

ARTICLE V. PERSONNEL POLICY*

***Editor's note:** Ord. No. 03-01-01, § 1, adopted Jan. 7, 2003, amended and re-enacted the provisions of former Art. V, Divs. 1--26, to read as herein set out. See the Comparative Table--Ordinances at the end of this volume for a listing of ordinances which have amended this article.

DIVISION 1. ADMINISTRATION

Sec. 2-231. Establishment of personnel policies and regulations.

There is hereby established a county-wide personnel policy.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-232. County administrator.

The county administrator shall have the responsibility for the administration of the county personnel ordinance, including the administration of the position classification and compensation plan.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-233. Human resources director.

The term "human resources director" shall be used to refer to the county official delegated authority for personnel/human resources administration by the county administrator.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-234. Interpretation.

The county administrator shall be responsible for interpreting and administering the various provisions of the county personnel ordinance, including the position classification and compensation plan, and the personnel rules governing county employees, and such other personnel policies set forth by county council. The county administrator shall be responsible for directing the development of appropriate documents and forms to administer the personnel system.

(Ord. No. 03-01-01, § 1, 1-7-03)

Secs. 2-235--2-240. Reserved.

DIVISION 2. RECRUITMENT

Sec. 2-241. Policy.

(a) In order to effect full utilization of its available resources, the county's established policy is to select the best qualified for the task to be performed, with appropriate attention to such factors as educational and training background, previous experience, demonstrated skills, desirable traits of character, health and growth potential.

(b) In the administration of this policy, the county will not discriminate against any employee or applicant for employment because of race, creed, sex, age, religion, handicap, or national origin in conformity with the equal employment opportunity policy contained in this policy.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-242. Procedure.

(a) *Personnel requisition.* When a department head chooses to fill a vacancy, a written request must be submitted to the human resources director. The request shall identify the position to be filled and all other pertinent information which the department head may suggest for recruitment purposes. If the position has been established as a new position within the classification and compensation plan a job description must accompany the request. No person may be employed to fill a position which is not both vacant and provided for in the personnel budget, and no person may be employed to fill a vacant and budgeted position if by resolution the council has directed that such vacancy not be filled. No position will be refilled until a review has been made of the position as it relates to the needs of the department and the entire county workforce.

(b) *Promotional opportunity.* At the discretion of the appropriate department head, and where promotable employees exist within the department and/or county workforce, vacancies in positions may be posted and filled from applicants from within the department or county workforce who are capable of performing the jobs. If there are no applicants from within the department capable of performing the job, then the position may be filled from applicants from other county departments who are capable of performing the job, and then by the hiring of new employees. Where two (2) or more qualified applicants apply and all considerations are equal, placement will be based on county seniority. Position vacancies will be posted by the human resources division for a period of at least three (3) county workdays.

(c) *Human resources director's role in recruitment.* After the personnel requisition is approved, the human resources director, in cooperation with the appropriate department head, shall be responsible for establishing reliable applicant sources and for providing qualified applicants for each county job opening. For outside recruitment purposes, publicity for a job vacancy shall be as broad as feasible. The human resources director, where deemed appropriate, may use national and local advertising in trade journals, newspapers, etc. and may contact secondary schools, technical educational centers, and other training institutions.

At a minimum, publicity for outside recruitment purposes shall include notification to each department of county government and the South Carolina Employment Security Commission, Aiken Office. Applications must be accepted for at least five (5) county workdays following the date of posting. The notification shall communicate essential information to the prospective applicant. Information shall normally include the title, minimum qualifications, salary range, method of making application, and the closing date of applications.

First consideration for vacancies shall be given to qualified county employees.

(d) *Roster of qualified candidates.* From time to time there may be certain county positions which are frequently declared vacant due to turnover or difficulty in obtaining an adequate number of qualified applicants. In these instances, the human resources director is authorized to develop a pool of qualified applicants for referral to departments so long as the positions are advertised in accordance with the county's recruitment policy. The human resources director may also refer applicants submitted for one job vacancy to departments recruiting for another similar vacancy so long as the applications reflect that the candidates meet the minimum criteria established for the vacant position.

(Ord. No. 03-01-01, § 1, 1-7-03)

Secs. 2-243--2-250. Reserved.

DIVISION 3. SELECTION

Sec. 2-251. Policy.

The selection process for employment with the county involves deciding which job applicant will become an employee with the county government. The county's success in achieving its goal to find and hire those persons who are most likely to become productive and satisfactory employees over a long period of time depends upon the ability to select the most qualified applicant for the available job. Therefore, the final selection will be based on the merit principle, which states that county employees will perform more effectively and efficiently if they are selected on the basis of demonstrated merit and ability. Consequently, each applicant selected to fill a position within the county government must possess the minimum qualifications for that position or be able to achieve them within the probationary period or other reasonable time frame as determined at the time of employment and approved by the county administrator.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-252. Procedure.

(a) *Human resources division.* The human resources director shall be responsible for:

(1) *Applications.* A central application file that provides data on each applicant's background and experience will be maintained by the human resources director. Each applicant must complete an application.

(2) *Preliminary screening.* The application form will be checked immediately for any inadequate or inaccurate information. All applicants should meet the minimum training and experience for the class of position in which they are seeking employment. If the applicant does not possess the minimum qualifications required for the position, the applicant may be excluded from further consideration. Applications meeting the minimum requirements shall be forwarded to the appropriate department for perusal.

(3) *Appointment.* As soon as the decision has been made as to the most promising candidate for the vacancy by the department head, a personnel action request shall be submitted to the human resources division. All appointments must be approved by the county administrator through the human resources division. The personnel action request must be processed prior to initial employment. All applications must be returned to the human resources division for follow-up and retention.

(4) *Physical examination.* Physical examination shall be required for such classes of positions as determined necessary by the county administrator, upon recommendation of the department head. If a physical examination is required, the person selected for the position must submit to an examination by the county physician or other physicians approved in advance by the county administrator. Physical forms must be completed by the selected physician and included in the employee's medical file.

A physical examination, if required, will be the last step in the selection process. Thus, an applicant may be conditionally selected for a position, provided that the applicant satisfactorily passes the physical examination. If an applicant is found by the selected physician to have an injury, illness, disability, or sickness which would prevent the applicant from performing the duties and responsibilities for the position, the applicant may be rejected for failing to pass the physical, the human resources division shall send the individual a notice of rejection.

(b) *Departments of county government.* Each department of county government shall be responsible for:

(1) *Supervisory interview.* The hiring department head shall review the file of qualified applicants, and interview at least three (3) applicants, except where three (3) qualified applicants are not available. In the event three (3) qualified applicants cannot be recruited, the department head may recommend the preferred applicant from among the referrals.

(2) *Reference checks.* As part of the process of attempting to identify the most promising candidates, department heads should conduct reference checks including telephone calls or personal contacts with previous employers of the applicant. The applicant's present or immediate supervisor may be contacted, but only if the applicant consents. Every effort should be made to contact individuals who are familiar with the applicant's skills, ability and suitability for the position under recruitment.

(3) *Motor vehicle records check.* Prior to the processing of a personnel action request by the human resources division, the department head shall submit to the human resources division a copy of the recommended applicant's current motor vehicle record, if the applicant will have a county vehicle assigned to him or he will occasionally drive a county vehicle or a personal vehicle on county business.

(4) *Recommendation.* The appropriate department head shall recommend, on a personnel action request, through the human resources division to the county administrator, the preferred applicant. The county administrator must concur with the recommendation of the department head and approve the applicant for employment.

(Ord. No. 03-01-01, § 1, 1-7-03)

Secs. 2-253--2-260. Reserved.

DIVISION 4. EMPLOYMENT OF INTERNS

Sec. 2-261. Intern programs.

(a) *Policy.* It is the policy of the county to utilize interns to the degree practical, as they provide opportunities for both the county and the interns, and promote good relationships between county government and educational institutions.

(b) *Funds; approval.* All intern programs and procedures for employing interns must be approved by the county administrator. Funds must be approved in the annual budget to support paid internships.

(c) Supervisory department heads must be able to provide adequate supervision and support to the intern for the period of the internship.

(Ord. No. 03-01-01, § 1, 1-7-03)

Secs. 2-262--2-270. Reserved.

DIVISION 5. PROBATIONARY PERIOD

Sec. 2-271. New employees.

(a) *Time period.* Each employee receiving an appointment to a position in the county classification and compensation plan must serve a probationary period of six (6) months before the employee can be considered a regular employee. A probationary period is necessary to determine the suitability of the employee to a particular position. Law enforcement officers and emergency services personnel requiring certification, or any other county employees requiring certification for their positions shall remain on a probationary status until such time as that appropriate certification is received.

(b) *Evaluation.* During the probationary period, the employee's work habits, abilities, attitude, promptness, and other pertinent characteristics shall be observed and evaluated by his/her supervisor and department head.

(c) *Sick, annual leave; holidays.* New employees shall not be permitted to use annual leave until they have completed their probationary period. Other benefits which are required by law or county policy are available. New employees will receive wages for designated holidays falling within the probationary period.

(d) *Promotion, demotion, etc.* A personnel action request must be completed for any personnel action involving a promotion, demotion, request to remove or extend probation, transfer, termination, etc.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-272. Promoted, demoted and/or transferred employees.

(a) Promoted employees must serve a probationary period of six (6) months in their new position. If the employee fails to meet required standards of performance, the employee may be restored to the position from which he/she was promoted or to a comparable position, if available. If a position is not available, the employee is to be given priority for any county-wide vacancies for which they are qualified. In the event no vacancies for which the employee is qualified is available, the employee will be terminated. The "employee recall" procedures may be followed for future placement of the employee in county service.

(b) Demoted employees must serve a probationary period of six (6) months in their demoted capacity. If, after the probationary period, the employee's service to the county is unsatisfactory, the employee shall be dismissed.

(c) Transferred employees shall serve a probationary period of six (6) months in the new position.

(d) Employees receiving a promotion because of certification shall not be required to serve additional time toward their probationary period.

(e) Promoted, demoted or transferred employees will be permitted to use leave as approved by their respective supervisor and department head.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-273. Department procedures.

(a) *Classification as regular employee.* At the end of the probationary period, the department head and the supervisor, where applicable, shall review the employee's performance and complete an employee evaluation report. The evaluation report must be submitted to the human resources division at least three (3) days prior to the end of the probationary period. A personnel action request must be completed for new appointments, promotions, demotions and/or transfers. The department head, or his/her designee, must approve any employee being recommended to move from probationary to regular status.

(b) *Extension of probationary period.* At the end of the probationary period (six (6) months), if the employee's

performance is not satisfactory and there is a reason to believe that the employee may develop the ability to perform satisfactorily by an extension of the probationary period, the department head may, subject to approval of the county administrator, grant an extension, in thirty-day increments, not to exceed ninety (90) additional days.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-274. Termination.

(a) If, within the probationary period, the department head or supervisor determines that the services of the employee have been unsatisfactory, the department head may recommend to the county administrator that the employee be dismissed. The department head or supervisor shall encourage the probationary employee to develop appropriate skills and work habits during the probationary period.

(b) The county administrator must concur with the dismissal recommendation in order to terminate the employee from the county service. Probationary employees who have not satisfactorily completed their initial probationary period as a new employee are not eligible to file a grievance under the applicable "grievance procedure" as outlined in Division 8 of this article.

(Ord. No. 03-01-01, § 1, 1-7-03)

Secs. 2-275--2-280. Reserved.

DIVISION 6. EMPLOYEE PERFORMANCE EVALUATION

Sec. 2-281. Frequency; purpose, responsibility.

(a) The work performance of each classified employee will be evaluated annually. All classified employees will be evaluated during a common evaluation period. The common evaluation period will be the month of October unless some other date is established by action of the county council. More frequent evaluations may be conducted if the employee's performance is not satisfactory.

(b) The evaluation will be for all full-time, temporary, occasional, regular part-time and provisional employees, in accordance with the administrative procedures prescribed and/or approved by the county administrator. The evaluation will be the responsibility of the employee's immediate supervisor. The evaluator should take a positive approach but strive for accuracy and shall be used to guide employees toward a better professional execution of their responsibilities. The rater shall review the evaluation with his supervisor prior to presentation and discussion of the evaluation with the employee. A completed evaluation will be discussed by the rater with the rated employee and a copy of the evaluation will be provided to the rated employee upon review and signature by the rater and employee.

(c) An unsatisfactory rating during the common evaluation period may, upon recommendation of the department head, result in termination or placement on probation.

(d) At the time of annual employee evaluations, an annual update shall be obtained of the motor vehicle record of all county employees who have county vehicles assigned to them, or who occasionally drive county vehicles or personal vehicles on county business. A review of the driving record shall be a part of the annual evaluation process.

(e) Probationary employees will be evaluated at the end of the probationary period, and thereafter during the common evaluation period.

(Ord. No. 03-01-01, § 1, 1-7-03)

Secs. 2-282--2-290. Reserved.

DIVISION 7. ATTENDANCE AND LEAVE

Sec. 2-291. Attendance.

Department heads shall be responsible for the attendance, work schedule and on-the-job performance of employees under their supervision and shall submit such records to the human resources division or to such other offices as may be designated by the county administrator.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-292. Holidays.

(a) Generally. All employees, with the exception of specified workday employees, shall observe the following official holidays with pay, at the established work-day schedule:

- _____ (1) New Year's Day, January 1.
- _____ (2) Martin Luther King Jr.'s birthday.
- _____ (3) Good Friday.
- _____ (4) Memorial Day.
- _____ (5) Independence Day, July 4.
- _____ (6) Labor Day, first Monday in September.
- _____ (7) Thanksgiving Day, fourth Thursday in November.
- _____ (8) Day after Thanksgiving, fourth Friday in November.
- _____ (9) Christmas Eve, December 24.
- _____ (10) Christmas Day, December 25.

The county council may, by resolution, amend the dates on which established official county holidays are celebrated when deemed desirable for the efficient conduct of the functions of county government.

(b) Holiday pay. When the demands of the service, such as law enforcement, emergency services, security, solid waste, etc., are such that a specified workday nonexempt employee is required to work on an official holiday, then the employee shall be compensated at twice his/her regular base hourly rate.

(c) Alternate holidays. A nonexempt employee assigned to a classification or department which is authorized to provide service on a seven-day-per-week basis or a specified workday who is scheduled off work on an official county holiday shall be granted an alternate holiday by his department head within one hundred eighty (180) days.

(d) In departments which operate on a Monday through Friday basis, official holidays falling on Saturday shall be celebrated on the preceding Friday and official holidays falling on Sunday shall be celebrated on the following Monday.

(e) In departments which operate on a seven-day-per-week basis, official holidays shall be celebrated on the calendar day on which they fall.

(f) Exceptions. Employees who work specific days (such as two (2) to three (3) days per week) and the holiday falls on other than a workday shall be eligible for holiday leave only. This section does not apply to exempt and non-exempt shift employees in the emergency services department.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-293. Annual leave policy.

(a) *Generally.* It is the policy of the county to provide paid annual leave affording opportunity for healthful rest and relaxation to all eligible employees.

(b) *"Workweek" defined; number of annual leave days; carry-over leave; part-time employees.*

_____ (1) As used in this and other policies within the personnel program, the term "workweek" shall mean the number of hours an employee is scheduled to work during a normal week. From initial employment date through the end of the fifth year of service, the employee shall receive two (2) workweeks of annual leave each year. Through the fifth year of unbroken service, the employee will be allowed to carry over one (1) week (five (5) days) of annual leave per year.

_____ (2) At the beginning of the sixth year of unbroken service, the employee will start accruing twelve (12) days of annual leave, and shall be allowed to carry over six (6) days of annual leave per year.

- _____ (3) At the beginning of the tenth year of unbroken service, the employee will start accruing fifteen (15) days, or three (3) workweeks, of annual leave, and shall be allowed to carry over seven (7) days of leave per year.
- _____ (4) At the beginning of the fifteenth year of unbroken service the employee will start accruing twenty (20) days, or four (4) workweeks, of annual leave, and shall be allowed to carry over ten (10) days per year. This policy shall be effective as of the date of adoption and shall not be retroactive.
- _____ (5) The maximum accumulative total of carry-over leave shall be the equivalent of thirty (30) work days.
- _____ (6) It is mandatory that each employee take at least half of his/her accrued leave during the current year.
- _____ (7) Part-time employees scheduled to work less than one-half of the normal workweek, and employees who are hired to fill positions which are classified occasional, shall not earn nor be paid for any annual time. Employees working one-half, or more, of the scheduled workweek shall receive pro-rated accrual in accordance with the number of hours worked.

(c) *Use of annual leave.* All requests for annual leave shall be in units of no less than one-hour increments, and the maximum amount of time to be used for annual leave, at any one time, shall be determined by the appropriate department head. Annual leave taken by shift personnel in the emergency services department shall count towards hours worked.

Except in the case of an emergency, all annual leave must be approved, in writing, in advance, by the department head. An employee wishing to take one day or more of annual leave should request approval as soon as possible, but at least one (1) week in advance. Whenever possible, employees will be allowed to take paid annual leave at times most convenient to them. However, in order to insure a continued smooth operation and maintain a high level of quality in the delivery of services to the citizens of the county, the county reserves the right to limit the number of employees who may be absent from a given department or unit at any one time. Where there is a conflict in the schedule of two (2) or more employees who cannot be spared at the same time, preference will be given to the employee with the longest continuous service to the county.

When a paid holiday is observed by the county during the period an employee is on annual leave, the employee shall receive only his/her regular holiday pay, and that day shall not be charged against the employee's annual leave accrual.

When an employee's employment with the county is terminated, for whatever reason(s), he/she shall be paid at his/her most recent compensation rate for all accrued but unused annual leave reduced by any liabilities owed to the county. In the event of the death of an active employee, this payment shall be made to his/her estate.

(d) *Attendance records.* An attendance record shall be maintained for each employee by the human resources division.

The department head shall be responsible for assuring the completion of a weekly attendance report for each employee within his/her department. This report shall be concurrent with the pay period.

(e) *Elected or appointed officials.* Elected or appointed officials, including but not limited to, treasurer, auditor, registrar of mesne conveyance, registration/elections director, legislative, delegation administrator, public defender, probate judge, clerk of court, veterans affairs officer, master-in-equity, magistrates, sheriff, solicitor, coroner, shall not accrue annual and sick leave, and shall not receive any monetary payment for leave upon termination from county service.

Elected and appointed officials shall not be required to submit weekly time sheets.

(f) Department heads under the direct authority of the county council and the county administrator shall be required to submit a weekly time sheet, will receive leave accrual as all other employees, and must submit a record of all leave time taken.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-294. Sick leave.

(a) *Rate.* All full-time employees shall earn sick leave at the rate equivalent to one day (3.69 hours per pay period) for each calendar month of service up to a maximum of ninety (90) days. Regular part-time employees with a work schedule of one-half (1/2), or more, of the normal workweek shall receive pro rated sick leave in accordance with the number of hours worked per week. Part-time employees scheduled to work less than one-half (1/2) of the normal workweek, and employees hired to fill positions classified as occasional, shall not earn sick leave.

(b) *Medical certification.* Sick leave is a privilege which shall be used for sickness, injury or medical appointments of the employee, and sick leave in excess of three (3) consecutive workdays shall be certified by a doctor's certificate if so required by department head. Department heads may, at their discretion, require medical certification for any sick leave

taken, and certification that an employee is capable of returning to work. Sick leave may also be used if an employee has been exposed to a quarantinable disease or, with the written approval of the department head and the human resources director, for absences necessitated by illness or incapacity of a spouse or child.

(c) *Notification of supervisor.* An employee who is ill shall advise his/her immediate supervisor as soon as possible and no later than one (1) hour after the start of the work shift. Employees in law enforcement, emergency services, security, solid waste, etc., shall follow procedures set up by their department heads. In case of extended illness, the employee shall be responsible for keeping his/her supervisor informed of his/her progress.

(d) *Use of annual leave.* Accrued annual leave may be used during periods of sickness, after exhaustion of accrued sick leave. In such instances a notation shall be made on the leave request indicating that annual leave is being used in addition to sick leave.

(e) *Accrual of annual and sick leave.* While on authorized sick leave with or without pay an employee continues to accrue annual and sick leave benefits. If an employee is on authorized sick leave without pay, the employee shall be responsible for payment of any authorized payroll deductions; failure to submit prompt payment shall result in termination of benefits.

(f) *Advanced sick leave.* Request for advanced sick leave shall be submitted as far in advance as possible and must be recommended by the department head and approved by the human resources director. Such authorization shall be granted only in the cases involving extended periods of illness or injury and only in cases of employees with one (1) year, or more, of consecutive service.

Advanced sick leave shall not exceed twelve (12) days. Any advanced sick leave granted shall be repaid by a charge against sick leave subsequently earned by the employee. No payment or repayment of advanced sick leave shall be required until the employee has first accumulated five (5) days of sick leave following his/her return to duty. If an employee leaves county service prior to repayment of advanced sick leave, the remaining amount due shall be deducted from any accrued leave, annual or sick, and/or any wages due.

(g) *Sick leave bank.* A sick leave bank is established by the donation of sick leave or any type compensable leave by employees to the bank. The bank shall be used for employees who experience catastrophic illnesses or accidents that require absences which exceed their accrued leave but do not activate long-term disability insurance provisions. The bank shall be managed by a committee of seven (7) employees appointed by the county administrator. The committee shall establish rules for the management of the sick leave bank. Decisions of the committee are final, must be approved by the county administrator, and are not grievable to the employee grievance committee.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-295. Funeral leave.

(a) *Generally.* An employee may be granted excused absence(s) with pay, not to exceed the equivalent of three (3) days, in the case of death in the immediate family. All such leave must be approved in advance by the immediate supervisor and department head.

(b) *Travel time, etc.* Additional time required for travel, etc., may be granted as annual leave or leave without pay.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-296. Military leave.

(a) *Generally.* Members of the state National Guard, the reserve branches of the Armed Forces, and the Coast Guard shall be entitled to military leave with full pay each year in accordance with orders issued for such military duty not to exceed fifteen (15) days. One (1) copy of the training duty orders must be filed with the leave request.

(b) *Call into active duty, etc.* Any regular county employee who is called into the military forces of the United States or is recalled to active duty during time of war or national or other emergency, or is inducted by Selective Service shall be placed on military leave without pay, this leave to extend for ninety (90) days after date of release from the service. Such employees shall be entitled to be restored to the position which he/she vacated provided he/she applies to the human resources director within ninety (90) days of the date of his/her honorable discharge, or release to inactive duty, and is physically and mentally capable of performing the work of his/her former position. Time so served shall be considered as continuous employment with the county.

(c) Reservists and National Guardsmen on three- to six-month duty.

(1) *Generally.* Reservists and National Guardsmen who engage in initial periods of three (3) to six (6) months'

active duty for training have reemployment rights.

_____ (2) *Eligibility requirements.* To be eligible for reemployment, these three-to-six-months- duty reservists must have left a job that was other than temporary. Further eligibility requirements are that they must:

- _____ a. Satisfactorily complete their training duty.
- _____ b. Apply for reemployment within thirty-one (31) days after release from training duty (if hospitalized incidental to training, thirty-one (31) days after discharge from hospitalization, provided hospitalization does not exceed one (1) year).
- _____ c. Be qualified to perform the duties of their former jobs. If not so qualified because of disability sustained in training, such reservist or guardsman is entitled to reemployment in a position he/she is qualified.
- _____ d. In applying for reemployment, the application may be oral, in writing, in person, by telephone, or other methods. The application may be oral, in writing, in person, by telephone, or other methods.

_____ The application must indicate desire to return to employment. Reservists and/or guardsmen must resume their duties within a reasonable period of time after applying for reemployment.

_____ (3) *Reemployment rights.* Reservists and guardsmen are entitled to the following rights after reinstatement:

- _____ a. Seniority they would have attained if not absent in service.
- _____ b. Pay rate they would have attained except for their absence, including all general increases or raises applicable to their seniority classification.
- _____ c. The equivalent status they would have acquired if they had not been absent in service.
- _____ d. Participation in insurance or other benefits pursuant to established rules and practices relating to employees on leave of absence in effect when they commenced their military service (in other words, the equivalent "fringe benefits" which are applicable to employees on non-military leaves).

(d) *Reservists and National Guardsmen on short training periods.*

_____ (1) *Generally.* Reemployment rights are provided for reservists or National Guardsmen who engage in weekly and weekend drills, annual training duty, other types of training duty such as schools, special courses on instruction, and the like. Also, employees who leave positions for active duty, active duty for training, or inactive duty for training, and are rejected.

_____ (2) *Eligibility requirements.* To be eligible for reemployment, these reservists, guardsmen and rejectees must have left a position other than temporary. They must request a leave of absence for such training, and the employer must grant the leave requested. Also, to be eligible for reemployment, these reservists, guardsmen or rejectees must report for work at the beginning of the next regularly scheduled working period following release from training or rejection, allowing sufficient time for travel from place of release or rejection to place of employment.

_____ (3) *Reemployment rights.* Reservists or guardsmen performing weekly or weekend drills, summer encampment or cruises, and the like, and rejectees, are entitled to the following:

- _____ a. Return to their position with such seniority, status, pay and vacations as they would have had if they had not been absent for such purposes.
- _____ b. Earned vacations in addition to necessary time off to perform military duty or to determine physical fitness for military service.
- _____ c. Protection against any disadvantage with respect to rights based on contract or practices due to their statutory leave.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-297. Civil leave.

An employee shall be given time off without loss of pay and without charge to annual leave when performing jury duty. Employees subpoenaed for cases relative to county litigation shall be given time off without charges against accrued leave and without loss of pay. Such leave shall not be charged to annual or sick leave earnings, except that on any day when

such employee is excused from service on a jury he will be expected to report for duty at his regular place of work if within reasonable commuting distance or be charged annual for the time excused from jury duty. Likewise, any period of time for which an employee is excused from jury duty because of illness shall be charged to sick leave. An employee shall be entitled to retain all fees received as a juror.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-298. Private litigation.

Absence of a county employee to appear in any capacity in private litigation shall be charged to annual leave or to leave without pay, upon request of the employee and approval by the department head. All court fees received by an employee in private litigation procedures may be retained by the employee.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-299. Leave of absence for temporary disability.

(a) *Generally.* Leave of absence without pay may be granted for a temporary disability or extended illness. Extended illness shall be defined as no more than a six-month period, except that its term may be extended by special circumstances by the county administrator. An employee on disability leave without pay shall be responsible for payment of all authorized payroll deductions; provided, however, the county shall continue to pay the employer portion of group health and life insurance costs.

(b) *Requests.* Request for leave of absence shall contain a statement from a physician as to the nature of the disability or illness. Maternity is considered a form of temporary disability. Disabilities caused by pregnancy, miscarriage, childbirth, and recovery there from are temporary disabilities for all job-related purposes, and shall be treated as such.

(c) *Use of accumulated annual and sick leave.* Employees may utilize accumulated annual and sick leave and may request leave without pay prior to their anticipated date of return to duty. Employees shall submit physician's statement containing recommended dates of absence and recommended date for return to duty. Department heads shall be responsible to determine if the employee's performance is affected by the disability.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-300. Tardiness.

Occasional lateness caused by circumstances beyond the employee's control, such as weather conditions, traffic problems, transportation problems, and other emergencies is excusable. However, frequent tardiness shall not be tolerated, and department heads shall have the discretion to adjust the employee's pay accordingly in such cases.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-301. Leave without pay.

Any full-time, regular employee may be granted a leave of absence without pay for a period not to exceed twelve (12) calendar months, provided he/she has been in the classified service for a continuous period of at least one (1) year. Leave without pay will not normally be granted for purposes of performing other employment. Such leave must be approved, in writing, by the county administrator upon the recommendation of the employee's department head. Approval must be granted prior to the leave of absence. An employee on leave without pay will not earn annual or sick leave accruals or any other benefits. At the expiration of such leave, the employee shall be reinstated with all rights and benefits previously enjoyed.

If an employee fails to report for work without notifying his/her supervisor, he/she will be put on leave without pay for a maximum of three (3) days after which he/she must be terminated.

Employees paid a fixed salary for fluctuating hours who have no hours worked, paid leave hours, some other approved leave and are not on worker's compensation during a work period and who have no balance available in annual, sick or holiday leave shall be placed in a leave-no-pay status by the county administrator. This is a change-in-pay status only and does not affect the individual's status as an employee.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-302. Bodily injury/illness with pay (workers' compensation program).

(a) An employee incapacitated and absent from work in excess of seven (7) days because of an on-the-job bodily injury or illness, provided he/she did not directly or indirectly contribute to the illness and/or injury, shall be entitled to bodily injury or illness leave in accordance with the state statutes in effect at that time, and according to the schedule provided. For the first seven (7) calendar days that the injured employee must be absent from the job, there is no compensation given by the county or through workers' compensation. On the eighth day, the injured employee is placed under workers' compensation. If the disability continues for more than fourteen (14) days, the injured employee is entitled to compensation for the first seven (7) days also, to continue to the end of the disability period.

(b) Payments will not exceed the maximum amount of compensation allowable under the law at the time of the accident. An injured employee is entitled to sixty-six and two-thirds (66 2/3) percent of his/her average weekly wage, not less than seventy five dollars (\$75.00) nor more than one hundred (100) percent of the average weekly wage of the state for the preceding year.

(c) When an employee is out of work due to a work-related injury/illness, no charges shall be made against leave accruals, sick or annual, unless requested by the employee. An employee may request use of accrued leave during the first seven (7) days of disability. Employees on bodily injury/illness leave will continue to accrue all leave benefits.

An employee who is out of work or assigned to light duty for a work related injury/illness may not work a second job.

(d) Employees injured on the job and receiving workers' compensation benefits will be encouraged to utilize the rehabilitation services offered through the workers' compensation program. County department heads shall make every effort to hold positions open for injured employees for up to nine (9) months. Extensions may be granted by the county administrator in thirty-day increments not to exceed twelve (12) months. After this time the position shall be declared vacant and steps will be taken to fill it. When the employee is able to return to work, the county will attempt to place the employee in positions available for which he/she is suited in accordance with the county's "recall" policy.

(e) When an injury occurs and medical care is required, the employee must utilize the designated county physician(s), except in cases where immediate care is required and the designated physician is not readily available, or other medical facilities are nearer. Injured employees must report all injuries to his/her supervisor immediately. If he/she is unable to report within twenty-four (24) hours, a supervisor or department head must contact the designated county staff person responsible for the county's workers' compensation program and assist with completing the first report of injury.

(f) Upon the first working day an injured employee returns to work, his/her department head must report to the workers' compensation coordinator that the employee has returned to work. The employee must provide a written statement from the treating physician that indicates the employee can return to work and what, if any, restrictions apply.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-303. Overtime and compensatory time.

All employees shall be classified by the county administrator, with the advice of department heads and the human resources director, as exempt or nonexempt from the overtime and compensatory time requirements of the Fair Labor Standards Act. Exempt employees shall be considered executive, administrative, and professional employees and shall not be eligible for overtime payments or compensatory time. Exempt employees shall be eligible for administrative leave.

Compensatory time off means time off in lieu of overtime pay.

Nonexempt employees other than law enforcement and emergency services personnel shall receive overtime pay at the rate of one and one-half (1 1/2) times their regular rate of pay for all hours worked or considered to have been worked in excess of forty (40) in one (1) workweek or shall receive compensatory time at the rate of one and one-half (1 1/2) hours for each hour worked or considered to have been worked in excess of forty (40) in one (1) workweek, subject to a maximum accumulation of two hundred forty (240) hours of such compensatory time. Nonexempt non-emergency employees who are required to work when county operations are closed by the county administrator due to inclement weather, or other similar emergencies, may receive overtime pay or compensatory time for the hours they are required to have worked.

Nonexempt law enforcement and emergency services employees shall receive overtime pay at the rate of one and one-half (1 1/2) times their regular rate of pay for all hours worked or considered to have been worked in excess of the maximum straight-time hours permitted by the Federal Fair Labor Standards Act for the overtime work period designated by the county administrator by resolution for each or any such employee, or shall receive compensatory time at the rate of one and one-half (1 1/2) hours for each hour worked in excess of such maximum straight-time hours for the employee, subject to a maximum accumulation of four hundred eighty (480) hours of such compensatory time.

The council, may by resolution, direct that any employee or class of employees be paid a fixed salary for fluctuating hours in compliance with the Federal Fair Labor Standards Act. The regular rate of pay of any such employee shall be found by dividing his salary for the period in which overtime is worked by his total hours worked or considered to have been worked in such period. If the employee has worked or is considered to have worked more than his normal or budgeted number of hours for such period, his resulting hourly rate may be lower than that found in the official wage schedule. Such a result is consistent with this pay plan and ordinance. The employee's overtime premium shall equal one-half of his regular hourly rate for such period for each hour worked in excess of the maximum number of straight-time hours permitted for such period by the Federal Fair Labor Standards Act.

Employees paid fixed salaries for fluctuating hours shall receive pro rata salaries for their first and last work periods if they begin employment after the beginning of the work period or terminate employment before the end of the work period, but otherwise shall receive their full salaries for any work period in which they actually perform any work. In the event that an employee actually works more than zero but less than his normally scheduled or budgeted hours for a particular work period, the difference between his normally scheduled or budgeted hours and his actual hours worked shall be charged to his holiday, annual leave and/or sick leave account. If the employee does not select which account is to be charged in accordance with the Personnel Ordinance, his department head shall do so. If the department head fails to do so, the employee's paid time off accounts shall be charged in the following order: (1) holiday, (2) annual leave, (3) sick leave. If these balances are insufficient to cover the unworked hours, a deficit may be created as follows: The equivalent of one (1) day of holiday and thereafter equally divided between annual leave and sick leave.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-304. Administrative leave.

(a) *Exempt employees.* Exempt employees, as defined by the Fair Labor Standards Act, will earn administrative leave in recognition of extra hours worked, heavy seasonal load, evening and weekend hours. All requests for administrative leave shall be approved in advance, in writing, by the department head contingent upon the employee being current with all work assignments and upon satisfactory overall job performance. Administrative leave, computed on an hour for hour basis, can be accumulated for a maximum of thirty (30) days.

(b) *Emergencies; exceptions.* Administrative leave shall be granted (not chargeable to any other leave for exempt employees) to all employees when county operations are closed by the county administrator due to inclement weather, or other similar emergencies. Exception: Employees deemed necessary for the delivery of essential services to the public.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-305. Expiration of leave.

An employee who fails to report the first day after the expiration of approved leave will be considered to have terminated, unless notification and arrangements are made with the department head to report at a later time.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-306. Family medical leave (FMLA).

Eligible employees may receive up to twelve (12) weeks of job-protected leave in any twelve-month period for certain family and medical reasons. Such absences may be paid or unpaid in accordance with the county's sick leave and annual leave policies.

_____ (1) *Eligibility.* The FMLA defines eligible employees as employees who:

_____ a. Have worked for the county for at least twelve (12) months; and

_____ b. Have worked for the county for at least one thousand two hundred fifty (1,250) hours in the previous twelve (12) months.

_____ The twelve-month period will be measured backward from the date an employee uses any FMLA leave. (Part-time or seasonal employees who work less than one thousand two hundred fifty (1,250) hours in a year are not eligible.)

_____ (2) *Leave entitlement.* Eligible employees may take leave for the following reasons:

_____ a. For the birth of a child of the employee and in order to care for such newborn child. (Requests should be made within twelve (12) months following the birth of a child.)

_____ b. For the placement of a child with the employee for adoption or foster care and for bonding with that child. (Requests should be made within twelve (12) months following the placement of the child.)

_____ c. In order to care for (psychological or physical care) the spouse, or a son, daughter, or parent of the employee, if such spouse, son, daughter, or parent has a serious health condition. (Transportation, hygiene, nutrition, safety, or medical needs.)

_____ d. Because of a serious health condition that renders the employee unable to perform the essential functions of the position of such employee.

(3) *Notice.* Employees who want to take FMLA leave must provide the county at least thirty (30) days' notice of _____ the need for leave, if the need for the leave is foreseeable. Under FMLA, the county will continue group insurance coverage, (however, employee must continue to pay his share of premiums) and will allow the employee to return to his original or equivalent position with equivalent pay and benefits.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-307. Light duty policy.

"Light duty" is defined as services and functions performed by an employee who has a disabling condition, which duties are less demanding than those normally performed by the employee.

Light duty means services to the county which are normally performed by the employees; work will not be created for the employee to perform. Light duty may be made available to employees as long as meaningful assignments are available, but for not longer than ninety (90) calendar days per disability, except in the case of disabilities covered by workers' compensation.

Full-time regular employees who are temporarily and partially disabled as a result of an injury, illness, pregnancy, or postpartum recovery, and who, as a result of such disability, are not able to safely perform the full range of their normally assigned duties, may be eligible for light duty assignment.

Acceptance of light duty shall be voluntary on the part of the employee with the exception that employees injured on the job may be ineligible for workers' compensation if they decline a light duty assignment. Offer of light duty assignment to employees injured on the job shall be made in writing. The employee shall indicate acceptance or refusal of an offer of light duty by signing and dating the offer. Under no circumstances will an employee whose disability entitles him or her to leave under the Family and Medical Leave Act be required to accept a light duty assignment. Sick leave or other available paid time off may be used if the employee prefers such leave to light duty, subject to the policies pertaining to such paid time off, except where a work-related injury is involved. Applicable county ordinances and state workers' compensation laws shall apply to workers' compensation injuries.

All light duty must be approved by the county administrator, or his designee, with recommendation of the department head.

Priority for the assignment of an employee to light duty shall be initially to the department, office, or agency of permanent employment and subsequently to another department, office, or agency able to utilize the services and functions which the employee is capable of satisfactorily performing.

An employee assigned to light duty may wear clothing modified to accommodate the disability, including regular maternity clothing, as long as the clothing does not interfere with the employee's ability to carry out assigned job duties.

Prior to any light duty assignment (and at such intervals as the county administrator may thereafter require), a medical doctor, satisfactory to the county, must certify that the employee is unable to perform the full range of his/her regular duties; that the inability to perform and the condition causing it are temporary; and that there is no risk of contagion or infection to other employees. No employee will be permitted to work on light duty if a physician advises that the performance of the light duty work might slow the employee's recovery or aggravate the disability. The county may require a review by its physician at any time.

Compensation for an employee assigned to light duty will be the responsibility of the department, office, or agency using the employee, unless the reassignment is the result of an injury or accident covered by workers' compensation. If the reassignment is the result of a worker's compensation injury or accident, the employee's home department is responsible for payment of his/her salary until he/she is released by the physician to return to his/her regular job. The rate of pay for the light duty will be commensurate to the duties performed. Employees injured on the job may also be entitled to workers' compensation benefits based on the difference between their compensation for light duty and their normal compensation, in accordance with South Carolina Workers' Compensation Law.

Light duty under this policy should not be confused with "reasonable accommodation" under the Americans with

Disabilities Act. Light duty is a temporary reassignment of an employee who is temporarily disabled. Reasonable accommodation is a more or less permanent change in job duties for an employee who is more or less permanently unable to perform relatively minor duties of his or her position, that is, duties other than essential functions of his or her job.

(Ord. No. 03-01-01, § 1, 1-7-03)

Secs. 2-308--3-310. Reserved.

DIVISION 8. GRIEVANCE PROCEDURE

Sec. 2-311. Purpose.

This section is applicable to all regular full-time and part-time employees.

This procedure is provided to establish an orderly and systematic means of handling appeals of any regular employee who has a grievance or thinks he/she has a grievance concerning any action, occurrence, attitude, or subjection to unfair, discriminatory or abusive treatment, either expressed or implied; and to motivate and satisfy employees by the handling of their grievance quickly and in a fair and open manner. This grievance procedure is adopted pursuant to Title 8, Article 3, Sections 8-17-110 to 8-17-160, South Carolina Code of Laws, 1976, as amended, which is known as the "County and Municipal Employees Grievance Procedure Act."

Section 8-17-120 of the Code states:

"The governing body of any county or any incorporated municipality in this state may by ordinance or resolution adopt a plan for the hearing and resolution of employee grievances which, if adopted, shall conform substantially _____ to the guidelines set forth in this article. As used in this article, grievances may include, but shall not necessarily be limited to, dismissal, suspension, involuntary transfers, promotions and demotions. Compensation shall not be deemed a proper subject for consideration under the grievance procedure except as it may apply to alleged inequities within an agency or department of the particular county or municipal jurisdiction."

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-312. Statement of policy.

It is the policy of the county that all employees be treated fairly and consistently in all matters related to their employment. When any regular county employee who has completed their probationary period is unable to resolve an alleged grievance by discussion and negotiation with his/her supervisor, he/she may request in writing a hearing before the grievance committee. The county shall provide samples of how to file a grievance or form for the employee.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-313. Grievance committee.

(a) *Appointment; membership; terms.* County council shall appoint a committee composed of nine (9) members to serve for terms of three (3) years, except that the members appointed initially shall be appointed so that terms will be staggered and one-third of the terms shall expire each year. Any interim appointment to fill a vacancy for any cause prior to the completion of his/her term shall be for the unexpired term only. Any member may be reappointed for succeeding terms at the discretion of the appointing authority. All members of the grievance committee shall be selected on a broadly representative basis from among the employees of the county, with the provision that, whenever a grievance comes before the committee initiated by or involving an employee of a department of which a committee member is also an employee, or where a conflict of interest is involved, such member shall be disqualified from participating in the hearing. A member of the grievance committee may be removed for cause, by county council by recommendation of a majority of the grievance committee members present and voting, prior to the expiration of that member's term.

(b) *Chairperson.* The committee shall select a chairperson from among its members, and the chairperson shall serve as presiding officer at all hearings which he/she attends, but may designate some other member to serve as presiding officer in his/her absence.

(c) *Quorum.* A quorum shall consist of at least two-thirds of the committee members, and no hearings may be held without a quorum.

(d) *Rules and procedures.* The grievance chairperson will have control of the proceedings, and the committee shall

have the authority to adopt rules and procedures for conducting proceedings. The chairperson shall take whatever action is necessary to insure an equitable, orderly and expeditious hearing. Parties shall abide by his/her decision, except when a committee member objects to a decision to accept evidence, in which case the majority vote of the committee will govern.

(e) *Authority.* The committee shall have the authority to call for files, records, and papers pertinent to any investigation; to determine the order of the testimony and the appearance of witnesses; to call additional witnesses; and to secure the services of a recording secretary cost of such to be prorated among all interested parties in an equitable fashion.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-314. Procedure.

The grievance procedure shall be followed as outlined below:

_____ (1) The grievance procedure for an employee whose employment authority is vested in an elected official or an authority outside of county government shall be as follows:

_____ a. *Step 1.* An aggrieved employee shall have the right to present in writing to his/her immediate supervisor his/her dissatisfaction within thirty (30) calendar days after the alleged cause of the grievance arises, with a view toward settling the matter. It shall be the duty of his/her supervisor or division head, if applicable, to give attention to the matter and provide an answer, or advise as to the conditions which prevent an answer, within three (3) working days.

_____ b. *Step 2.* If the matter is one which cannot be satisfactorily resolved by the supervisor/division head, he/she shall authorize the aggrieved employee to present the matter to the elected official or the outside agency in writing. The elected official or outside agency shall consider the grievance presented to him/her and render a decision, or advise as to the conditions which prevent a decision, in writing, within three (3) working days.

_____ c. *Step 3.* If the elected official's or outside agency's decision is not satisfactory to the employee or is not properly implemented, the employee shall request an appeal before the county grievance committee which must be presented, in writing, to the county administrator with copies going to the elected official or outside agency involved within three (3) working days after receiving the decision of the elected official or outside agency. Upon receiving such a request, the county administrator or his/her designee shall schedule a hearing within five (5) days after receiving the employee's request, and shall notify the grievance committee and the employee requesting the hearing. The grieving employee will be notified within the 5-day period of the date, time, and place of the hearing. The grievance committee shall, within five (5) days after the hearing and appeal, make its finding and decision and report the finding and decision to the elected official or outside agency vested with employment and discharge authority.

_____ If the elected official or outside agency vested with employment and discharge authority approves the decision of the grievance committee, final copies of the decision must be transmitted by the committee to the employee, to the county administrator and to the particular department or agency involved. If, however, the elected official or outside agency vested with employment and discharge authority rejects the decision of the committee, he/she shall make his/her own decision without further hearing and that decision will be final with copies transmitted to the employee and the employing agency.

_____ (2) The grievance procedure for an employee whose employment authority is vested in county council through the county administration shall be followed as outlined below:

_____ a. *Step 1.* An aggrieved employee shall have the right to present in writing to his/her immediate supervisor his/her dissatisfaction after the alleged cause of the grievance arises, with a view toward settling the matter. Grievances must be filed by the employee with his/her immediate supervisor within thirty (30) calendar days after the alleged cause of the grievance arises. It shall be the duty of his supervisor and division head, if applicable, to give attention to the matter and provide an answer, or advise as to the conditions which prevent an answer, within three (3) working days.

_____ b. *Step 2.* If the matter is one which cannot be satisfactorily resolved by the supervisor/division head, he/she shall authorize the aggrieved employee to present it to the department head in writing. If the supervisor/division head refuses to give a satisfactory answer or no answer within the time limit, the aggrieved employee may proceed with his/her grievance in writing to his/her department head. The department head shall consider the grievance presented to him/her and shall render a decision, or advise as to the conditions which prevent a decision, in writing, within three (3) working days. Continued grievances must be forwarded to his/her department head within three (3) working days after the

completion of step 1.

c. *Step 3.* If the aggrieved employee is not satisfied with the decision rendered and wishes to carry the matter to a still higher authority, he/she shall present his/her grievance, in writing, to the county administrator. Continued grievances must be forwarded to the county administrator within three (3) working days of receipt of department head decision. Upon receiving such a complaint, the county administrator shall requisition a copy of the department head decision and all other pertinent information and upon receipt of same, shall hold whatever discussion or make such investigations as he/she deems desirable, or the employee or the supervisor may request. The county administrator shall render a decision in writing within five (5) consecutive working days after receiving the complaint.

d. *Step 4.* If the county administrator's decision is not satisfactory to the employee or is not properly implemented, the employee shall request an appeal before the grievance committee, which must be presented in writing to the county administrator within three (3) working days after receiving the decision of the county administrator. Upon receiving such a request, the county administrator or his/her designee shall schedule a hearing within five (5) days after receiving the employee's request, and shall notify the grievance committee and the employee requesting the hearing. The grieving employee will be notified within the 5-day period of the date, time, and place of the hearing.

e. *Step 5.* The grievance committee shall reach a decision within five (5) days after the hearing and shall report its findings and decision, in writing, to the county administrator. If the county administrator approves, the decision of the grievance committee shall be final, and copies of the decision shall be transmitted by the committee to the employee, the human resources division (for the employee's file), the county administrator, and the employee's department head.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-315. Representation.

An employee, at his/her discretion, may be represented by an attorney or other authorized representative during the grievance hearing.

However an employee may not send his/her representative in lieu of his/her own appearance. Authorized representative(s) will appear in an advisory capacity only.

(Ord. No. 03-01-01, § 1, 1-7-03)

Secs. 2-316--2-320. Reserved.

DIVISION 9. EDUCATIONAL LEAVE

Sec. 2-321. Definition.

Educational leave is defined as authorized leave, with or without pay, to attend a college, university or other institution of higher learning which offers an academic curriculum leading to a degree or degrees. There shall be two (2) types of educational leave, leave with pay and leave without pay.

(1) Educational leave with pay is available to employees enrolled part-time in an institution of higher learning and pursuing courses which directly relate to an employee's job wherein the course is offered during the employee's workweek.

(2) Educational leave without pay is available to employees enrolled full time in an institution of higher learning and pursuing courses directly or indirectly related to an employee's job.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-322. Justification.

The decision to grant educational leave is an administrative one. Periods of leave should be for education that will benefit the county by making the employee better prepared to assume additional responsibility or teaching the employee additional skills and techniques for improved job performance.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-323. Eligibility.

All full-time, regular employees may be entitled to educational leave. Educational leave may be granted to equip the employee for the improved performance of his/her duties and responsibilities as a county employee.

Educational leave with pay shall normally be limited to three (3) hours per week.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-324. Approval process.

The employee shall apply to his/her department head, in writing, for educational leave. The department head shall recommend approval/disapproval of the request to the human resources director for a determination. The department head may appeal the decision of the human resources director to the county administrator for a final determination.

Factors to be considered in making a decision include: workload, critical nature of employee's job, chances of the employee returning to duty, and chances of the department to reinstate the employee to the same job or one of equal status and pay.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-325. Employee responsibility.

Employees requesting leave without pay are obligated to return to work within or at the end of the time granted. An employee who chooses not to return to work shall notify the department head immediately. Failure to report back to work at the expiration of the educational leave shall constitute the employee's resignation, except in the case of an extension of such leave.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-326. Department responsibility.

If it is necessary to fill a position vacancy created by educational leave without pay with a temporary or permanent appointment, the appointing department is obligated to notify the employee on leave to that effect. In the case of a temporary appointment, the employee on leave shall be entitled to reinstatement to the same or comparable position. In the case of a regular appointment, the employee on leave shall be entitled to reinstatement to a position of equal status and pay, provided a vacancy exists. Otherwise, the employee shall be provided opportunity for reinstatement in accordance with the county's recall policy.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-327. Retention of benefits.

(a) *Leave without pay.* Employees on educational leave without pay shall retain all accumulated leave. Employees cease to earn leave. Employees shall pay the employer and employee portion of all benefits in order to retain those benefits.

(b) *Leave with pay.* Employees on educational leave with pay shall retain and earn all accumulated leave and shall continue to receive fringe benefits.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-328. Tuition reimbursement.

(a) *General.* Regular, non-probationary, full-time employees in good standing and indicating an extremely high degree of potential for advancement may be considered for job-related educational leave and/or reimbursement for tuition upon successful completion of formal courses of study, subject to annual budget restrictions. The tuition reimbursement program shall be funded annually through the general fund budget and administered by the county administrator. The

county will reimburse tuition costs for approved courses of study when properly authorized in advance of commencement of instruction and upon presentation of original receipts for tuition costs. Requests for payment of authorized courses of study must be submitted within thirty (30) days of course completion to remain eligible for reimbursement.

(b) *Eligibility.* Employee must submit a request for tuition reimbursement through their department or office head to be approved by the county administrator. Forms and additional information can be obtained by contacting the human resources division. Based upon the availability of funds to support the program, priority for program participation will be given in the following order:

- _____ (1) General equivalency diploma.
- _____ (2) Associate's degree.
- _____ (3) Special certifications.
- _____ (4) Bachelor's degree.
- _____ (5) Master's degree.
- _____ (6) Graduate study.

All regular full-time employees of Aiken County with satisfactory work and attendance standards who have successfully completed the new employee probationary period are eligible to participate. Employees who are receiving grants, scholarships, veterans benefits or other educational payments are eligible to participate but only to the extent that the employee's tuition costs are not covered by these external sources.

(c) *Reimbursement.* Participating employees will be required to achieve a grade of "C, pass, or successful completion" or higher in order to remain eligible for tuition reimbursement. A grade report must be submitted within thirty (30) days of the completion of the course of study to verify eligibility and request reimbursement.

Only those courses beginning after satisfactory completion of the initial probationary period will be eligible for reimbursement. Generally, only those courses of study requiring attendance during off-work hours will be eligible for reimbursement. Exceptions must be approved in advance by the county administrator. Funding will be provided only for the reimbursement of tuition costs incurred; costs associated with registration fees, books, student activity fees, etc. will not be reimbursed. Tuition reimbursement will be provided according to the following schedule:

TABLE INSET:

Grade A	100% reimbursement
Grade B	75% reimbursement
Grade C	50% reimbursement
Grade D or F	0% reimbursement
Pass or Successful Completion	50% reimbursement

Tuition reimbursement will be limited to an amount not to exceed five hundred (\$500.00) per employee per semester, term, quarter or equivalent course. Tuition reimbursement will only be provided to those employees possessing a request for tuition reimbursement approved prior to the commencement of training for which reimbursement is requested.

(d) *Limited funding.* Limited funding is available for this program, and it is possible that individual applicants that otherwise meet program criteria will not be approved because of the lack of funding. In the event that requests for tuition reimbursement exceed the amount of funds budgeted and available for the program, requests will be considered on a first received basis.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-329. Service obligation.

Employees who request tuition reimbursement assistance must agree to remain in the employ of the county for one hundred eighty (180) calendar days from the date of the reimbursement check. Employees who retire, resign or are terminated for cause within this period shall be obligated to reimburse the county for tuition reimbursement costs. Reimbursement shall be by cash payment or deduction from any monies due at the time of separation.

(Ord. No. 03-01-01, § 1, 1-7-03)

Secs. 2-330--2-340. Reserved.

DIVISION 10. TRAINING

Sec. 2-341. Professional advancement.

It shall be the responsibility of the human resources director to coordinate with department heads, employees and others to foster and promote programs of employee development and training for the county. The intent of this policy is to improve the quality of services provided to the public and to equip employees for advancement in county government.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-342. Administration of professional advancement.

The human resources director shall:

- _____ (1) Recommend to department heads appropriate standards for training programs.
- _____ (2) Determine that training is carried out as approved and prepare certificates or other forms of recognition for employees who satisfactorily complete approved courses and programs.
- _____ (3) Assist department heads in developing and conducting training to meet the specific needs of their departments and in developing and utilizing other techniques for increasing employee efficiency.
- _____ (4) Develop and/or conduct supervisory and management training and other types of training and employee development programs common to all departments.
- _____ (5) Make available information concerning job requirements and training opportunities in order to assist employees in increasing their efficiency in their present positions and in preparing themselves for promotion to higher positions in the county service.
- _____ (6) Keep a record of all approved training programs and courses and a record of all employees who successfully complete such courses and programs.
- _____ (7) Maintain records of completion of training programs.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-343. Compensation for training.

Employees in good standing and indicating an extremely high degree of potential for advancement may be considered for extensive training with reimbursement as outlined in section 2-327 and 2-328.

The county administrator may, upon recommendation of the department head, grant conference and/or seminar leave with pay, together with the necessary travel expenses in order that employees may attend conferences, seminars, workshops, etc., designed to improve their efficiency. Travel allowances shall be in accordance with travel and subsistence allowance as outlined within this personnel ordinance, and within the restrictions of budget appropriations.

All training may be subject to additional limitations as imposed by the county council in adopting the annual budget.

(Ord. No. 03-01-01, § 1, 1-7-03)

Secs. 2-344--2-350. Reserved.

DIVISION 11. HOURS OF WORK

Sec. 2-351. Departments covered.

All departments of county government are subject to these provisions of hours of work.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-352. Office hours.

Working hours for all departments of county government shall be as follows: minimum of an eight-hour day between 7:00 a.m. and 6:00 p.m. Hours of work are to be coordinated by department heads to insure the greatest amount of service to the citizens of the county, and provide the necessary core work force needed to serve the public between 8:30 a.m. and 5:00 p.m. (official hours for county offices). An exception to this policy involving change of hours for an entire division or department, for example, a summer daylight savings schedule for outside workers, shall not be implemented without the approval of the county administrator. Exception: department heads may, on an individual employee basis, have employees with varied schedules when deemed necessary to serve the best interest of the county.

The county administrator is authorized to grant varying work schedules in special circumstances, such as the county historical commission museum operations.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-353. Minimum workweek.

Each department of county government shall have a minimum workweek for full-time employees of no less than four (4) days, forty (40) hours per week. Workweeks in excess of four (4) days, forty (40) hours per week may be maintained at the option of the department. County departments where seven (7) days and twenty-four-hour service is maintained may have a workweek that is in excess of four (4) days, forty (40) hours per week, but in no event may the workweek for full-time employees be less than four (4) days, forty (40) hours per week.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-354. Reserved.

Sec. 2-355. Meal periods.

Department heads shall schedule employees daily for a reasonable period for the purpose of eating the meal that normally falls during their regularly scheduled hours. The period shall not be greater than sixty (60) minutes.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-356. Overtime request.

Except in the case of an emergency, an employee requested to work overtime shall be provided advance notice of at least one (1) day, and shall receive compensation at time and one-half for each overtime hour worked.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-357. Inclement weather.

Aiken County offices will remain open except in only the most extreme situations. An announcement that the county will be operating on a delayed basis will be made on the radio stations listed below. In the case of operating on a delayed basis, employees should report to work no later than two (2) hours after their normal start time to receive a full day's pay. However, if an employee feel the conditions are too severe, they may choose to take a full day of annual or unpaid leave if they have not accumulated sufficient annual time. Due to the nature of their job requirements, employees working in emergency services, sheriff's office, PSA, fire team, and detention center, will be required to report to work in inclement weather. Other departments may be required to work on an as-needed basis.

TABLE INSET:

WBBO	104.3 FM
WGAC	580 AM
WAJY	102.7 FM

(Ord. No. 03-01-01, § 1, 1-7-03)

Secs. 2-358--2-360. Reserved.

DIVISION 12. DISCIPLINE

Sec. 2-361. Policy.

It is the belief of the county government that effective supervision and employee relations will avoid most matters which necessitate disciplinary action. The purpose of the rules and disciplinary actions for violation of the rules are not intended to restrict the right of anyone but to insure the rights of all and secure cooperation and orderliness throughout the county organization. It shall be the duty of all county employees to comply with and to assist in effecting the provisions of the county's personnel ordinance, and the county shall have the right to discipline or discharge employees for just cause.

Examples given in any rule do not limit the generality of the rule. The rules and regulations are not to be construed as limitations upon the retained rights of the county, but merely as guides, and provide recommended standard penalties to apply to specific offenses. This is intended to mean that a more severe penalty may be issued than that which appears in the standard procedures if it is deemed necessary.

In recognition of the fact that each instance differs in many respects from somewhat similar situations, the county retains the right to treat each occurrence on an individual basis and without creating a precedent for other cases which may arise in the future. The county retains the right to suspend any disciplinary action which it may take, during good behavior for a specified term, at its exclusive discretion.

In addition to the general types of offenses listed, infractions of departmental rules and regulations will subject the employee to disciplinary action.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-362. Suspensions.

Suspensions are temporary separations from county service for disciplinary purposes where the case is not sufficiently grave to merit dismissal. Disciplinary suspensions of up to ten (10) working days are recommended by the department head and must be approved by the county administrator. Sufficient justification for the action must be presented prior to approval by the county administrator. Department heads have the authority to suspend, without pay, an employee up to three (3) working days. The department head must submit written notification of the action to the employee and to the human resources director.

If any county employee, including elected or appointed officials, or any other person whose salary is paid through appropriated funds in the annual county budget is suspended from duties, either by county personnel, or persons other than county personnel, the suspended employee's pay is automatically terminated on the day of suspension.

These provisions shall in no way conflict with the state statutory provisions governing the personnel authority of elected officials.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-363. Suspension of employee indicted for criminal act or involved in certain civil actions.

During the investigation, hearing or trial of an employee on any criminal charge, or during the course of any civil actions involving an employee, when suspension would be in the best interest of the county, the county administrator, upon the recommendation of the department head or the elected official in charge of that department, may suspend the employee without pay, or place the employee on accrued annual leave for the duration of the proceedings. Back pay shall not ordinarily be recoverable, but where the suspension is terminated by full reinstatement of the employee, the county administrator may authorize full recovery of pay and benefits for the entire, or for any lesser period of suspension.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-364. Probation.

An employee may be placed on probation as a disciplinary measure, with the approval of the county administrator.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-365. Dismissal.

Dismissals are permanent separations from county service for disciplinary purposes. Probationary employees may be dismissed at any time during their probationary period, upon recommendation by the department head, and approval by the county administrator. Regular employees may be dismissed for proper and sufficient cause upon recommendation by the department head and approval of the county administrator. Adequate justification and documentation to insure that legal due process is being followed must be provided prior to approval by county administrator. The department head shall give the employee a written notice of the dismissal, including the reason therefore, and submit a copy of said notice to the human resources division for the employee's file.

These provisions shall in no way conflict with the state statutory provisions governing the personnel authority of elected officials.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-366. Causes for disciplinary action.

Offenses and guide for standard penalties are as follows:

(1) *Causes for discipline; action.* Listed below are causes representative of those actions which might call for _____disciplinary action, but this list is not necessarily all-inclusive. Certain employee actions not included in the list might require disciplinary action, and the absence of the action from the list does not eliminate the possibility of disciplinary action.

- _____ a. Inefficiency or incompetency in the performance of duties.
- _____ b. Negligence in the performance of duties.
- _____ c. Careless, negligent, or improper use of county property or equipment.
- _____ d. Failure to maintain satisfactory and harmonious working relationships with the public and employees.
- _____ e. Absence without approved leave.
- _____ f. Excessive absenteeism.
- _____ g. Habitual pattern of failure to report for duty at the assigned time and place.
- _____ h. Posting or removal of any material on bulletin boards or county property unless authorized.
- _____ i. Violating a safety rule or safety practice.
- _____ j. Failure to report an accident or personal injury in which the employee was involved while on duty.
- _____ k. Creating or contributing to unsafe and unsanitary conditions.
- _____ l. Threatening, intimidating, coercing or interfering with fellow employees or supervision at any time, including abusive language.
- _____ m. Sleeping during duty hours, unless otherwise authorized as in some public safety occupations.
- _____ n. Negligence or omission in complying with the requirements as set forth in departmental rules and standards of conduct.
- _____ o. Gambling, lottery, or engaging in any other illegal game of chance at county work stations, at any time.
- _____ p. Making or publishing false, vicious or malicious statements concerning any employee, supervisor, the county, or its operation.
- _____ q. Reporting for work while under the influence of alcohol or drugs.

- _____r. Mistakes due to carelessness which affect the safety of county personnel, equipment, tools, or property.
- _____s. Being absent from duty for a period of three (3) consecutive workdays without proper authorization (compulsory resignation). Employees working other than a normal workweek shall be required to report within three (3) normal workweek days.
- _____t. Failure to return from an authorized leave of absence.
- _____u. Use or attempted use of political influence or bribery to secure an advantage of any manner.
- _____v. Conviction of a felony or a misdemeanor of the first degree involving moral turpitude, while either on or off the job.
- _____w. Wanton or willful neglect in the performance of assigned duties.
- _____x. Deliberately misusing, destroying, or damaging any county property or property of an employee.
 - y. The acceptance from any person of any fee, gift, or other valuable thing in the course of one's work or in connection with it, when such gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons. County employees shall not accept any bribe, gift, token, monies, or other things of value intended an inducement to perform or refrain from performing any official act, nor shall an employee engage in any action of extortion, or other means of obtaining money or other things of value through his/her position in the county government.
- _____z. Falsification of personal or official records.
- _____aa. Betrayal of confidential information from official records.
- _____bb. Making false claims or misrepresentation in an attempt to obtain sickness or accident benefits, or workers' compensation.
- _____cc. Working a second job while on absence due to job related bodily injury/illness. (This shall result in immediate termination).
- _____dd. Insubordination by the refusal to accept a reasonable and proper assignment, or to comply with written or verbal instructions of a supervisor.
- _____ee. Possession of unauthorized firearms or lethal weapons on the job.
- _____ff. Theft or removal from county locations, without proper authorization, of any county property or property of an employee.
- _____gg. Immoral, unlawful or improper conduct or indecency, either on or off the job, which would tend to affect the employee's relationship to his/her job, fellow workers, reputation or goodwill in the community.
- _____hh. Trespassing at the home of any county official or employee for the purpose of harassing or forcing dialogue or discussion with the occupant which is job-related.
 - ii. Sexual harassment is grounds for immediate termination. (The EEOC guidelines provide that sexual harassment is discrimination of the basis of sex when submission is a condition of employment, submission or rejection is the basis for employment decisions, the behavior interferes with work performance, or it creates an intimidating, hostile, or offensive work environment.)
- _____jj. Engaging in incompatible employment or serving a conflicting interest.
- _____kk. Taking part in political campaigns prohibited by federal, state, or local law.

_____ (2) *No cause for discipline.* Traffic citations received by an employee not on official county duty shall not necessarily be cause for any disciplinary action against the employee. If the citation results in the loss of driving privileges and the employee drives county vehicles as part of his/her job, the employee may be reassigned to a job not requiring a driver's license.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-367. Employee notice.

A written notice shall be given to each employee stating the reason(s) for the disciplinary action and the date it is to take effect. The notice is to be given to the employee at the time such action is taken and in any event not later than the end of the next working day from the date of action. A copy of the notice signed by the employee, in the employee's file in the human resources division, shall serve as prima facie evidence of action, but in cases of grievance arbitration shall not be used against the employee after a period of one (1) year. The human resources director shall have the authority to temporarily remove a disciplinary action, when deemed appropriate.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-368. Evidence.

Normally, the deterioration of an employee's conduct is a progressive problem and every effort should be made to reverse this trend as soon as it is apparent. Based on this philosophy, sufficient evidence should be available in the employee's personnel file to justify the action taken.

(Ord. No. 03-01-01, § 1, 1-7-03)

Secs. 2-369, 2-370. Reserved.

DIVISION 13. TRAVEL AND SUBSISTENCE ALLOWANCE

Sec. 2-371. Generally.

When county employees are required to travel on official county business outside of the county limits, allowances for transportation shall be regulated in the manner set out in this division.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-372. Transportation.

Transportation may be accomplished by either common carrier, private carrier, or county carrier, and in no instances shall allowance for such travel exceed the cost of common air carrier coach fare. Upon proper authorization, employees utilizing their personally owned vehicles shall be paid, per mile, at the same rate as established by the county council in adopting the annual county budget. Such allowance shall not exceed the cost of common air carrier coach fare. Employees who are required to travel on county business within the county, except from home to work and vice versa, and who use a personally owned vehicle, may be reimbursed at the rate authorized in the county operating budget. Employees will be reimbursed upon proper receipt for all ferry, bridge, road and parking tolls. Receipts for taxi are not required; however, taxi expenses must be itemized.

Authorized travel by personally owned vehicle in conjunction with approved training or professional development activities will not commence prior to 6 a.m. or extend past 11 p.m., unless authorized by the county administrator. When feasible, car pooling will be utilized where more than one (1) employee is attending the same training or professional development activity. Authorized travel by personally owned vehicle will be from the location of employment to destination and return unless deviations are authorized in writing by the county administrator.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-373. Subsistence.

Subsistence for authorized travel on county business may be granted under applicable conditions, as follows:

_____ (1) For daytime, out-of-county travel, in-state travel, when lodging is not required, subsistence or reimbursement for meals shall not exceed the amount included in the annual operating budget.

_____ (2) For official travel when lodging is required, the per diem allowance shall be at the rate authorized in the annual county operating budget plus lodging expenses at the single-room rate. Employees are expected to utilize standard, medium priced hotels and motels whenever possible. If an employee is to attend a formal, organized meeting or convention, he/she may stay at the hotel or motel where the meeting is held. Receipts for all expenses, with the exception of per diem and/or meals, must be presented within thirty (30) days of return from the trip.

Reimbursement for lodging required in attending training or professional development activities shall commence the day of commencement of the training or professional development activity except where travel restrictions require travel the day prior to the commencement of the training or professional development activity. Likewise, lodging will terminate the date of ending of the training or professional development activity except where travel restrictions require travel the day following ending of the training or professional development activity. When lodging includes meals furnished at no cost to the employee, the value of meals furnished will be subtracted from the per diem authorized for each specific meal provided. This reduction will apply whether the employee chooses to partake of the furnished meal or not.

(3) Out of state. For travel out of state, the per diem shall be the rate authorized in the county operating budget.

(4) County council. Members of the county council shall be reimbursed only for actual expenses incurred in the course of performing their duties in accordance with section 4-9-100, code of Laws of South Carolina 1976, as amended. No expenses shall be vouchered unless validly incurred within the meaning and limits of the Home Rule Act as applied to the council administrator form of government. A council member may be reimbursed for actual expenses incurred in the course of performing his or her duties provided he/she documents such expenses by a voucher which is signed by the council member and filed with the council clerk. Upon receipt of all such signed vouchers, the council clerk shall immediately submit same to the county finance division for payment.

(5) Registration fees. Employees shall be reimbursed for all registration fees. When registration fees include meals to be provided, per diem shall be reduced by the partial per diem amounts authorized for each specific meal provided.

No per diem is authorized for travel within the county.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-374. Occasional travel, travel advances.

When recommended by the department head and approved by the county administrator, prepayment for anticipated official travel expense may be disbursed to authorized personnel. Travel advances shall not include per diem for the day of departure and return or for any partial days. All county personnel shall submit a travel authorization request approved by the department head to the finance department for approval.

(Ord. No. 03-01-01, § 1, 1-7-03)

Secs. 2-375--2-380. Reserved.

DIVISION 14. CIVIC AND POLITICAL ACTIVITIES

Sec. 2-381. Prohibited activities.

County employees are encouraged to be active and participate in local, state, and federal affairs. Employees are encouraged to exercise their rights as citizens, which include holding membership in and supporting a political party, independently voting, and participation in civic activities except where a conflict of interest may arise. As an employee of the county, employees are not permitted to do the following:

(1) Take part in the management, affairs of political campaign of any candidate for county office during working hours.

(2) Utilize public time, materials, or equipment in support of a campaign.

(3) Utilize public time, materials, or equipment in support of civic activities.

(4) Solicit any assessments, contributions or services for any political party from any employee in the county service during working hours.

(5) Hold political office during employment which would create a conflict of interest, or participate in civic organizations which would create a conflict of interest.

(6) Employees who are paid either in full, or in part, by federal monies are covered under the Federal Hatch Act and the Federal Campaign Act and will be required to conform to the regulations of those Acts.

(7) The Hatch Act was amended in 1940 (54 Stat. 767) to include state and local government employees whose principal employment was in connection with an activity funded by the federal government. The Hatch Act, as amended, prohibits an employee subject to its restrictions from using official authority or influence to interfere with an election. It further prohibits an employee from taking an "active part in political management or political campaigns", defined as those activities on the part of competitive civil service employees that were prohibited before July 19, 1940. Under the Hatch Act, as amended, a covered employee retains the right to vote, to express a political opinion, to make political contributions, to engage in nonpartisan activity, and to participate in partisan activity at the local level if he lives in an area where a majority of the residents are subject to the Hatch Act restrictions.

When an employee of the county decides to seek an elected office, then the employee seeking such office should request a personal leave of absence without pay at the time the employee files for office.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-382. Political/civic rights.

No employee shall be given or refused employment, suspended, discharged, or discriminated against, nor shall his/her status, position, salary, advancement, or any right be affected in any way by reason of membership and participation in civic activities, or because of his/her vote or failure to vote in any primary or general election. Employees are encouraged to exercise their individual rights.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-383. Violations.

Violations of these rules may result in dismissal, or such other disciplinary action as the county administrator shall deem appropriate. An employee receiving disciplinary action for political activity will have the right to appeal through the county's grievance procedure.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-384. Exception.

This division shall not apply to members of the county council or elected county officials

(Ord. No. 03-01-01, § 1, 1-7-03)

Secs. 2-385--2-290. Reserved.

DIVISION 15. CONDUCT, WORK HABITS, ATTITUDE

Sec. 2-391. Generally.

It shall be the duty of all employees to maintain high standards of conduct, cooperation, and courtesy to the public, effectiveness and efficiency in their work for the county. Whenever work habits, attitude, productivity, or personal conduct falls below a normally desirable standard, supervisors should point out the deficiencies at the time they are observed. Corrections and suggestions should be presented in a constructive and helpful manner in an effort to elicit the cooperation and goodwill of the employee. Whenever possible, oral and/or written warnings with sufficient time for improvement shall precede formal discipline.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-392. Dress and appearance.

County employees are expected to maintain high personal, moral and ethical standards. One of the most noticeable expressions of these personal standards is dress and appearance. What is appropriate for employees in one department may not be appropriate for another. Where official work clothes and uniforms are provided by the county, it shall be mandatory for the employee to wear and be responsible for such uniform. Determination of an employee's specific dress

and appearance is a supervisory responsibility and will be treated as such. Personal appearance standards may be established in departmental rules.

All employees are required to visibly wear the county-issued employee identification card at all times during working hours.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-393. Work habits.

(a) *Generally.* Employees are expected to arrive on time and work until the established closing hour. Personal work or use of county tools, equipment and facilities for personal work during county time is prohibited. Employees are expected to spend their working hours doing county work.

(b) *Personal phone calls.* Personal phone calls should be kept to a minimum. Of course, there may be times when it will be necessary for employees to make or receive personal calls; however, frequent personal calls may result in disciplinary action.

(c) *Personal mail.* Employees shall cooperate with the mail room by not using county facilities for mailing personal letters, packages, papers, or magazines. Also, all personal mail should be addressed to employee's home.

(d) *Standards.* Employees shall meet the employment standards established by the position classification plan and such other reasonable minimum standards as to character, intelligence, ability to deal effectively with the public, and physical requirements as may be established by the county administrator with the advice and recommendation of department heads.

(e) *Resolution of problems between employees.* Aiken County believes that problems between and among employees are best resolved through open communication. Employees are encouraged to bring their concerns to their supervisors or to use the grievance procedure.

Employees are prohibited from tape recording or video taping other employees or county officials unless the employee/official to be taped/recorded has given his express permission or unless authorized by the county administrator or a law enforcement agency.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-394. Attitude.

When contacting the public in any manner, especially on public business, county employees shall do so in a courteous manner. All employees shall endeavor, at all times, whether dealing with fellow employees or serving the public, to conduct themselves in a manner that shall reflect credit upon their department and the government of the county.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-395. Ethics.

All employees shall adhere to Article IV, Rules of Conduct, of the State Ethics Act (section 8-13-410 et seq.) The county administrator is to assure that a current copy of this act be made available to all department heads.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-396. Anti-harassment policy.

Aiken County is committed to maintaining a work environment free of discrimination, harassment including sexual harassment, or other abusive or demeaning behavior toward employees or the people we serve. In keeping with this commitment, Aiken County will not tolerate harassment by anyone, including members of management, co-workers, vendors, or citizens. If you feel this policy has been violated, please notify the human resources division immediately. Employees who are found to have violated this policy may be subject to discipline commensurate with the seriousness of their conduct.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-397. Sexual harassment.

Federal law prohibits sexual harassment in the workplace. Title 7 of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, (42 USC Section 2000e-17) prohibits discrimination by employers based upon race, color, religion, sex, national origin, and disabilities and protects employees from discrimination affecting compensation, terms, conditions or privileges of employment, including hiring and discharge.

Sexual harassment is grounds for immediate termination. (The EEOC guidelines provide that sexual harassment is discrimination on the basis of sex when submission is a condition of employment, submission or rejection is the basis for employment decisions, the behavior interferes with work performance, or it creates an intimidation, hostile or offensive work environment.) Employee must report any incidents to department head or supervisor immediately.

As such, three (3) types of circumstances can occur which turn unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature into sexual harassment:

- _____ (1) When submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment.
- _____ (2) When submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
- _____ (3) When the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-398. Drugfree workplace.

(a) The illegal manufacture, distribution, dispensation, possession, sale, impairment or use of narcotics, drugs or controlled substances either on or off county premises or during time or non-work time is prohibited and may result in disciplinary action up to and including discharge.

Employees will be given a copy of this policy. By continuing to work, the employee agrees that he will abide by the policy as a condition of employment.

All elected officials and department heads appointed by an authority outside county government are requested to voluntarily participate in the county's drug testing program. If an elected official refuses to take the drug test or fails a drug test, the governor shall be informed with the request that appropriate action be taken. If a department head appointed by an outside authority refuses to take a drug test or fails a drug test, the appointing authority shall be informed.

Employees must notify their department head, who must notify the human resources division, within five (5) calendar days after any criminal conviction for the manufacture, distribution, dispensation, possession or use of narcotics, drugs or other controlled substances "criminal conviction" means a finding of guilt, an imposition of a sentence, a plea of no contest, or a plea of guilty.

The county human resources director will notify all federal contracting agencies or grantors of such conviction within ten (10) days after receiving notice of the conviction.

Drugfree awareness program: Drug abuse in the workplace is dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury or possible death.

In order to prevent these consequences of drug abuse, the county has implemented the above policy to ensure that the workplace remains drug free.

In lieu of termination for a drug-related conviction in the workplace, the employee may be required to enter into a drug rehabilitation program.

The county human resources director shall periodically update a list of organizations which provide drug counseling, rehabilitation or drug assistance programs and shall post the list in all major county buildings and shall periodically distribute the list to county department heads.

(b) Job applicants tentatively selected for employment must pass a drug test as part of the pre-employment physical prior to a final decision on employment being made. The county administrator shall have the discretion to decide which categories of temporary employees shall be required to have pre-employment physicals as a requirement for employment. This is consistent with the county's antidrug policy and the Federal Drugfree Workplace Act.

(c) The county will take disciplinary action against employees who use, distribute or possess controlled substances on

or off the job, or who violate county rules in regards to such.

(d) All employees are expected to report to work in a fit condition for duty. Being under the influence of alcohol or drugs while at work is an unfit condition.

(e) The county believes that alcohol or drug abuse is an illness requiring medical treatment. It will therefore encourage affected individuals to seek medical help voluntarily at an early stage; assist supervisors in dealing with associated problems related to work performance; and discourage supervisors, fellow employees and family members from covering up for the affected individual.

(f) The county has made available to all county employees assistance for such illnesses initially through the employee assistance program (EAP). If an employee seeks help through this program, prior to its discovery by management, then confidentiality, job security and promotional opportunity normally will be protected. If the employee does not seek help and the problem in some way comes to the attention of management, disciplinary action shall result.

(g) Employees who use or distribute drugs on the job are subject to immediate discharge, and any drugs confiscated will be turned over to local law enforcement, and law enforcement officials will be notified of alleged drug distribution by county employees.

(h) If an employee is arrested off the job for drug use, abuse, sale or a related drug violation, the county will consider the circumstances surrounding the arrest before taking action.

(i) If an employee is under medical treatment with a drug that can alter his or her ability to do his or her job, the employee may be eligible for temporary reassignment. It is the employee's responsibility to bring this situation to the attention of their supervisor.

(j) Since alcohol abuse and misuse of drugs are treatable illnesses, an employee may be eligible for temporary disability benefits while he cooperates in taking any medical treatment prescribed and conscientiously endeavors to regain normal health. If an employee is not eligible for health insurance coverage under the county's group insurance plan, it shall be the employee's responsibility to pay for the required treatment.

(k) The county administrator is authorized to establish appropriate employee notification, administrative guidelines (to include testing consent documents), and such other instructions as may be necessary to provide employee awareness of the county's anti-drug policy.

_____ (l) *Applicant testing.*

(1) To maintain the high professional standards of the county workforce, it is imperative that individuals who use _____ illegal drugs be screened out during the initial employment process before they are placed on the employment rolls. This procedure will have a positive effect on reducing instances of illegal drug use by employees and will provide for a safer work environment.

(2) Every vacancy announcement for positions designated for applicant testing shall state: "All applicants _____ tentatively selected for this position will be required to submit to urinalysis as part of their pre-employment physical to screen for illegal drug use prior to appointment. A drug screen is required as a prerequisite to employment."

(3) The county administrator shall develop procedures to direct applicants to an appropriate collection facility. _____ The drug test must be undertaken as soon after notification as possible, and no later than forty-eight (48) hours after notice to the applicant.

(4) Applicants shall be advised of the opportunity to submit medical documentation that may support a _____ legitimate use for a specific drug and that such information will be reviewed only by the medical review officer to determine whether the individual is lawfully using an otherwise illegal drug.

(5) Upon notification that an individual has been tentatively selected for employment with the county, the _____ manager of the human resources division shall assure, after consultation with the medical review officer, that a drug test has been conducted on that individual and determine whether the test result is a verified positive result.

(6) The county will decline to extend a final offer of employment to any applicant with a verified positive test _____ result. The human resources director is directed to refuse processing for employment an applicant on the basis of his failure to pass the employment physical, to include a drug screen.

(m) *Additional types of employee drug testing.*

(1) *Accident or unsafe practice testing:* The county is committed to providing a safe and secure work environment. Employees involved in on-the-job accidents or who engage in unsafe on-duty job-related activities that pose a danger to others or the overall operation of the county will be subject to drug testing to include alcohol.

All employees requiring treatment for a workers' compensation injury or illness will be tested for drugs to include alcohol. Based on the circumstances of the unsafe act, the supervisor, the risk manager, or the human resources director (or their designee) may require testing of all employees involved either directly or indirectly. The decision to test one (1) or more employees involved in unsafe acts will be made when, under all of the circumstances, reasonable cause exists to believe that one (1) or more of the employees involved was or were under the influence of drugs or alcohol. In all cases where in which a vehicle or machine operated by an employee has caused the death of another person or any injury to the employee or another person which requires medical attention or when there is any damage to property and/or a vehicle (belonging to the county or any other person or company), drug testing of the employee-operator shall be mandatory. Testing will be accomplished at the time of initial treatment for all injuries sustained on the job, or as soon as possible thereafter in the case of medical emergencies.

(2) *Annual drug testing.*

a. An annual drug screen shall be conducted for all sworn law enforcement, public safety and emergency services employees as part of their annual physical. Failure to pass the drug screen and/or the physical examination may result in disciplinary or corrective action, to include termination. The annual employee physical shall be scheduled by the department head through the human resources director.

b. The sheriff shall have the authority, as delegated by the South Carolina Code of Laws, to require his armed and sworn officers to submit to field testing for drugs, as a preliminary indicator of drug use. If the field test indicates a positive response, the employee shall submit to a drug test as detailed in other subsections of this section.

(3) *Random alcohol/drug testing (commercial licensed drivers).*

a. For purposes of assuring compliance with U.S. Department of Transportation regulations, employee drivers and new applicants for positions as drivers that are required to obtain a commercial drivers license (CDL), will be subject to alcohol/substance screening at any time on a random basis, as a term and condition of holding a position as an employee. Any refusal by an employee to submit to random screening will result in disciplinary actions up to and including termination.

b. Covered employees that have a verified positive drug test result will be removed from the safety-sensitive position, told about available educational and treatment programs and evaluated by a substance abuse professional to determine whether the employee has a drug problem.

(4) *Reasonable suspicion testing (commercial licensed drivers).*

a. When there is reasonable evidence to suspect a driver has reported to work or is working impaired, the driver may be subject to substance screening. Refusal to submit to such screening will be considered as a positive test result, with potential disciplinary action.

b. Trained supervisors are required to request a driver that is suspected of alcohol/drug use by his/her actions, appearance, or conduct while on duty to be tested. The observed behavior must be documented. A reasonable cause documentation form must be completed and signed by two (2) of the employee's supervisors, if possible, within twenty-four (24) hours of the observation, or prior to the return of the results of the test.

c. Supervisors must have received a minimum of sixty (60) minutes of training from the employee assistance program in the identification of actions, appearance or conduct of a commercial licensed driver which are indicative of the use of a controlled substance.

(5) *Follow-up testing.*

a. All employees referred through administrative channels who undergo a counseling or rehabilitation program for illegal drug use, or alcohol abuse, through the EAP will be subject to unannounced testing during and following completion of such a program for a period of one (1) year. Such testing is distinct from testing which may be imposed as a component of the EAP.

b. Any employee who tests positive for illegal drug use shall be subject to discharge, but in no event shall receive less than the following disciplinary actions:

1. *First offense:* Reprimand and referral to EAP program or counseling;

2. *Second offense:* Suspension for up to ten (10) working days and referral for counseling;

3. *Third offense:* Termination from employment with the county.

(n) *Test procedures in general.*

(1) *Privacy assured.* Any individual subject to testing under this plan shall be permitted to provide urine specimens in private, and in a rest room stall or similar enclosure so the employee is not observed while providing the sample. Collection site personnel of the same gender as the individual tested, however, may observe the individual providing the urine specimen when such personnel have reason to believe the individual may alter or substitute the specimen to be provided. Collection site personnel may have reason to believe that a particular individual may alter or substitute the specimen to be provided when:

a. The individual:

1. Is being tested relating to reasonable suspicion testing;
2. Has previously been found to be an illegal drug user; or
3. Has previously been suspected of tampering with a sample; or

b. Facts and circumstances suggests that the individual:

1. Is an illegal drug user;
2. Is under the influence of drugs at the time of the test; or
3. Has equipment or implements capable of tampering with or altering urine samples; or

c. The first urine specimen:

1. Has a temperature outside the range of 32.5 - 37.7°C/90.5 - 99.8°F; or
2. Shows signs of contaminants.

(2) *Failure to appear for testing.* Failure to appear for testing without a postponement authorized by the county human resources director and/or department head will be considered refusal to participate in testing, and will subject an employee to the range of disciplinary actions, including dismissal, and an applicant to the cancellation of a tentative offer of employment. If an individual fails to appear at the collection site at the assigned time, the collector shall contact the human resources director to obtain guidance on action to be taken.

(3) *Opportunity to justify a positive test result.* The human resources director shall appoint a physician with the approval of the county administrator to serve as medical review officer. When a confirmed positive result has been returned by the laboratory for an employee, the medical review officer shall determine if evidence exists to explain why that positive test result does not violate this section. For example, the medical review officer may choose to conduct employee medical interviews, review employee medical history, or review any other relevant biomedical factors. The medical review officer must review all medical records made available by the tested employee when a confirmed positive test could have resulted from legally prescribed medication. Evidence to justify a positive result may include but is not limited to:

a. A valid prescription; or

b. A verification from the individual's physician verifying a valid prescription.

Individuals are not entitled, however, to present evidence to the medical review officer in a trial-type administrative proceeding, although the medical review officer has the discretion to accept evidence in any manner the medical review officer deems most efficient or necessary. If the medical review officer determines there is not justification for the positive result, such result will then be considered a verified positive test result. The medical review officer shall immediately contact the human resources director upon obtaining a verified positive test result.

(4) *Employee counseling and assistance:* While participating in a counseling or rehabilitation program, and at the request of the program, the employee may be exempted from other testing. Upon completion of the program, the employee immediately shall be subject to follow-up testing pursuant to subsection (m)(3) of this section.

(o) *Records and reports.*

(1) *Confidentiality of test results.* The laboratory may disclose laboratory test results only to the human resources director, who shall immediately inform the department head if the results are positive reflecting drug use. Any positive result which the medical review officer justifies by acceptable and appropriate medical or scientific documentation to account for the result as other than the intentional ingestion of an illegal drug will be

treated as a negative test result and may not be released for purposes of identifying illegal drug use. The human resources director may maintain only those records necessary for compliance with this section. No records of the medical review officer, including drug test results, may be released to any management official except as provided.

_____ In order to comply with concerns of confidentiality, the results of a drug test of a county employee may not be disclosed without the prior written consent of such employee, unless the disclosure would be:

- _____ a. To the medical review officer;
- _____ b. To the EAP administrator of a program in which the employee is receiving counseling or treatment or is otherwise participating;
- _____ c. To any department head within Aiken County having authority to take adverse personnel action against such employee; or
- _____ d. Pursuant to the order of a court of competent jurisdiction.

_____ (2) *Employee access to records.* Any employee who is the subject of a drug test shall, upon written request to the human resources director, have access to any records relating to:

- _____ a. Such employee's drug test; and
- _____ b. The results of any relevant certification, or review.

_____ Except as authorized by law, an applicant who is the subject of a drug test, however, shall not be entitled to this information.

_____ (3) *Confidentiality of records in general.*

- _____ a. All drug testing information specifically related to individual is confidential and should be treated as such by anyone authorized to review or compile program records.
- _____ b. All records and information of the personnel actions taken on employees with verified positive test results should be forwarded to the human resources director. Such shall remain confidential, with only authorized individuals who have a need to know having access to them. These records will be kept separate from regular employee personnel files.

_____ (4) *Employee assistance program records.* The EAP administrator shall maintain only those records necessary to comply with this order. After an employee has been referred to an EAP, the EAP will maintain all records necessary to carry out its duties. All medical and/or rehabilitation records concerning the employee's drug abuse, including EAP records of the identity, diagnosis, prognosis, or treatment are confidential and may be disclosed only by written consent by the employee. Employees shall be required to sign a written consent authorizing the disclosure of those records to his employer for verification of treatment or for a general evaluation of treatment progress.

_____ (5) *Maintenance of records.* The county shall establish a recordkeeping system to maintain the records of the county's drug-free workplace program consistent with the county's privacy act system of records and with all applicable federal laws, rules and regulations regarding confidentiality of records.

_____ (6) *Statistical information.* The human resources director shall collect and compile anonymous statistical data for reporting the number of:

- _____ a. Reasonable suspicion tests, accident or unsafe practice tests, follow-up tests, or applicant tests administered;
- _____ b. Verified positive test results;
- _____ c. Voluntary drug counseling referrals;
- _____ d. Involuntary drug counseling referrals;
- _____ e. Terminations or denial of employment offers resulting from refusal to submit to testing;
- _____ f. Terminations or denial of employment offers resulting from alternation of specimens;
- _____ g. Terminations of employment resulting from failure to complete a drug abuse counseling program; and
- _____ h. Employees who successfully complete EAP.

(p) Testing for illegal drug use shall include tests for the following: marijuana, stimulants, amphetamines, sedatives, benzodiazitines, methaqualone, opiates, and hallucinogens. Tests may also be conducted for alcohol use and/or influence.

(q) The county administrator is hereby authorized to establish appropriate procedures, in consultation with the county attorney, and constitutional officials of the county to implement this section, the Federal Drugfree Workplace Act and the Anti-Drug Policy.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-399. Sheriff's office and detention center drug use and drug testing policy.

The use of illegal and unauthorized drugs is a serious threat to our nation's collective health, safety and welfare. Drug abuse in the workplace is dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury and death. The negative effects of drug abuse in the workplace are amplified when drug abuse exists within a sheriff's office or detention center. The sheriff of Aiken County has a compelling interest in ensuring that employees of its sheriff's office are physically capable of performing their duties while possessing unimpeachable integrity and judgment. Sheriff's office personnel engage in drug interdiction activities, carry firearms, operate vehicles under dangerous conditions at high rates of speed, and have access to highly sensitive, confidential information involving drug traffickers. As a result, sheriff's office personnel pose a threat to public and personal safety if impaired and are subject to personal temptation as well as bribery attempts in administering drug laws even when not impaired by drug use. Detention center officers and staff are charged with the responsibility of the welfare of citizens detained at the detention center, have a responsibility to perform their jobs without impairment of drugs, and may be subject to bribery attempts by inmates and their families.

Sheriff's office personnel cannot be permitted to violate the laws which they enforce and the public has a right to expect that its sheriff's office employees are both physically and mentally fit to perform their duties. Detention center staff cannot be permitted to violate drug laws when they are responsible for the lives of citizens detained in that facility.

Public interest demands that effective measures be taken to identify, deter, and eliminate drug use in the county sheriff's office and detention center.

For these reasons, the following drug use and drug testing policy is instituted in the sheriff's office and detention center.

(1) *General rule.* Effective immediately (and consistent with any policy adopted by the county prohibiting the use and possession of illegal drugs), all employees of the sheriff's office and detention center are prohibited from _____ swallowing, inhaling, injecting, dealing in, or otherwise using illegal drugs and substances (such as marijuana, cocaine, LSD, heroin, etc.) and prescription drugs which are not prescribed for the employee's use. This prohibition applies to use at anytime, both on-the-job and off-the-job. Office employees are, of course, permitted to possess any substance when required by their jobs or for the purpose of lawful delivery to another person.

(2) *Applicants for employment.* Effective immediately, the sheriff's office and detention center will conduct pre-employment drug tests for all applicants tentatively selected for employment in sworn law enforcement civilian _____ positions or safety sensitive positions with the offices. The departments shall not hire any applicant tentatively selected for employment who refuses to submit to a requested drug test or who tests positive for use of non-prescribed controlled or unlawful drugs or substances.

(3) *Current employees.*

_____ a. All sworn personnel will be subject to drug testing by urinalysis where "particularized suspicion" of drug use in violation of this policy exists or under other lawful conditions.

_____ b. Particularized suspicion is deemed to exist when:

_____ 1. Information that an employee has used illegal drugs or substances is provided by a reliable informant.

_____ 2. A serious accident occurs due to fault of the employee. "Serious accident" is defined as:

_____ (i) An accident involving a fatality;

_____ (ii) An accident causing bodily injury which requires medical treatment away from the scene of the accident;

_____ (iii) An accident causing total aggregate property damage of at least two thousand dollars (\$2,000.00) or more based on reliable estimates;

(iv) An accident in which one (1) or more motor vehicles incurs disabling damages as a result of the accident, requiring the towing of one (1) or more of the vehicles from the scene by a tow truck or other vehicle.

3. An employee exhibits any of the following:

- (i) Extreme mood swings;
- (ii) Slurred speech;
- (iii) Unusual clumsiness;
- (iv) Staggering;
- (v) Dilation of pupils;
- (vi) Sleeping on the job or lethargy;
- (vii) Excessive unexplained sweating; or
- (viii) Other aberrational behavior;

4. An employee has been arrested for violation of drug laws.

c. Particularized suspicion testing shall not be conducted without the approval of the sheriff department head or his/her designee or the human resources division.

d. Random testing for illegal or unauthorized drug use shall be conducted for all sworn office employees.

e. All sworn promotion applicants may be required to pass a drug test before being considered for a promotion to a position which is subject to random testing. ("Promotion" is defined as the assignment of an employee from one (1) established position to a different established position having a higher rate of pay.)

f. All probationary employees employed in the sheriff's office and detention center may be required to pass a drug test before being accorded non-probationary status into sworn positions.

g. Employees in positions deemed to be safety-sensitive by the sheriff and detention center director will be subject to random testing. A list of safety-sensitive positions is included in subsection (12) of this section.

(4) *Testing procedure.*

a. Drug testing will be by urinalysis.

b. The collection of samples will be performed under reasonable and sanitary conditions.

c. Urine normally will be collected under conditions of semi-privacy--that is, a person of the same gender will be in a position to observe obvious attempts to substitute or adulterate a urine sample. Collection of the urine sample may be directly observed by a person of the same gender, however, where the person supervising the collection believes an employee has tampered with an earlier urine sample or the employee has previously admitted or been proved to have used drugs in violation of this rule.

d. Urine samples will be sealed, labeled, and documented in accordance with the procedure of the drug testing company. Labeling, storage, and transportation of samples shall be performed so as reasonably to preclude the probability of erroneous identification, sample contamination, or sample adulteration.

e. Specimens will be checked for at least the following six (6) substances:

- 1. Marijuana and related substances;
- 2. Cocaine;
- 3. Opiates;
- 4. Amphetamines;

5. Phencyclidine;

6. Barbiturates.

f. Applicants and employees will have an opportunity to provide any information which they consider relevant to the test, including identification of currently used prescription or nonprescription drugs, or other relevant information.

g. Samples which initially result in a positive finding for drug use will be re-tested by the gas chromatography/mass spectrometry (GCMS) method. If the GCMS test results in a positive finding of drug use, and is verified by the medical review officer, the written report of the medical review officer shall be conclusive for all employment related purposes.

h. The department's medical review officer normally will allow an employee whose drug test results have been confirmed as positive the opportunity to justify the result before the medical review officer notifies the office of the test results.

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

(6) *Notice to employer, state and federal grantor/contracting agencies, and law enforcement authorities.* As a condition of employment, employees agree to notify the sheriff's office or detention center director (as applicable) within five (5) calendar days after any criminal conviction for the workplace manufacture, distribution, dispensation, possession, or use of illegal drugs and prescription drugs not prescribed for the individual employee's use. The county shall notify all state and federal grantors/contracting agencies of such employee convictions as required by the state and federal Drug Free Workplace Acts, "Conviction" means a finding of guilt, imposition of a sentence, a plea of no contest, or a plea of guilty.

(7) *Consequences of violating this policy.* For all office employees, violations of this policy will result in termination.

(8) *Confidentiality.* Any drug test results or information supplied by employees and applicants as a part of the department's drug testing program will be kept as confidential as possible, consistent with the purposes of this policy.

(9) *Testing costs.* The county will pay the costs of all drug tests to which the office requires an employee to submit.

(10) *Notification of test results.*

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

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

(11) *Not a contract.* Nothing contained in this policy or in any other policy creates a contract right. Consistent with South Carolina law, all employees are employed "at will," which means that the employee has the right to terminate his or her employment at any time, with or without notice or cause, and that the office retains the same right. Exceptions to the policy that all employees are employed "at will" may be made only by written agreement signed by the county administrator.

(12) *Positions subject to random testing.* The following positions are subject to random testing:

Chief deputy;

Administrative services director;

Public information officer;

Training officer;

Office manager;

Volunteer coordinator;

_____ Training sergeant;
 _____ Chemist;
 _____ Patrol manager;
 _____ Road lieutenant;
 _____ Road sergeant;
 _____ Corporal;
 _____ Deputy I, II, and III;
 _____ Patrol guards (PT);
 _____ Investigations manager;
 _____ Investigations lieutenant I and II;
 _____ Forensic investigator;
 _____ Investigator I and II (adult, juvenile, and narcotics);
 _____ School resource officers;
 _____ Secretary;
 _____ Records/communications manager;
 _____ Lieutenant I;
 _____ Communications sergeant;
 _____ Dispatcher II and III;
 _____ ACSO clerk II and III; ACSO records clerk.
 _____ Detention center officers and sworn personnel.
 _____ Detention center medical staff.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-400. Reserved.

DIVISION 16. EMPLOYEE STATUS CHANGE

Sec. 2-401. Resignation.

To resign in good standing all employees shall give their department head at least two (2) weeks' notice in writing. Failure to comply with this rule shall be entered on the service record of the employee. Normally, failure to comply with this rule shall result in denial of reemployment rights and forfeiture of accumulated annual leave. However, the department head, with the approval of the human resources director, may exempt from any or all of these penalties an employee who has given less than the required notice if, in his/her judgment, exceptional circumstances warrant such exemption.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-402. Compulsory resignation.

An employee who, without valid reason, fails to report to work for three (3) consecutive workdays without authorized leave or notification to their supervisor shall be separated from the payroll and reported as a compulsory resignation. Such an employee is not eligible for reemployment.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-403. Layoffs.

(a) Any involuntary separations not involving delinquency, misconduct, or inefficiency shall be considered a layoff.

(b) When it becomes necessary to reduce the work force in a department or division thereof because of lack of funds or other causes, employees shall be laid off on the basis of the following three factors, to be weighed equally:

_____ (1) Length of service in a class;

_____ (2) Length of service with the county; and

_____ (3) Average performance rating for the last three (3) years of service or for the entire period of less than three (3) years.

(c) If a regular employee is scheduled to be laid off, he/she shall be offered a demotion to a lower class if qualified and provided a suitable vacancy exists.

(d) Prior to a reduction in force, the names and class titles of any and all regular employees scheduled for layoff shall be submitted to the human resources division for approval. Layoffs shall not be effected until reviewed by the human resources director and approved by the county administrator.

(e) Regular employees shall be notified in writing by the county administrator of their layoff at least fourteen (14) calendar days prior to the effective date of the layoff.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-404. Dismissal.

[For dismissal provisions, see section 2-365].

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-405. Suspension.

[For suspension provisions, see section 2-362.]

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-406. Promotion.

(a) *Generally.* Department heads and supervisors shall anticipate retirements and turnover and hire and train employees to assume greater responsibility. In filling vacancies, an effort shall be made to promote or transfer qualified employees from within the county, when it mutually benefits the county and the employee.

Although an individual may become qualified for a higher position, promotion may not be justified until an opening occurs or until such time as duties require a higher classification.

To encourage promotion or transfer, job opportunities will be publicized containing pertinent information regarding job vacancies.

(b) *Promotion of present employees.* Upon approval by the administrator, the promoted employee will be moved to the grade assigned to the new position. Employees that are promoted receive a five (5) percent increase in salary for the first increase in grade level and two (2) percent increase for each grade thereafter or increased to the minimum salary for the new grade, whichever is greater. Employees will not be increased above the maximum for the new grade to which the employee is promoted. The salary change becomes effective at the beginning of the pay period following the promotion. If the hiring department, during the probationary period, determines that the employee is not qualified for the position, or if the employee determines that he/she does not wish to continue in the position, every effort to return the employee to his/her former position or to a similar type work will be made, if vacancies exist. In the event there are no vacancies for which the employee is qualified, the employee will be terminated. These individuals may be reemployed under the county's recall procedure.

Any employee, irrespective of the position/department in which he/she is employed may apply for promotional consideration, provided the position is not filled by qualified applicants from within the department. Where two (2) or more qualified county employees are considered for a position the following factors shall apply:

- _____ (1) Length of continuous service from the last date of hire;
- _____ (2) Knowledge, training, ability, skill, and efficiency; and
- _____ (3) Attendance record.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-407. Demotion.

(a) *Involuntary demotion.* Any employee whose work in his/her present position is unsatisfactory; but who offers promise of becoming a satisfactory employee, may be demoted by his/her department head. The notice of such action shall be reported to the county administrator, and the reason(s) for any such action shall be furnished, in writing, to the affected employee by his/her department head.

(b) *Voluntary demotion.* Employees, for various reasons may request a demotion which could be within their department or by transfer to another department. Voluntary demotions must be requested, in writing, by the employee and approved by the appropriate department head(s) and the county administrator.

(c) *Salary.* Employees that are demoted, either voluntarily or involuntarily receive a five (5) percent decrease in salary for the first decrease in grade level and two (2) percent decrease for each grade thereafter or are brought to the minimum rate for the new grade, whichever is greater; provided, however, the salary of an employee who is demoted is not decreased to below the minimum for the new grade to which the employee is demoted or below the employee's previous salary if returning to their previously held position. The salary change becomes effective at the beginning of the pay period following the demotion.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-408. Transfer.

Employees may request, in writing, a transfer from a position in one grade to a position in another class in the same grade. Transferred employees shall serve a probationary period in the new position. An employee who is transferred to a different position or different work location at the same pay grade shall not be granted a salary adjustment as a result of being transferred.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-409. Injury or disability.

If an employee becomes injured or disabled and the injury or disability impairs his/her effectiveness or makes his/her continuance on the job a danger to himself/herself or to others, the following actions shall be taken:

- _____ (1) If the injury or disability is thought to be correctable, the employee shall be allowed a specified period of time up to twelve (12) months to have it corrected. The county administrator may extend this time period. If the employees fails to take steps to have the disability corrected within the specified time, they shall be terminated.
- _____ (2) If, in the opinion of the examining physician, the injury or disability cannot be corrected, the appointing authority shall:
 - _____ a. Attempt to place the employee in another position which he/she can perform satisfactorily, and if that step cannot be accomplished successfully, the appointing authority shall;
 - _____ b. Take steps to separate the employee from county service through retirement or termination.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-410. Loss of job requirements.

Any employee who is unable to do their job adequately because of loss of a necessary license or other job requirement shall be separated by a layoff after attempts to place the employee in another position which they can perform satisfactorily have failed.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-411. Retirement.

(a) *Benefits.* Retirement benefits are available for county employees who are members of the state retirement system, and have met eligibility requirements for benefit payment.

(b) *Applications; assistance.* The human resources division shall provide assistance to any employee eligible for retirement. In any case, retirement applications must be in compliance with the rules of the state retirement system.

(c) *Anticipated retirement.* Employees anticipating retirement should begin the retirement process at least three (3) months prior to their effective retirement date. Employees may work through the county human resources division or directly with the state retirement system.

(Ord. No. 03-01-01, § 1, 1-7-03)

Section 2-411.5. "Retiree" defined.

(a) A retiree is defined as an employee who has reached at least age fifty-five (55) who leaves county service for the purpose of concluding his/her working or professional career and is qualified for retirement with one of the South Carolina Retirement Programs.

(b) The council will not provide dental and life insurance for retirees except as defined below. However, retirees may chose to continue such insurance at their own expense, up to and including the employer and employee contribution. The county shall pay fifty (50) percent of the employer cost of health insurance premiums, for the employee only, for eligible retired county employees who retire with ten (10) or more years of continuous satisfactory service with Aiken County or who retired on a job-related disability retirement, as approved by the South Carolina Retirement System, providing health insurance coverage is approved by the county's insurance carrier. The county shall pay one hundred (100) percent of the employer cost of health insurance premiums, for the employee only, for eligible retired county employees who retired with twenty (20) or more years of continuous satisfactory service with Aiken County. This program shall be effective upon approval by council of implementing directives.

(c) In the event of a conflict, the laws, rules, and regulations established by the State of South Carolina or an agent thereof for the purpose of administering any South Carolina State Retirement Programs in which the county is an active participant shall take precedence over this Code.

(Ord. No. 03-01-01, § 1, 1-7-03)

Section 2-412. Employee retirement incentive (TERI--Teacher and employee retirement incentive) program.

(a) *Voluntary participation.* Participation in the TERI program is the voluntary choice of eligible employees. Employees who participate in the Police Officers Retirement System (PORS) are eligible to participate in the TERI program.

Participants in the TERI program retain the same status and employment rights they held upon entering the program. TERI program participants who were in full-time positions prior to entering the program will usually continue to occupy a full-time position and they retain the same rights to their positions they held prior to entering the program. In addition to occupying full-time positions, TERI program participants may also occupy temporary, temporary grant, or time limited positions.

The program period for participation in the TERI program is a maximum of five (5) years.

While program participants retain the same rights to their positions they held prior to entering the program, participation in the TERI program does not guarantee employment for the specified program period.

(b) *Annual leave and sick leave.* Up to two hundred forty (240) hours of unused annual leave may be paid to a county employee upon retirement and entering the TERI program. Up to ninety (90) days of unused sick leave may be applied to a county employee's service credit upon retirement and entering the TERI program. The employee's leave balances will be reduced by the amount of annual leave paid out and sick leave used to calculate the employee's retirement benefit.

Participants in the TERI program will be eligible to earn and use annual leave and sick leave if they are in positions that are eligible for leave benefits. TERI program participants who are eligible for leave benefits will earn annual leave at the rate consistent with their years of county service for leave accrual purposes.

Upon termination of employment, a TERI program participant who has earned annual leave will be eligible to be paid up two hundred forty (240) hours of unused annual leave and all unused sick leave will be forfeited.

(c) Salary, rights, and benefits. Employees who enter the TERI program gain no new employment rights and are subject to the employment policies and procedures associated with whatever position(s) they occupy during the program period, to include those policies and procedures related to salary, benefits, and grievance rights.

Participants in the TERI program retain all rights and benefits they held upon entering the program, including reduction in force rights. If a TERI employee is separated due to a reduction in force and begins receiving their retirement benefits, their participation in the TERI program ends. If he/she is recalled to a state/county position, he/she will be subject to the retirement earnings limitation.

Participants in the TERI program are eligible for active state employee health insurance benefits and retiree group life insurance benefits; however, he/she is not eligible for active employee group life insurance benefits or disability retirement benefits.

(d) Break in service and termination of employment. When an employee enters the TERI program and receives a lump sum payment for annual leave to determine his average final compensation, he/she does not experience a break in service.

(e) The human resources director will consider all requests from agencies for break in service extensions for employees, to include TERI program participants. An employee who chooses to enter the TERI program and is paid out for his/her unused annual leave to determine his/her average final compensation may still be considered for approval of a break in service extension.

A participant in the TERI program will be considered to have terminated employment when he/she experiences a break in service.

The county has the responsibility to notify the retirement system when a TERI employee terminates employment and is paid out for unused annual leave.

TERI employees, who have completed sixty (60) days under the TERI plan and would like to terminate employment and be rehired under the fifty thousand dollars (\$50,000.00) earning limitation, may write a letter of request to the human resources director. The human resources director will forward the request to the county administrator for approval. If granted, a letter of approval will be given to the employee.

(f) Regulations of the South Carolina Retirement Systems take precedence on the implementation and policies of the TERI program. Some rules of the TERI program for employees enrolled in the police officer's retirement system may vary from those in the regular retirement system. A member of the PORS must be retired for at least fifteen (15) consecutive calendar days prior to returning to employment with the county.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-413. Death.

When an employee dies, his/her estate shall receive the employee's accumulated annual leave and any earned and unpaid salary or wages.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-414. Exit interview.

The human resources division may conduct an exit interview with each employee who resigns or otherwise is separated. Before receiving their last paycheck, an employee must surrender all county property or materials assigned to them and complete other separation actions which may be prescribed by the human resources division. Exit interviews by the human resources division shall not preclude such interviews by department heads.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-415. Rehire.

It is the policy of the county to consider rehiring those employees who previously left employment with the county under favorable conditions.

(Ord. No. 03-01-01, § 1, 1-7-03)

Secs. 2-416--2-420. Reserved.

DIVISION 17. LIABILITY COVERAGE

Sec. 2-421. Policy.

County employees are held accountable for their actions, and may be legally obligated to pay damages as a result of personal injury or property damage. It is the policy of the county to provide protection from certain claims through general liability insurance.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-422. Coverage.

Coverage, limitations, exemptions and payments are provided for by the South Carolina Tort Claims Act, South Carolina Code sections 15-78-10 to 15-78-170.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-423. Bonding.

All employees are bonded for one hundred thousand dollars (\$100,000.00) for honesty and faithful performance of their duties. Employees not covered under this bond are "employees who are required by law to qualify for office." These employees must file with the appropriate state official in order to be sworn into office.

(Ord. No. 03-01-01, § 1, 1-7-03)

Secs. 2-424--2-430. Reserved.

DIVISION 18. CLASSIFICATION AND COMPENSATION PLAN (PAY-FOR-PERFORMANCE SYSTEM)

Sec. 2-431. General statement of policy and purpose.

The objective of this plan is to provide a pay range for each class of positions which will enable the county to recruit and retain qualified employees.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-432. Development of classification and compensation plan.

(a) The classification plan is developed through a review of positions utilizing a point-factor method. This plan was further expanded by a review with each department head to discuss the classification of each job in that particular department.

(b) From these classifications, certain groupings were made for like positions or relative positions requiring relative levels of skill. These classifications were then assigned to a specific grade in the pay system. As part of the plan, a new performance evaluation system was designed to be applied as a merit incentive program.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-433. Classification plan.

(a) *Administration of classification plan.* The primary responsibility for day-to-day administration of the classification plan rests with each department head within the limits of these policies and procedures.

The human resources director, under the direction of the administrator, is charged with the maintenance of the classification plan and its administration so that it will reflect the duties performed by each employee and the class to which each position is allocated. The human resources director develops forms and provides information to determine the proper classification of each position, and periodically reviews the entire classification plan for recommending appropriate changes in the allocation of positions.

The human resources director and the administrator make or cause to have made such comparative studies as deemed necessary of the factors affecting the level of employee compensation prior to the preparation of the annual budget. On the basis of such studies, the administrator recommends to the county council such changes in salary and salary ranges as deemed necessary. The pay scale shall be modified annually to reflect salary range adjustments as approved by county council.

(b) *Use of class titles.* Class titles are to be used in all personnel, accounting, budget, appropriation, and financial records. No person will be appointed to or employed in a position in the county service under a title not included in the classification plan.

No classified job shall be filled by any department covered by this system at a salary higher than that allowed under the grade for which the job has been classified.

(c) *Allocation of positions.* Whenever a newly authorized position is established by council or duties of an old position changes, department heads shall submit, in writing, a comprehensive description of the duties of such position. A position questionnaire is to be used for this purpose.

The human resources director shall investigate the actual or suggested duties and recommend to the administrator the appropriate class allocation or the establishment of a new class and the abolishment of any existing class or classes.

All position changes shall be made by utilization of the weighted point-factor method and comparables. In no event shall the recommended classification cause the integrity of this system to be lost. All position changes and classifications shall be reviewed by the human resources director for a recommendation to the county administrator.

County council shall establish grades for all new positions by resolution.

(d) *Reclassification of positions.* An established position may be reclassified from one class to a different class as a result of a natural change in the duties and responsibilities, a redistribution of work assignments which significantly alters the duties and responsibilities of a position, or revisions of class specifications to more accurately reflect levels of work performed.

No job description shall be reclassified, except by the weighted point-factor method and comparables as utilized by the human resources division and recommended to the administrator for approval. Council, by resolution, must approve the change in grade for any position or groups of positions. Reclassifications are not to be considered a means to upgrade positions.

As a general rule, new positions, reclassifications, and upgrades should be considered in conjunction with the budget each year.

(e) *Request to fill vacancy.* No position which becomes vacant may be filled until a request and review has been made of the position as it relates to the needs of the department and the entire county work force. This review will follow the procedure outlined below:

- _____ (1) Completed by the division head, if applicable, and recommended to the department head.
 - _____ (2) Reviewed by the department head and recommended to the human resources director.
 - _____ (3) Approved by the human resources director subject to the constraints imposed by the county administrator.
- _____ Department heads can appeal the decision of the human resources director to the county administrator for final determination.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-434. Compensation plan.

(a) *Maintenance of pay ranges.* The human resources director and the administrator shall make or cause to have made such comparative studies as deemed necessary of the factors affecting the level of employee compensation prior to the preparation of the annual budget. On the basis of such studies, the administrator shall recommend to the county council such changes in salary and salary ranges as deemed necessary to maintain the fairness and adequacy of the overall salary structure.

(b) *Maintenance of compensation and pay scale.* The pay scale shall be modified to reflect salary range adjustment as approved by county council.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-435. Hiring of new employees.

(a) *New employees.* New employees shall normally be hired at the minimum rate of the applicable range with some latitude permitted as more specifically detailed in the hiring procedures. Because of the availability of applicants, recognition of highly unusual qualifications or situations, and other market factors it could be necessary or appropriate to pay a rate below or above the minimum in order to fill the position. In no case shall the applicant be hired at a salary lower than five (5) percent below the minimum or greater than fifteen (15) percent above the minimum.

(b) *Exception:* If a department, office, or agency head believes the individual warrants a salary higher than permitted by this policy, the request must be made in writing, fully documented, and submitted through the human resources division to the administrator for consideration. Other exceptions must be approved by county council.

(c) *Fringe benefits during initial probationary period.* Only those fringe benefits required by law or county policy will be allowed to a new employee until he/she has completed the probationary period as defined in Division 5.

(d) *Probationary performance evaluation.* Department heads shall submit an evaluation reports at the end of the probationary period for all new employees. The department head must file a performance evaluation form with the human resources division which will either remove the employee from the probationary status or continue the probation in thirty-day increments, for a period not to exceed ninety (90) days from the end of the initial six-month probationary period. In the event the probationary status is extended, the circumstances of such extension shall be forwarded to the administrator and such extension shall not be effective unless approved by the administrator. If the employee is removed from probation and becomes a regular county employee, he/she is then entitled to fringe benefits accrued from the date of employment.

(e) *Common evaluation period.* After the probationary performance evaluation is made, each employee is evaluated thereafter during the common evaluation period.

The controls of this system shall apply to all positions considered to be classified positions. All positions of the county are to be considered classified except for appointed officials, appointed by an authority outside of county government, and elected officials. For clarification of nonclassified positions, refer to the definitions in section 2-446.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-436. Promotion and transfer of present employees.

(a) An employee who is promoted in a department or is transferred to another department will be placed in a probationary status. The probationary status of these employees does not preclude the use of fringe benefits. Fringe benefits will continue to accrue as for any other regular employee of the county.

(b) Upon approval by the administrator, the promoted employee will be moved to the grade assigned to the new position appropriate for that employee.

(c) At the end of the probationary period, the department head must file an evaluation form with the human resources division which will either remove the employee from probationary status or extend the probationary period in thirty-day increments for not more than ninety (90) additional days. In the event the probationary status is extended, the circumstances of such extension shall be forwarded to the administrator and such extension shall not be effective unless approved by the administrator.

(d) *Reserved.*

(e) If the employee does not satisfactorily complete the probationary period, he/she is entitled to revert to his/her prior position, at their prior salary if there is a vacancy in the prior position. If no position exists, the employee shall be terminated. However, these individuals are eligible for reemployment.

(f) After the probationary period is completed the employee will be evaluated during the common evaluation period.

(g) Certain departments have clearly defined policies for the promotion of individuals to a different position based on education, additional training, certifications, and length of service. These departments include the sheriff's office, detention center, planning & development department, psa, library, tax assessor, emergency services, solicitor and public defender. Employees achieving the required education and/or length of service with satisfactory performance appraisals may be promoted to the next defined position without county council approval, with the funding for the promotion to be provided by the department.

(h) Certain employees in county service may require specialized certifications or designations in order to perform their jobs. In some instances, certified positions must be left vacant until an individual can be certified. In order to partially alleviate this type of situation, certain persons previously certified and applying as new employees may qualify for hiring.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-437. Nonclassified employees.

(a) Nonclassified employees are elected officials or officials appointed by an authority outside of county government. For listing see definitions (section 2-446). All other county positions are considered as classified.

(b) Nonclassified employees are entitled to salary adjustments unless specifically excluded by ordinance.

(c) In all cases, nonclassified employees are exempt from the probationary requirement unless specifically included by the appointing authority and promotion regulations of this system.

(d) In addition to subsection (a), the following positions are included in the nonclassified status: county administrator, county attorney.

(e) Entry level salaries for elected officials shall be at the minimum for the range for that position as established by county council.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-438. Part-time, temporary and occasional employees.

(a) *Regular part-time employee.* A regular part-time employee enters at the appropriate grade. This amount will be computed at an hourly rate of pay.

Any part-time employee who works less than twenty (20) hours per week shall not be eligible for fringe benefits except those cases where certain benefits must be paid as a matter of law.

Part-time employees receive holiday pay when their normal work day falls on an established county holiday. Any part-time employee who works twenty (20) or more hours per week is entitled to prorated benefits.

Regular part-time employees shall be evaluated as prescribed in section 2-435.

Part-time employees receive such increases due to movement of the compensation plan, as is approved.

(b) *Temporary part-time employee.* A temporary part-time employee is an individual who is hired to work less than thirty (30) hours per week usually for a defined period of time.

Temporary part-time employees who work a minimum of twenty (20) hours but less than thirty (30) hours per week are entitled to prorated annual and sick leave, holiday pay and those other benefits required by law.

An employee in this class working less than thirty (30) hours per week and having been employed for a period of less than six (6) months is not eligible for insurance benefits, except those cases where certain benefits must be paid as a matter of law. These employees receive holiday pay if the county holiday falls on a normal workday for this employee.

Temporary part-time employees shall be evaluated as described in section 2-435. Temporary part-time employees will receive such increases due to movement along the compensation plan as is approved.

(c) *Temporary, full-time employee.* A temporary full-time employee is an individual hired to work full-time (thirty (30) hours or more per week) for not more than nine (9) months in any fiscal year, or an employee hired into a position which is not considered permanent due to uncertainty of continued funding.

Provisional status. An employee in this class shall be considered temporary for funding purposes only, and shall be eligible

for full benefits as allowed for other employees.

(d) *Occasional employee.* An occasional employee is one who works at various intervals with no real set schedule of hours such as a constable, bailiff or patrol guard. No employee who qualifies as part-time or temporary shall be considered an occasional employee:

(1) Occasional employees are reviewed individually to determine the approximate number of hours worked; and, the pay shall be commensurate with duties and hours of employment and workload. The pay is established _____ either annually or on a seasonal basis. The salary shall be recommended by the department head utilizing documentation of workload, hours of general schedule and other pertinent data. The human resources director will review the proposed salary and forward a recommendation to the administrator for final consideration. The administrator shall have final approval for establishing the appropriate wage.

(2) An occasional employee shall not be entitled to fringe benefits, other than those required by law. An occasional employee receives such increases due to movement of the salary ranges as approved.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-439. Reinstatement.

(a) *Within six-month absence.* A former employee rehired as a regular full-time employee within six (6) months into a position in the same class as the one previously held shall be rehired either at his/her former rate or the new minimum, whichever is higher. Accrued benefits not paid out at the time the employee left the county shall be not reinstated. Rehired employees shall serve out the required initial six-month probationary period.

(b) *After six-month absence.* A former employee rehired as regular full-time employee after six (6) months or more absence from county employment shall be rehired on the same basis as a new employee.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-440. Probationary employees.

Any employee on his/her original appointment to a position shall be deemed probationary for the first six (6) months of employment (or longer as allowed by section 2-435) in a new position.

An extension of the probationary period of up to ninety (90) days may be requested in thirty (30) day increments by the department head. No employee shall serve more than nine (9) months in a probationary status. If the employee does not successfully complete his/her probationary period, he/she shall be terminated.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-441. Establishment and maintenance of anniversary date.

The anniversary date of the employee shall be the date of commencement of full-time employment with the county government. This date shall not be changed except as follows:

(1) An employee who is granted leave-of-absence without pay for any reason except authorized sick leave, in _____ excess of twenty (20) calendar days shall have his/her anniversary date advanced one (1) day for each calendar day they are on leave.

(2) An employee who leaves county employment but returns in less than six (6) months shall have his/her anniversary date advanced one (1) calendar day for each day they were not employed by county government.

(3) Notwithstanding subsections (1) and (2) above, no employee shall have days deducted or anniversary date advanced for National Guard duty or military leave except in compliance with federal law affecting such leave.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-442. Pay rates in promotion, demotion, transfer and reclassification.

(a) *Demotion.*

(1) *Voluntary demotion.* Voluntary demotion is defined as the change of an employee from a position in one (1)

grade to a position in a lower grade, when the demotion is made at the request of the employee. The salary of the employee who is demoted may be adjusted in accordance with job responsibility upon recommendation by department head and approval by the county administrator. In no event shall the new salary be in excess of the prior salary of the demoted employee. The employee so demoted shall be placed in a probationary status for a period of six (6) months. Subsequent to the completion of probation the employee shall be reviewed during the next common evaluation period.

_____ An employee who accepts a voluntary demotion and returns to his previous position within a period of six (6) months shall be reinstated at the same grade the employee occupied at the time of the demotion.

_____ (2) *Involuntary demotion.* Involuntary demotion is defined as the movement of an employee from a position in one grade to a position in a lower grade when the request is not made by the employee.

_____ (3) *Salary.* Employees that are demoted, either voluntarily or involuntarily receive a five (5) percent decrease in salary for the first decrease in grade level and two (2) percent decrease for each grade thereafter or are brought to the minimum rate for the new grade, whichever is greater; provided, however, the salary of an employee who is demoted is not decreased to below the minimum for the new grade to which the employee is demoted or below the employee's previous salary if returning to his previously held position. The salary change becomes effective at the beginning of the pay period following the demotion.

(b) *Promotion.* Employees that are promoted receive a five (5) percent increase in salary for the first increase in grade level and two (2) percent increase for each grade thereafter or increased to the minimum salary for the new grade, whichever is greater. Employees will not be increased above the maximum for the new grade to which the employee is promoted. The salary change becomes effective at the beginning of the pay period following the promotion.

(c) *Transfer.* A transfer is defined as the change of an employee from a position in one grade to a position in another class in the same grade. The salary of the transferred employee shall not be changed. The employee shall serve the normal probationary period upon transfer.

(d) *Reclassification.* The salary of an employee whose position is reclassified and allocated to the same grade or higher grade shall be determined by the rules for transfer and promotion. The salary of an employee whose position is reclassified and allocated to a lower grade shall not be changed for twenty-four (24) months. After this time, the rules for implementing a demotion shall be applied.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-443. Pay-for-performance increases.

Subject to approval by the county council pay-for-performance increases may be granted to eligible classified employees effective the first pay period in January each year, subject to the availability of funds and in accordance with the following general guidelines.

_____ (1) Classified employees with the same overall performance rating, shall receive the same percentage pay increase.

_____ (2) Those employees with an overall rating of "meets expectations", "exceeds expectations" or "substantially exceeds expectations," may receive a greater pay for performance increase than similarly classified employee with a lower overall written performance appraisal rating, i.e., "below expectations" or "substantially below expectations".

_____ (3) The calculation of the dollar amount of the percentage pay increase based upon performance shall be determined by multiplying the percentage by the mid point of the employee's assigned pay range.

Classified employees eligible to receive a pay-for-performance increase are those who:

_____ (1) Meet the continuous service requirement in effect for that adjustment period;

_____ (2) Received on their most recent written performance appraisal an overall rating of "meets expectations", or above; and

_____ (3) Have a salary which is not at or above the salary range maximum for the employee's assigned job classification.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-444. Longevity allowance.

Full time regular county employees, elected officials, appointed officials, and magistrates with ten (10) or more years of full time continuous county service are eligible to receive a monthly longevity allowance in addition to their regular compensation. Longevity allowances are paid according to the following schedule:

TABLE INSET:

Total Years of Service Completed	Longevity Amount/ Pay Period
10-14 years	\$10.00
15-19 years	12.50
20-24 years	15.00
25-29 years	17.50
30-34 years	20.00
35-39 years	22.50
40 or more years	25.00

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-445. Acting status employee.

(a) As a matter of operating procedure, it is occasionally necessary to place an employee in an "acting status." This procedure is an exception and not the general rule. This policy does not address those instances whereby employees are expected to provide relief as a part of their normal job routine. The following status is considered to be beyond the normal day-to-day procedures:

An official appointment to an "acting status" which is expected to last more than thirty (30) days. The appointment must be made in writing and must be made by the administrator, or by the county council for those personnel directly supervised by the county council. The official date of commencement must be made a part of the written notice.

(b) Salary adjustments may be approved for an employees officially placed in an "active status." The rules for promotion and demotion apply to these actions.

(Ord. No. 03-01-01, § 1, 1-7-03)

Section 2-446. Definitions.

[As used in this division, the following terms shall have the meanings ascribed to them in this section]

Anniversary date. The date on which the annual service of an employee shall be computed. This is used primarily for computing certain benefits. Exception--Employees in a probationary status.

Appointment. The act of placing an employee in an established position.

Class code. A number assigned to a class of positions for identification purposes.

Classification. A system whereby a job description is filed and the requirements for which are weighted by a numerical factor in order to determine in what grade a job should be placed.

Common evaluation period. The date established by county council that all nonprobationary employees are evaluated for job performance.

Classification plan. A document which formally describes the concepts, policies and procedures, and class specifications utilized in the classification and reclassification of positions in a classified service.

Classified service. Those positions that have been designated as subject to the classification plan.

Cost-of-living. An adjustment to the salary ranges which is intended to reflect the conditions of an expanded, inflationary, monetary situation.

Compensation plan. Contains a grade system which controls all salaries of classified jobs.

Demotion. The movement of an employee from a position in one grade to another position in a lower grade.

————(1) *Voluntary.* Demotion is made at the request of the employee.

————(2) *Involuntary.* Demotion is made at other than the request of the employer.

Employee certifications. Designations for specialized certifications that the county has established in order for an employee to perform their job in a competent fashion.

Evaluation form. A detailed form which gives a summary of an employee's overall performance, based upon job description, job requirements, attendance and other related factors. This form is also used to remove or extend an employee's probationary status.

Exempt employees. Exempt employees shall be defined as those occupying managerial, supervisory; and professional level positions as classified by the county administrator. Exempt employees are paid on a an annual salary and are not eligible for overtime.

Full-time employee. Any employee who works at least thirty (30) hours per week for more than six (6) months of the year.

Grade. The salary range specified for a particular job.

Immediate family. Immediate family includes spouse, parents, grandparents, grandchildren, sister, brother, son, daughter, step-parent or step children or the equivalent in the family of the spouse.

Job classification is a method that involves the grouping of the content of a series of position descriptions with like or similar duties and responsibilities into a single job description and job title that represents the entire series of the like or similar position descriptions. The single job description defines the job classification (or job class) and serves as the standard to which any other position description of similar content can be compared for purposes of determining if it qualifies to be slotted into the job class.

Layoff. Termination of employment due to abolishment of positions necessitated by a shortage of funds, work, or a material change in the duties or organization of a department or division.

Nonclassified. An employee who is appointed, by an authority outside of county government, and/or is elected. These employees are not subject to any part of the classification plan, except for filing of performance evaluation forms and salary purposes; namely: treasurer, solicitor, registration/elections director, auditor, register of mesne conveyance, probate judge, veterans affairs officer, clerk of court, master-in-equity, magistrate, public defender, sheriff, coroner, county attorney, county council and delegation secretary.

Occasional employee. An employee who works at various intervals, no real set schedule of hours, such as constable, bailiff, patrol guard.

Part-time employee. An employee who works less than thirty (30) hours per week. Employee may be in a temporary or regular status.

Pay grade classification is the determination of the pay grade and associated pay range to be assigned to a particular job classification. The pay grade is determined by evaluating the content of a particular job classification using a formal job evaluation process.

Pay grade is the numerical value assigned to a particular job classification that represents the relative degree of complexity or difficulty of the content of the particular job classification when it is compared to all other county jobs within the pay classification system.

Pay-for-performance plan. A pay plan which rewards employees based on job performance.

Pay range. The dollar amount between the minimum and maximum salary which is payable for work in a specific class of positions in the same grade.

Position. The work, consisting of duties and responsibilities, assigned to be performed by an officer or employee.

————(1) *Authorized position.* A position included in an approved budget.

————(2) *Established position.* An authorized position classified in accordance with the classification plan.

Probationary period. A working test period normally six (6) months required of an employee following his/her hiring in any class in which he/she does not hold regular status. A probationary period cannot be extended beyond ninety (90) days from the end of the initial probationary period. However employees without proper certifications may remain in a probationary status longer. Employees can be terminated while in a probationary period status.

Promotion. The movement of an employee from a position in one grade to a position in another higher grade which has a greater degree of responsibility and compensation.

Provisional employee. An employee in this class shall be considered temporary for funding purposes only.

Reclassification is a change in the classification of a job resulting from a job evaluation where it is found that the duties and responsibilities of the job will be changed permanently, materially, and significantly. An employee must meet the minimum qualifications of the new job classification in order to be reclassified.

Regrade is a change in the pay grade of a job classification to align more closely the classification's pay rate with the county's compensation philosophy.

Regular status. Satisfactory completion of the initial probationary period of six (6) months by an employee in the classified service and acquisition of tenure and all rights and privileges associated with the status.

Regular employee. Employee who has successfully completed his/her initial probationary period and is, therefore eligible for the additional county benefits and use of the county's grievance procedure.

Temporary employee. An employee hired full-time or part-time for a period not anticipated to exceed nine (9) months in any fiscal year. An employee hired for a specified period of time.

Transfer. The movement of an employee from one position in a grade to another position in the same grade having the same salary range and an equivalent level of responsibility within the classification plan. An employee who transfers is eligible for consideration for regular salary adjustments.

(Ord. No. 03-01-01, § 1, 1-7-03)

Secs. 2-447--2-460. Reserved.

DIVISION 19. RECORDS AND REPORTS

Sec. 2-461. Personnel transactions.

All appointments, authorized salary increases, promotions, employee evaluations, demotions, dismissals, suspensions and other personnel transactions shall be made on the personnel action request form and in the manner designated by the human resources director. Personnel actions impacting salary adjustments must be made effective on the first day of a pay period. Exceptions must be approved by the county administrator. Department heads shall submit personnel actions in advance of proposed effective date to assure adequate time for processing.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-462. Employee file maintenance.

(a) *Personnel records.* The "official personnel records file" shall be maintained by the county human resources division for all county employees, active and inactive. The human resources director shall determine what records should be maintained in the files.

(b) *Access to personnel files.* Employees shall have the absolute right to review their individual personnel file in accordance with the South Carolina Freedom of Information Act.

Personnel files shall be protected from access except by persons other than:

- _____ (1) County administrator.
- _____ (2) Human resources director and authorized human resources staff.
- _____ (3) Employee's supervisor and/or department head.
- _____ (4) Affirmative action officer.
- _____ (5) Employee.
- _____ (6) Grievance committee (where applicable).

_____ (7) County council members.

All records are confidential and shall be reviewed in the presence of the county administrator or designated human resources division staff. In no case shall any file be removed from the human resources division, except on order of the county administrator.

(c) *Dissemination of information.* Personnel files are open to the public as provided under the Freedom of Information Act. County employees shall refer all requests from external sources for personnel information concerning applicants, employees and prior employees to the human resources division. The human resources division will normally release personnel information only in writing and only after obtaining the written consent of the individual involved. Exception may be made to cooperate with legal, safety and medical officials who require specific employee information. In addition, exceptions may be made to release limited general information, to include (a) employment dates, (b) position held, and (c) location of job site.

(d) *Record update.* Employees should promptly notify the human resources division of any changes in personal status, to include the following:

_____ (1) Address or telephone number.

_____ (2) Marriage, divorce, or legal separation.

_____ (3) Birth or death in immediate family.

_____ (4) Legal change of name.

_____ (5) Beneficiary change.

_____ (6) Motor vehicle driving record for employees who drive county vehicles.

Benefit administration is directly related to the above items. Unreported changes may have an adverse impact on benefits received.

(Ord. No. 03-01-01, § 1, 1-7-03)

Secs. 2-463--2-470. Reserved.

DIVISION 20. SAFETY AND ACCIDENT PREVENTION

Sec. 2-471. Goals.

The goal of the county safety and accident prevention program is to reduce accidents and injuries involving county employees, equipment and property; to realize savings by initiating and monitoring loss control procedures; and insuring that the county maintains competitiveness in the labor market by employing appropriate safety and health standards. This will include implementing measures to assure county compliance with all applicable federal, state, and local regulatory standards and assuring that all county employees utilize safety belts when operating equipment equipped with seat belts.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-472. Safety committee.

(a) There shall be established in the county a safety committee under the direct authority of the county council, the official name of which shall be the Aiken County Safety Committee.

(b) The safety committee shall consist of nine (9) members.

(c) Committee members shall be solicited voluntarily by department heads of those departments which have standing members, or will be appointed for departments by the county administrator if two (2) meetings pass without a department appointing a member.

(d) Capable committee members shall be drawn from the positions within the applicable departments as follows, without exception:

- (1) Chairman, Assistant County Administrator . . . Voting
- _____ (2) Member, Public Works/Engineering Department . . . Voting
- _____ (3) Member, Emergency Services Department . . . Voting
- _____ (4) Member, Sheriff's Department . . . Voting
- _____ (5) Member, Public Service Authority . . . Voting
- _____ (6) Member, Detention Center . . . Voting
- _____ (7) Member, Risk Manager . . . Voting
- _____ (8) Two (2) members, county administrator's choice . . . Voting

_____The county administrator's choices are intended to maintain a balance in employee and department representation.

(e) The acts and decisions of the committee shall be coordinated with the appropriate responsible department head to the greatest extent practical and shall routinely go before the county administrator for action, review, and comment in the form of minutes, which, as determined necessary by the committee, shall then be submitted to the county council for their review.

(f) The first acts of the safety committee so established shall be to create and implement bylaws, and to review and revise the safety program supplied by the risk manager as a draft working document.

(g) Further, the safety committee shall be charged continuously with the responsibilities of:

- _____ (1) Evaluating and approving all requested changes to the safety program, and updating the program as new regulations evolve.
- _____ (2) Promoting safety and training programs among all employees.
- _____ (3) Promoting departmental self-inspection and periodic inspection by members of the committee.
- _____ (4) Promoting compliance with local, state and federal regulations.
- _____ (5) Reviewing accidents and recommending action, training, and if necessary, disciplinary measures in specific instances, up to and including recommending discharge of an employee. The committee may choose to appoint an investigative subcommittee at its discretion, to include qualified citizens, where specific incidents may warrant special expertise. Any investigative subcommittee may consult experts and specialists as needed, so long as legally mandated confidentiality is restricted to members of the committee or its appointees. In those instances where departments have internal committees performing investigative functions, the safety committee shall accept the final report and findings of the department with only perfunctory analysis in conjunction with supporting evidence provided through the risk manager. In the event that the department's report omits important information or is questioned by a majority of the safety committee, the department head will be asked to brief the committee in full. The committee may choose to issue an alternate opinion if the department's internal report remains questionable after the department head has briefed the committee or if the department head refuses to provide a verbal briefing.
- _____ (6) Reviewing and investigating historical trends and reported unsafe conditions referred to the committee by the risk manager, and requesting action be taken by appropriate authorities in each instance.
- _____ (7) Recommending remedial action through the routine council review process where departments consistently fail to remedy situations or appear to penalize employees for reporting accidents or unsafe conditions.
- _____ (8) Developing recommendations for incentives which will aid in motivating employees to prevent injury and think of safety regularly.
- _____ (h) Department heads and supervisors may attend and present opinions and/or evidence during any proceedings affecting any property under their direct authority or any person in their employ as indicated by personnel records or other official documentation, so long as such attendance is relevant to the proceedings, is orderly, and is not contrary to the basic purposes of the safety committee as defined in this section. Meetings shall be open to all interested county employees when possible.
- _____ (i) The safety committee's authority shall be interpreted broadly under the council review process, and shall extend to all matters related to, all required federal, state, and local regulatory programs, worker's compensation

program, incidental injury claims not yet progressed to litigation, and the county safety program and its goals, written and implied, as may be refined by the county council from time to time.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-473. Safety incentive.

The county administrator, in conjunction with the employee safety committee, may establish a safety incentive program, subject to the availability of funding.

(Ord. No. 03-01-01, § 1, 1-7-03)

Secs. 2-474--2-480. Reserved.

DIVISION 21. AFFIRMATIVE ACTION PROGRAM

Sec. 2-481. Policy.

It is the policy of the county to recruit, employ, train, and promote employees without regard to an individual's race, religion, color, political affiliation, disability, national origin, sex, or age, except where disability or age is a bona fide occupational qualification. Furthermore, affirmative action will be taken to eliminate any disparate effects of existing instances of unintentional discrimination because of race, religion, color, disability, national origin, sex, or age, except where disability or age is a bona fide occupational qualification. Employees are the county's most valuable resource. The county's policy is that equal employment opportunity must be provided to all present and prospective employees.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-482. Affirmative action plan.

The affirmative action plan for the county shall be monitored and shall be revised as needed by the county's equal employment opportunity coordinator.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-483. Equal employment opportunity coordinator.

The human resources director, or designated human resources staff, shall serve as the equal employment opportunity coordinator. The duties of this position will include, but not be limited to, the following:

- _____ (1) Overall administration and coordination of implementation of the equal employment opportunity program and the affirmative action plan.
- _____ (2) Development of policy instruction on all aspects of the equal employment program.
- _____ (3) Evaluation of progress of implementation of the affirmative action plan.
- _____ (4) Evaluation of employment profile and personnel transaction data.
- _____ (5) Evaluation of statistical data relative to the affirmative action plan.
- _____ (6) Maintain liaison with state human affairs commission, equal employment opportunity commission, and other agencies deemed appropriate.
- _____ (7) Develop projected work force goals for the affirmative action plan.
- _____ (8) Provide recommendations to the county administrator.
- _____ (9) Serve as a "sounding board" for determining attitudes of minorities throughout the work force.
- _____ (10) Develop ideas that will foster harmonious human relations.

(11) Disseminate information regarding the affirmative action plan and policies to employees of the county.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-484. Discrimination complaints.

In the event an employee has a discrimination complaint, he/she shall first consult with the equal employment opportunity coordinator in an attempt to resolve the complaint on an informal basis. If the complaint cannot be resolved on this level, the employee shall follow the procedures set forth in Division 8, Grievance procedure.

(Ord. No. 03-01-01, § 1, 1-7-03)

Secs. 2-485--2-490. Reserved.

DIVISION 22. NEPOTISM

Sec. 2-491. Policy.

Members of an immediate family who fall under any of the categories under section 2-492 shall not be employed by the county when such results in one (1) member of an immediate family supervising, evaluating the performance of, disciplining, or any other way being responsible for the employment status of the other immediate family member.

When a promotion, demotion, or any similar personnel change in the status of existing county employees results in a violation of the county nepotism policy as stated in this division, and when such violation cannot be resolved through transfer or reassignment of one of the immediate family members to another shift, other job duties within a department, or by transfer of one of the employees to duties in another county department, it shall be necessary for one of the employees in violation of the county's nepotism policy to resign from county employment.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-492. Definition of immediate family.

The term "immediate family" shall be defined as in the definitions in section 2-446.

(Ord. No. 03-01-01, § 1, 1-7-03)

Secs. 2-493--2-500. Reserved.

DIVISION 23. OUT-STATIONED COUNTY EMPLOYEES

Sec. 2-501. Definitions.

An out-stationed county employee is defined as any county employee placed in a location or agency other than in county government; and/or, one who is supervised by a person or persons other than a county employee.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-502. Control.

County employees out-stationed to municipalities, political subdivisions, and agencies (including federal, state, and local agencies) shall be controlled and governed by this article as is any other employee of the county who is not out-stationed.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-503. Exceptions.

(a) Holidays may be substituted for those designated by this policy on a one-to-one basis, if the request is made in

writing by the appropriate official, and approved by the county administrator.

(b) Working hours may be substituted so as to conform to the out-station working hours if the request is made in writing by the appropriate official and approved by the county administrator.

(Ord. No. 03-01-01, § 1, 1-7-03)

Secs. 2-504--2-510. Reserved.

DIVISION 24. DUAL EMPLOYMENT

Sec. 2-511. Policy.

County employment shall be considered the primary employment and no employee may engage in outside employment which would interfere with the interest of the county service, serve as a conflict of interest, or, in any way, interfere with the working schedule of the county employee.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-512. Outside employment terms.

Equipment, facilities, vehicles or property of the county shall not be used by employees for outside employment, nor for travel to such employment or for personal use.

Employees sustaining injuries while engaged in outside employment are ineligible to receive benefits under county workers' compensation plan.

(Ord. No. 03-01-01, § 1, 1-7-03)

Secs. 2-513--2-520. Reserved.

DIVISION 25. RECALLS

Sec. 2-521. Policy.

Any employee who is laid off after achieving regular status can be recalled within six (6) months after the effective date of the layoff, into any vacant position for which he or she qualifies without the department in which the vacancy exists having to go through, the normal recruitment and selection process.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-522. Department vacancies.

A department with a vacancy shall give full consideration to any county employee laid off if the employee meets the minimum training and experience requirements set forth for the vacant position. Preference shall be given to laid-off employees who had achieved regular status and who were laid off within six (6) months prior to the posting of the vacancy.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-523. List of laid-off employees.

The human resources division shall provide a list of qualified, regular status employees who have been laid off within the past six (6) months to each department with a vacancy. The department head shall be responsible for determining the laid-off employee's interest and suitability for the vacancy.

(Ord. No. 03-01-01, § 1, 1-7-03)

Secs. 2-524--2-530. Reserved.

DIVISION 26. EMPLOYEE PROTECTION FOR REPORTS AND VIOLATIONS OF STATE AND FEDERAL LAWS OR REGULATIONS

Sec. 2-531. Purpose.

[The purpose of] this division is to provide "whistle blowing" protection to any employee who exposes a violation of federal or state law in accordance with Chapter 27 of Title 8 of the 1976 South Carolina Code of Laws.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-532. General procedure.

(a) No county employee shall be discharged, otherwise terminated, suspended, demoted or otherwise punished for reporting a violation of any state or federal law which involves a public body or an official of a public body. The same shall apply whenever an employee exposes governmental criminality, corruption, waste, fraud, gross negligence or mismanagement or testifies as a witness in any trial, hearing or other proceeding involving the violation of a federal or state law.

(b) If the employee's testimony/exposure results in a savings of any public money, the employee shall receive twenty-five (25) percent of the net savings of the first year of implementing the change.

(c) If, within one (1) year from the date of the exposure by the employee, he/she is terminated, the burden of proof that the employee was not terminated for exposing the violation of a federal or state law shall be the responsibility of the employer.

(Ord. No. 03-01-01, § 1, 1-7-03)

DIVISION 27. WEAPON CONTROL POLICY

Sec. 2-533. Weapons generally.

Aiken County government believes it is important to establish a clear policy that specifically addresses weapons in the work place. With limited exceptions, the county prohibits all persons who enter county property from carrying a handgun, firearm, explosives, incendiary devices, or prohibited weapons of any kind, regardless of whether the person is licensed to carry the weapon or not.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-534. Applicability.

This policy applies to all county employees, contract and temporary employees, citizens, visitors on county property and customers and contractors on county property. The only exceptions to this policy will be designated employees of the sheriff's office, coroner, solicitor, tax collector, detention center, magistrate or any other county department whose positions require them to carry a particular weapon, an employee has received written consent from the county administrator to carry a weapon, and employees of law enforcement agencies whose positions require them to carry a particular weapon. With the limited exceptions already listed, all county employees are also prohibited from carrying a weapon while in the course and scope of performing their job for the county, whether they are on county property at the time or not and whether they are licensed to carry a handgun or not. Employees may not carry a weapon covered by this policy while performing any task on the county's behalf. The only exceptions to this policy will be persons who have been given authorization by the county administrator to carry a weapon while performing specific tasks on the county's behalf. This policy also prohibits weapons at any county sponsored function such as parties or picnics.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-535. Weapons included.

Prohibited weapons include any form of weapon or explosive restricted under local, state or federal regulation. This

includes all firearms, illegal knives or other weapons covered by the law. (Legal, chemical dispensing devices such as pepper sprays that are sold commercially for personal protection are not covered by this policy.) If an employee has a question about whether an item is covered by this policy, the employee should call the human resources director. Employees will be held responsible for making sure beforehand that any potentially covered item they possess is not prohibited by this policy.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-536. Covered property.

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

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-537. Penalties.

Failure to abide by all terms and conditions of the policies described above may result in discipline up to and including termination. Further, carrying a weapon onto Aiken County property in violation of this policy will be considered an act of criminal trespass and will be grounds for immediate removal from Aiken County property, and may result in prosecution.

(Ord. No. 03-01-01, § 1, 1-7-03)

Sec. 2-538. Obligation on county's part.

This policy shall not be construed to create any duty or obligation on the part of the county to take any actions beyond those required of an employer by existing law.

(Ord. No. 03-01-01, § 1, 1-7-03)

Secs. 2-539--2-565. Reserved.