Travel or task performance beyond the stated capabilities of the vehicle
3. Transport of families, friends, associates or other person who are not full-time employees of the MBCG or serving the interest of the MBCG, except for vehicles deemed "Exclusive Assignment-Unrestricted"
4. Transport of hitch-hikers, except in the case of law enforcement personnel
5. Transport of items or cargo having no relation to the conduct of official business
6. Transport of acids, explosives, weapons, ammunition or highly flammable material except in an emergency police situation or performance of an authorized task in the normal performance of duties
7. Transport of any item, equipment or cargo projecting from the side, front or rear of any vehicle in such a manner as to constitute a hazard to safe driving
8. Extending the length of dispatch beyond that required to complete the official business purpose of the trip

- 9. Transportation between place or residence and place of employment, other than is specified in this policy
- 10. Outings except planned official MBCG activities
- 11. Loan of vehicle for use in non-MBCG authorized functions
- 12. Use of MBCG vehicle while under the influence of alcohol or illegal drugs

Unless approved by the Mayor or his/her designee, no one other than an employee operating within the scope of his or her employment is permitted to operate a MBCG vehicle.

Vehicle Assignments

The department head is responsible for approving all vehicle assignment within his/her department. A written record of all vehicle assignments will be maintained by the Risk Management staff. In addition, the department head for the affected employee will maintain a similar record. All vehicles shall be clearly identified as required by the MBCG Coed of Ordinances.

Vehicle assignments for business purposes may be categorized in the following manner:

A. Exclusive Assignment-Restricted

Exclusive Assignment-Restricted is defined as the authorized use of a MBCG vehicle by a designated full time employee/position for the purposes of efficiently and effectively performing MBCG business. This assignment encompasses commuting to and from work and "de minimis" personal use of the vehicle.

Exclusive assignment of a vehicle is expressly prohibited except with special approval. Due consideration must be given to the wide diversity of functions and responsibilities of various MBCG personnel.

Exclusive assignments authorized after October 3, 2006 shall not be granted to individuals whose commute to their residence is outside the territorial limits of Bibb County, unless specifically approved by the Mayor or the appropriate independent elected official or Constitutional Officer.

Effective May 1, 2011, only employees classified as first responders shall be authorized to drive Bibb County owned vehicles to their personal residences. A first responder is defined as the first person to an accident, disaster, or life-threatening medical situation who can provide medical assistance or assist with emergency care given. Bibb County specifically recognizes emergency medical services personnel, those handling or dealing with explosives, fire and/or hazardous materials personnel, law enforcement personnel, State Court Solicitor-General and Probation Office personnel, investigators employed by the District Attorney's office, search and rescue personnel, personnel of the Bibb County Civil Court, and public works personnel as first responders. In addition, due to the nature of responsibilities for maintaining County property and ensuring effective communication between City of Macon and Bibb County operations via technology applications, the County Commission also recognizes Buildings and Properties personnel and Information Technology Services personnel as first responders for purposes of this policy.

Minimally, the following guidelines shall be observed in approving exclusive assignment-restricted vehicle assignments:

1. Full-time employee is subject to call for work at any hour due to emergencies. (Also applies to emergency standby vehicles driven home on a rotating basis by more than one full-time employee).
2. Full-time employee must report to a project or work site rather than to his/her assigned office, provided such practice is in the best interest of the MBCG and the function being performed.
3. Full-time employee is a law enforcement officer or assigned to special investigation work and routinely called out for public safety reasons.
4. Full-time employee is on temporary assignment outside his normal assigned area.
5. Full-time employee is a key administrative person who is responsible for projects requiring calling back or is routinely required to attend and participate in various functions/meeting after normal working hours and on weekends, and is a supervisory person not reimbursed for overtime work. Justification for assignment of vehicle to such a key administrative person must include evaluation of nature of employee's work, type of meetings or functions the employee is required to attend, and the frequency of same.

6. Full-time employee is a field technician and/or supervisor required to carry large quantities of tools, equipment or materials that cannot be conveniently loaded and unloaded each day and appropriate security measures to protect tools and equipment are not available.
7. Critical shortage of secured parking facilities.
8. Other circumstances not anticipated herein where the elected official or department head determines that exclusive vehicle assignment is in the best interest of the MBCG and approval is given by the Mayor.

B. Exclusive Assignment-Unrestricted

Exclusive Assignment-Unrestricted is defined as the assigned, unrestricted use of a MBCG vehicle on and within the MBCG area; assignment is limited to specific positions *in law enforcement* whose response time to urgent and immediate needs for law enforcement or public safety duties and responsibilities are essential.

Unrestricted use of law enforcement vehicles by specifically authorized personnel is allowed. Such unrestricted use must be based upon an urgent and immediate need to respond to law enforcement duties and responsibilities where response time is essential.

Assignments of this nature are restricted to use within the territorial limits of MBCG. Individuals to whom these vehicles are assigned must, at all times, be able to communicate with their respective department by radio or telephone and are considered to be on duty twenty-four (24) hours per day, although relieved of the routine performance or duties when not scheduled to be at work. All such assignments must be justified and/or recommended by the respective department and approved by the Mayor.

The following uses of MBCG vehicles are specifically authorized for employees with Exclusive Assignment—Unrestricted vehicle assignments:

1. Travel of a personal nature within the territorial limits of Bibb County
2. Transportation of family members, friends, associates, or other persons, except when responding to or performing official MBCG business or duties
3. Transporting items or cargo not related to MBCG business

C. Eight-Hour Assignment

Eight-Hour Assignment is defined as the assigned use of a MBCG vehicle by a designated full-time employee/position for the efficient and effective performance of MBCG business during the respective full-time employee's normal work schedule. Such assignment allows for use of the MBCG vehicle for all authorized uses with the exception of commuting between work site and personal residence.

1. An Eight-Hour Assignment of MBCG vehicle may be approved when:
2. A vehicle is needed and used extensively each working day
3. The need for a vehicle or use of a vehicle does not meet the criteria of Exclusive Assignment
4. Expense associated with furnishing a vehicle for the employee's use is less than expense associated with reimbursement of the employee for mileage based on the number of miles traveled
5. The nature of the employee's work may result in unusual depreciation and wear on a personal vehicle
6. A vehicle other than a passenger car is required due to the need for hauling or handling construction or other specialty equipment

D. Pool Assignment

Pool assignment is defined as the assigned use of a MBCG vehicle by full-time employees of one or more specific departments for the efficient performance of MBCG business on an "as needed" basis.

MBCG vehicles not assigned to a specific full-time employee/position are designated as Pool Assignment vehicles. These vehicles are to be utilized by department personnel as directed by the department head or elected official. Pool assignment vehicles may be used by any department personnel for out-of-town travel on MBCG business, or as Eight-Hour Assignment vehicles on a temporary basis when approved by the department head. For purposes of this policy, "temporary basis" shall refer to a period not to exceed one (1) week.

E. Personal Vehicle Assignment

Personal vehicle assignment is allowed for the performance of MBCG business when a MBCG vehicle is not otherwise appropriate or available.

The following requirements shall govern use of personal vehicles for conducting MBCG business:

1. An approved official or full time employee who uses his/her personal vehicles for MBCG business may be reimbursed on a per mile basis. Mileage for transit between home and work and between work and lunch does not qualify for reimbursement.
2. A full time employee or official who is regularly required to use and consistently uses his/her private vehicle in carrying out day-to-day assignments may be compensated for the use of his/her private vehicle at the approved rate.
3. Accurate and substantiated mileage must be maintained and submitted to the Finance Department for reimbursement.
4. The mileage reimbursement request must be signed by the full time employee requesting the reimbursement and the department head/elected official. All mileage reimbursement requests shall be filed with the Finance Department. The Finance Director may employ any reasonable means of checking the validity of the mileage reimbursement requests.
5. Personal Vehicle Assignment shall be considered when a vehicle is needed occasionally and other types of vehicle assignments are not available.
6. The Mayor shall be responsible for assessing functional needs for vehicles and for approving vehicle assignments within the regulations established by this policy. All Exclusive Assignments, Eight-Hour Assignments, and Pool Assignments shall be evaluated annually by the Risk Management Committee for compliance with this policy.

All vehicle assignments, including use of personal vehicles for MBCG business, are subject to financial constraints imposed by the MBCG County Commission as part of the annual budgeting process.

Driver Responsibilities

All drivers who operate vehicles owned by, titled to or otherwise controlled by the MBCG are responsible for proper care, use and safety of MBCG property. Drivers must adhere to the following minimum responsibilities:

1. Possess and maintain valid Georgia driver's license approved for the vehicle class appropriate for the MBCG vehicle operated by the employee
2. Exercise best judgment in obeying all traffic rules, regulations, and laws
3. All drivers and all passengers must wear seat belts at all times when the vehicle is in operation
4. Ensure that vehicles are used for authorized purposes only
5. Ensure that vehicles are maintained within the manufacturer's safe standards of operation
6. Report to the supervisor any damage or breakdown of vehicular equipment immediately
7. Report any and all accidents or motor vehicle collisions to the supervisor as soon as possible following the accident
8. Accept legal responsibility for violations and fines resulting from actions of the driver
9. Attend MBCG's defensive driving course at least once every three (3) years. New hires whose job duties require operation of a MBCG vehicle must attend the defensive driving course within ninety (90) days of the date of hire. Other employees must attend the defensive driving course *before* operating a MBCG vehicle where possible, but in no circumstance shall more than sixty (60) days elapse between the time the employee begins operating a MBCG vehicle in the course of job duties and the employee's participation in the defensive driving course
10. Refrain from transporting excessive loads or unsecured equipment or movable items
11. Refrain from operating a MBCG vehicle when the employee has consumed alcohol or used illegal drugs or improperly used legal drugs

12. Adhere to any guidelines which may be set forth by the Mayor and/or County Commission for purposes of fuel conservation, air quality or other initiatives established in the Green Policies and Practices Manual

13. Adheres to MBCG's Anti-Idling Policy

Motor Vehicle Record

Full-time employees hired in positions requiring use of a MBCG vehicle will be asked to sign a release, giving the MBCG Department of Human Resources permission to obtain a copy of their motor vehicle driving record.

Full-time employees whose job duties do not require use of a MBCG vehicle, but who are asked to drive a MBCG vehicle by their supervisor or department head, will be asked to sign a release, giving the MBCG Department of Human Resources permission to obtain a copy of their motor vehicle driving record.

The Risk Management staff will obtain motor vehicle records on full-time employees every two (2) years if their job duties require use of a MBCG vehicle or if they may occasionally be asked to drive MBCG vehicles by their superior.

Driving Under the Influence

Any MBCG employee arrested for driving under the influence of alcohol or any substance shall automatically have privileges to drive or operate any MBCG vehicle suspended for a period of three (3) years.

Use of Seat Belts

All persons, while riding in or while operating a MBCG vehicle or motoring equipment, must wear seat belts at all times while the vehicle is in operation. For purposes of this policy, a vehicle or motorized equipment is in operation when the engine is on.

Texting while driving

Texting while driving is illegal in the State of Georgia and is also in violation of this policy. MBCG employees are strictly prohibited from using a wireless telecommunications device to write, send, or read any text based communication, including, but not limited to, a text message, instant message, electronic mail, or any internet data while operating a motor vehicle. This prohibition applies even when the vehicle is stopped at a traffic light. In accordance with Georgia law, these activities may be conducted only when the vehicle is legally parked and the engine is turned off.

Commercial Vehicle Use

A commercial vehicle is identified by class, weight and/or use. Operation of a commercial vehicle requires a valid Commercial Driver's License (CDL). No MBCG employee shall be permitted to operate any commercial vehicle without a valid CDL.

A CDL is required to operate any of the following vehicles:

1. A single vehicle with a Gross Vehicle Weight Rating ("GVWR") of more than 26,000 pounds
2. A trailer with an GVWR of more than 10,000 pounds if the gross combination weight rating (for both vehicle and trailer) is more than 26,000 pounds.
3. A vehicle designed to transport more than fifteen (15) people (including the driver).
4. Any size vehicle which requires hazardous materials placards.

Use of Commercial Equipment

1. Any time a commercial truck is parked, the brakes must be set and the wheels chocked.
2. Dump beds on trucks having dump beds will not be raised during idle time.
3. Drivers must perform a pre-trip inspection on both truck and equipment before leaving the yard. Functionalities which must be checked include lights, turn signals, air brake check, safety equipment, tires, air hoses and connections.
4. Drivers must keep the cab free of debris such as paper, rags and loose objects such as tools.

Use of Off-Road Equipment

1. All off-road equipment must have appropriate fire extinguisher.
2. If equipment is left at a work site, the same must be left in a lighted area whenever possible to deter vandalism or theft.

3. Full-time employees must be properly trained and certified, where certification is required, before operating any heavy equipment.

Use of Vehicle Containing Hazardous Materials

The MBCG vehicles containing equipment, materials, or supplies which may be classified as hazardous materials are strictly prohibited from being outside the assigned or dispatched work area or route. Vehicles containing hazardous materials shall not travel or be parked on private property without specific authorization from the property owner and with the prior knowledge of the department supervisor or director. Unauthorized use of MBCG vehicles containing hazardous materials is strictly prohibited. Violation of this policy will result in disciplinary action up to and including termination of employment.

Safety Review Board Ordinance

The rules, regulations and penalties set forth in the Safety Review Board provisions of the MBCG Code of Ordinances must be followed, where applicable. These provisions are codified in Sections 2-311 through 2-319 of the MBCG Code of Ordinances.

Violations

Any person violating these vehicle regulations must appear before the Mayor and will be held accountable for his or her actions. Violations of this policy may result in disciplinary action.

Tax Consequences

The taxable benefit received by full-time employees from the personal use of MBCG-owned vehicles shall be reported pursuant to the following Internal Revenue Service ("IRS") valuation methods:

- A. *Lease Value Rule.* The value of an automobile provided to a full-time employee is determined by using its annual lease value, based upon the IRS published Annual Lease Value Table. The annual lease value is applicable for a four-year period. At the end of the fourth year, the lease value must be recalculated. The annual lease value does not include the value of fuel, which must be calculated separately. Pursuant to IRS Announcement 85-113, a special accounting period may be utilized for calculating and reporting the benefit. The MBCG utilizes the annual reporting period of November 1 through October 31.
- B. *Commuting Rule.* The value of a vehicle provided to a full-time employee for use is determined by multiplying each one way commute by \$1.50, which includes the

9.07

cost of fuel. The calculated amount must be included in the full-time employee's wages or reimbursed by the full-time employee. This rule can be used if all the following requirements are met:

1. The vehicle is provided for use in the trade or business and, for bona fide non-compensatory business reasons, the employer requires the full-time employee to commute in the vehicle.
2. The employer establishes a written policy under which full-time employees are not allowed to use the vehicle for personal purposes other than commuting or de minimis personal uses.
3. The full-time employee does not use the vehicle for personal purposes other than commuting and de minimis personal use.
4. If the vehicle is an automobile (any four wheeled vehicle, such as a car, pickup truck, or van), the full-time employee who uses it for commuting is not a control full-time employee.

Employees who have questions concerning the tax consequences of personal use of MBCG-owned vehicles should contact a representative of the Finance Department.

ANTI-SALVAGING

A. Except as shall be necessary for law enforcement purposes, no employees, as defined in Section 2.01 of the Macon-Bibb County Government Policies and Procedures Manual, shall rummage through, remove, salvage, scavenge, collect, pilfer, remove from or tamper with any item from any Macon-Bibb County Property. For purposes of this policy, Macon-Bibb County property includes:

1. Any solid waste container, whether located curbside, adjacent to or on Macon-Bibb County property;
2. All designated drop-off or collection points, whether located temporarily or permanently;
3. All solid waste that enters a Macon-Bibb County garbage trust, landfill, recycling trust or that crosses the Macon-Bibb County Public Works scales for the purpose of weighing prior to recycling or disposal;
4. All Macon-Bibb County operations.

B. Said solid waste is hereby the property of Macon-Bibb County whether the actual property is owned or not and whether controlled or operated by Macon-Bibb County or by a contractor.

C. Such actions will be considered and are tantamount to theft. Any employee found to be in violation of this section will be deemed guilty of theft of government property and disciplinary action will follow as described in Section 4 of the Macon-Bibb County Government Policies and Procedures Manual.

SECTION 10: ANNEXES

POLICY	NUMBER
Organizational Chart	10.01
Request/Report For Time Off	10.02
Grievance Flow Charts	10.03

ORGANIZATIONAL CHART

REQUEST/REPORT FOR TIME OFF

NAME: _____ DATE OF REQUEST: _____

FULL DAY(S) REQUESTED OFF

Date(s) / Time Requested Off: _____

Annual Leave Hours _____ # Sick Leave Hours _____ # Unpaid Hours _____

- Request for time off should be turned in to your supervisor as soon as you know you desire time off.
- Time off around holidays will not be approved until everyone in the department has made their requests known. Coverage issues, who worked other holidays, and in the event of a tie, seniority, will determine who gets approved time off.
- “No Change” airline tickets or rental down payments, etc. will not necessarily be a reason to approve time off for one person over another.

<input type="checkbox"/> Approved <input type="checkbox"/> Denied	<div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div style="display: flex; justify-content: space-between;"> <i>Employee Signature</i> <i>Authorization Signature</i> </div>
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REQUEST TO BE TARDY/LEAVE EARLY

Date(s) / Time Requested Off: _____

Reason for time away from work? Sick Leave Annual Unpaid Leave Make Up Exempt

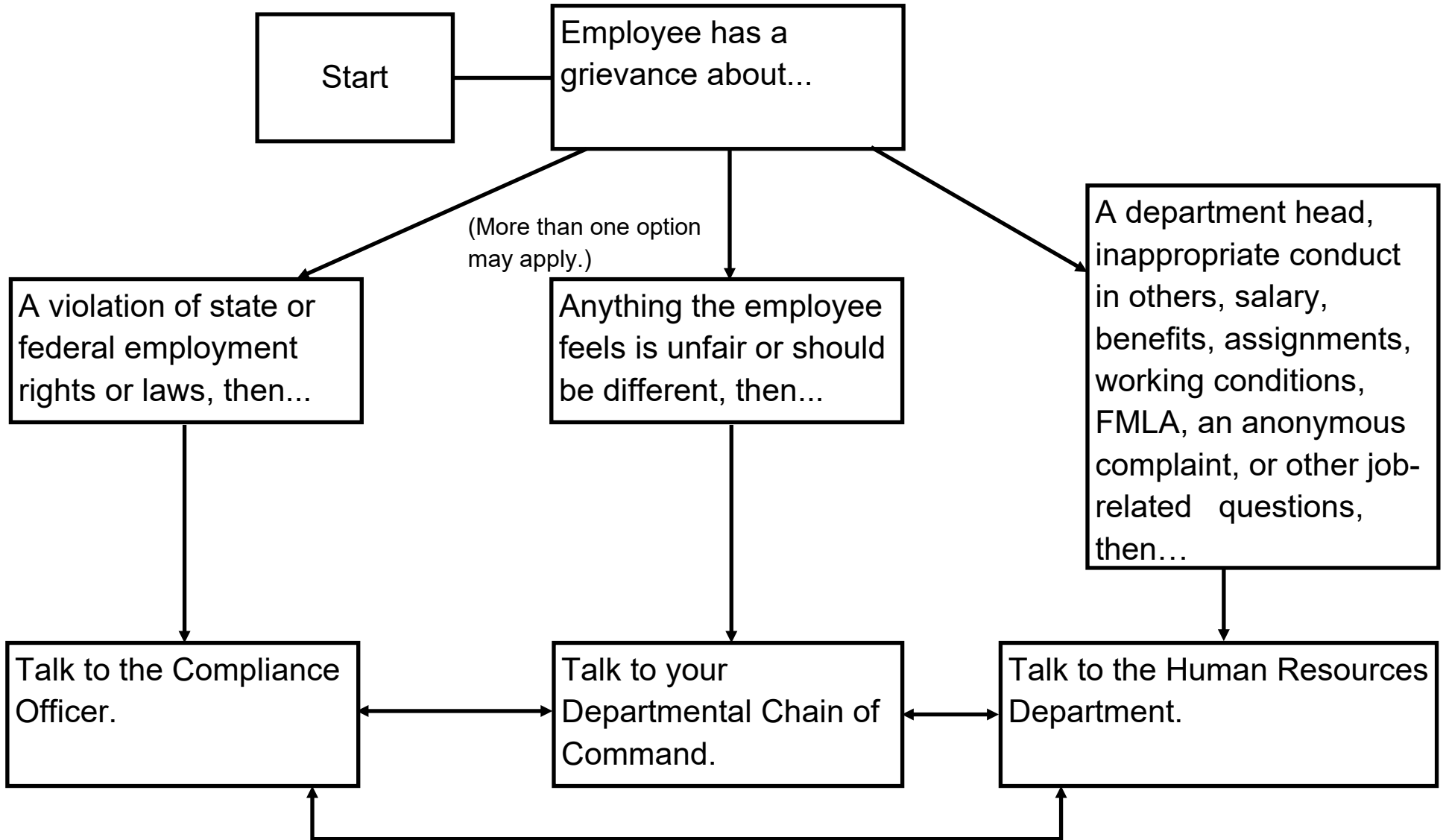
Explanation (if necessary): _____

- While exempt employees do not have to record hours worked, the positions are designed for at least 40 hours per week. Excessive time away from work during regularly scheduled hours may result in corrective action.
- Unless there is an emergency situation, approval must be given in advance to allow time to arrange for coverage of position while employee is away.
- If there is an emergency situation, employees should call their Department Head to report their tardiness, and when they might be expected. If employees are incapacitated and cannot call, they should have someone call on their behalf to inform HR.

<input type="checkbox"/> Approved <input type="checkbox"/> Denied	<div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div style="display: flex; justify-content: space-between;"> <i>Employee Signature</i> <i>Authorization Signature</i> </div>
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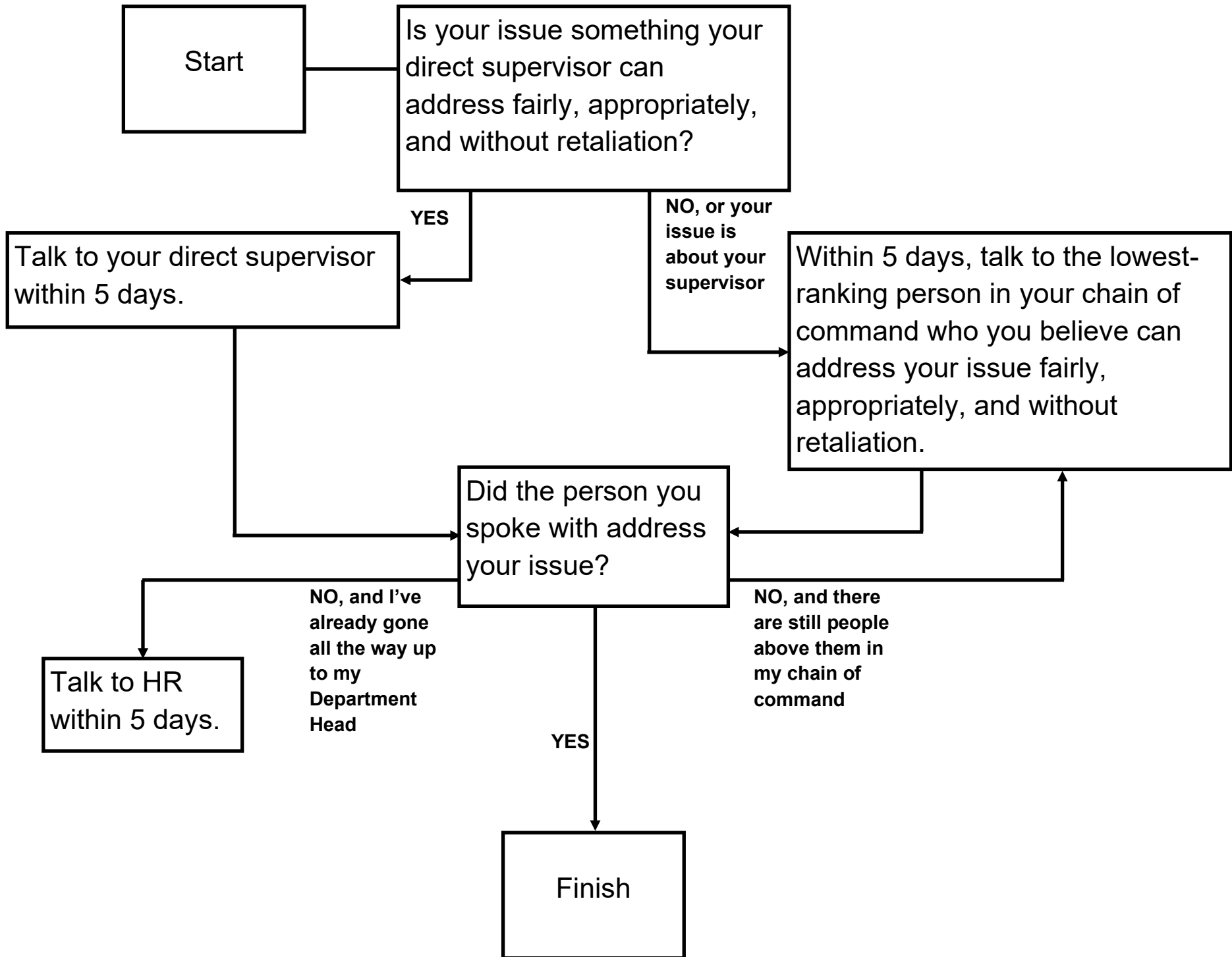
GRIEVANCE FLOW CHARTS

Employee Grievances Flow Chart

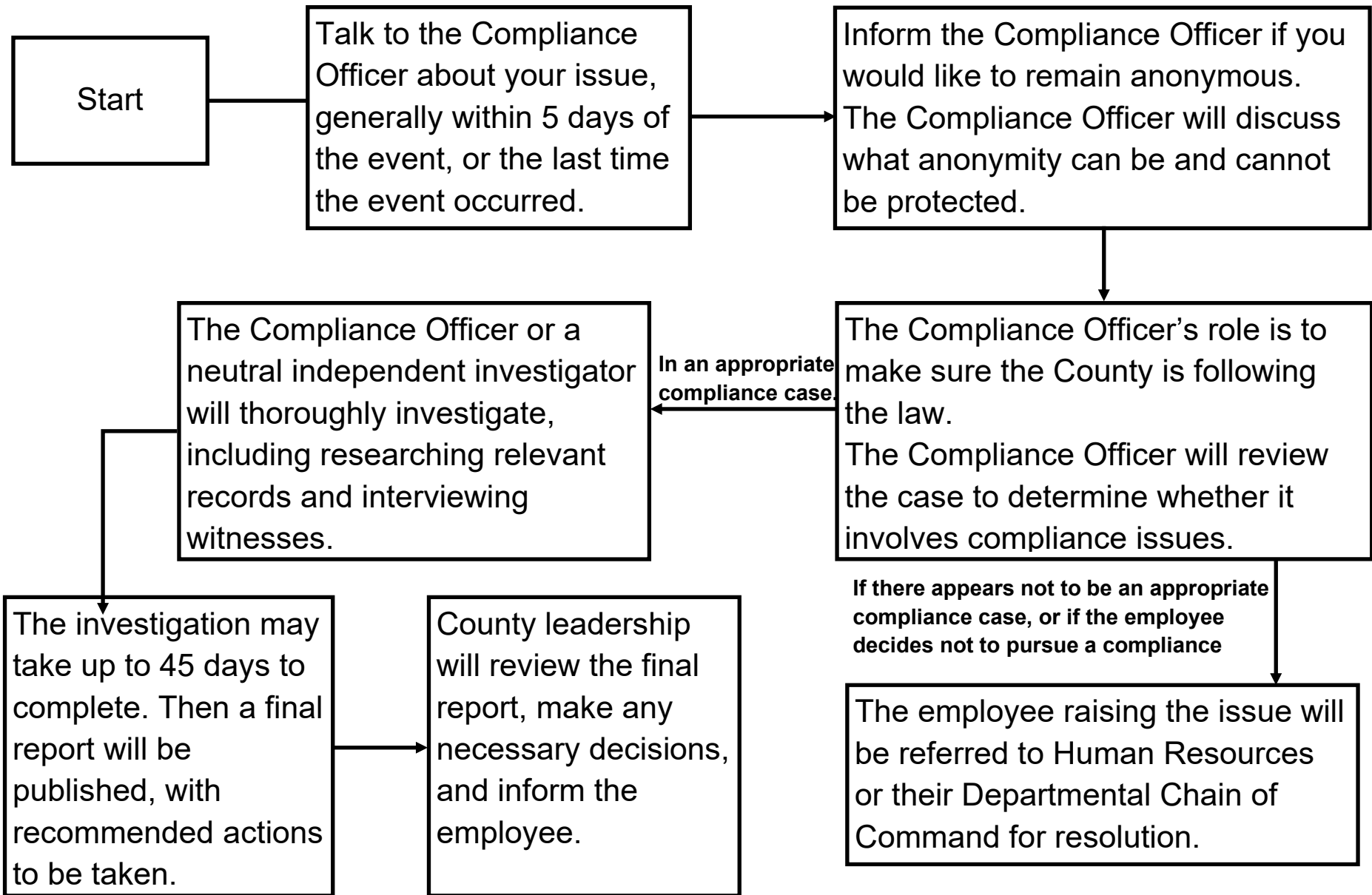


(Grievances may be reassigned between response teams based on who the most appropriate response team is.)

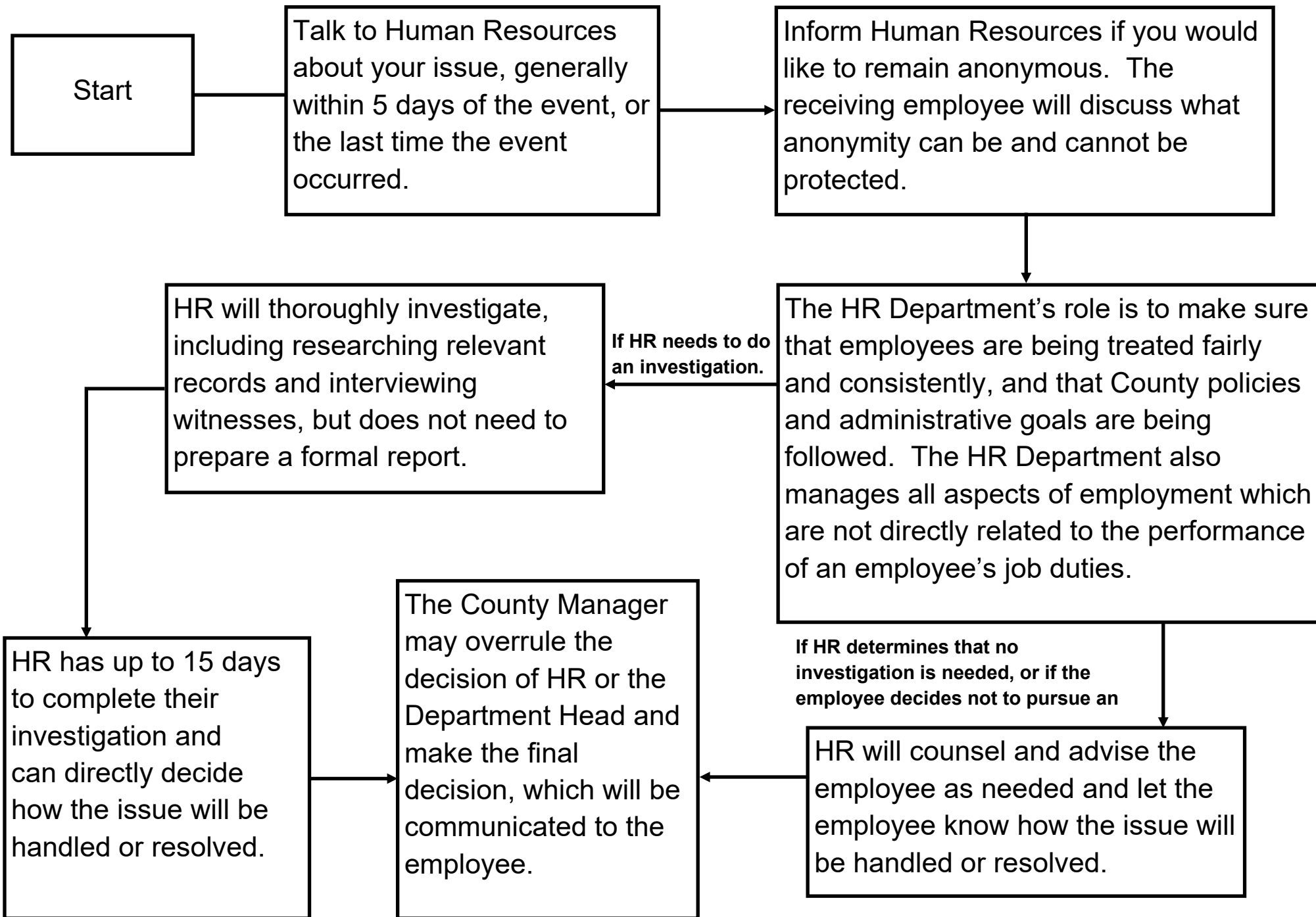
Departmental Chain of Command



Compliance Officer



Human Resources (“HR”)



Exceptions

- If any person in the Employee Grievances process has a conflict of interest, they shall not participate in conducting the investigation or in the resolution of the issue, and an alternative person will be assigned the matter instead.
- Review of disciplinary matters will not follow this process, but allegations that a disciplinary action violates an employee's legal rights may follow this process.
- Grievances will not be re-evaluated after they've already been considered once, unless there have been additional factual developments, a repeating pattern of past issues, or a change in the applicable laws or policies.
- Employees may not file Grievances on behalf of other employees, only for themselves.
- Multiple Grievances about the same issues may be consolidated and investigated together.
- All Grievances should generally be filed within five working days of when the employee first discovered or most recently observed the event or circumstance that the Grievance is about. Delay in bringing a Grievance may result in the issue being closed without resolution.
- The response team receiving a Grievance reserves the right to determine that any Grievance is outside of the scope and purpose of this process.
- If, at any time, a formal report is filed with any outside governmental or law enforcement agency about the same subject as a pending Grievance, the MBCG will immediately stop all internal investigations of the matter and close the file without issuing any report or findings.