

Chapter 55 PERSONNEL *

***Editor's note:** Ord. No. 98-018, adopted Oct. 20, 1998, set out provisions for amending the county's personnel policies and procedures to read as herein set out. See the Code Comparative Table.

Cross references: Administration, Ch. 2.

State law references: Authority to develop personnel policies and procedures for county employees, S.C. Code 1976, § 4-9-30(7).

Note: It should be noted that all employees of Anderson County are "at-will" employees who may quit at any time for any reason and who may be terminated at any time for any reason. Nothing in these county personnel ordinances or in the county's employee handbook shall be deemed to constitute a contract of employment between the county and any employee.

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Sec. 55-1. Purpose.

The purpose of the rules and regulations set out in this chapter shall be to establish a consistent personnel policy for the county and to establish guidelines governing employees of the county. Accordingly, this chapter shall not apply to employees of any outside agency that may receive appropriations from the county. It shall describe the county's general philosophy concerning policies and procedures and shall in no way form a contract between the employees and the county. The provisions of this chapter are subject to change at any time upon being amended by ordinance of the county council. Further, notwithstanding any of the provisions herein, all employees of the county are employees at will who may quit at any time for any or no reason and who may be terminated at any time for any or no reason.

(Ord. No. 94-023, § 1, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-2. Objectives.

The county recognizes that its employees are its most important resource for accomplishing the county's objectives. Therefore, it is deemed appropriate to set forth some specific objectives to help assure effective use of this resource in a manner that highlights its importance.

The following specific personnel policy objectives, although not all-inclusive, are intended to "set the tone" for dealing with all county employees and for the development of the county's written personnel policies and procedures contained in this chapter. The county shall thus seek:

- _____ (1) To use the full potential of each employee;
- _____ (2) To help each employee develop to his/her full potential;
- _____ (3) To fully apply the principle of equal employment opportunity, avoiding unfair as well as illegal discrimination in all aspects of county operations;
- _____ (4) To provide equitable and competitive compensation and benefits consistent with the county's economic ability;
- _____ (5) To expect effective and efficient work performance from employees within the framework of reasonable work assignments;
- _____ (6) To maintain reasonable hours of work;
- _____ (7) To provide safe, sanitary, and healthful working conditions;
- _____ (8) To be sympathetically responsive to the needs of employees;
- _____ (9) To communicate continuously and effectively with all employees in all matters which affect them in their work;
- _____ (10) To promote an attitude of courteous and efficient responsiveness to the public on the part of all employees; and
- _____ (11) To listen to employees' suggestions and complaints and to provide each employee a fair hearing and responsible answer to grievance.

(Ord. No. 94-023, § 2, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-3. Scope.

Anderson County provides personnel policies to help all county employees work together toward the accomplishment of the county's objectives. In the preparation of such policies, the individual needs and objectives of employees will be

recognized and accommodated to the extent possible and feasible consistent with the objectives of the county. These policies are designed to promote legal and consistent human resource management of all county employees. It is intended that these policies enable all employees to know what is expected of them in the areas covered as well as what they can expect from the county.

The county administrator shall be responsible for the administration of the following personnel policies and procedures which shall apply to all employees except those specifically exempted. It shall be the duty of the county administrator, or his/her designee, to maintain all required personnel records. Each department/division head shall be required to submit to the county administrator, or his/her designee, all necessary reports, records, and supportive data necessary to the accomplishment of an adequate personnel records system.

(Ord. No. 94-023, § 3, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-4. Amendment of personnel policies and procedures.

Amendments to these policies and procedures may be proposed by the department/division heads and the county administrator and shall be adopted by ordinance of the county council.

(Ord. No. 94-023, § 4, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-5. Definitions.

As used in this chapter, the following terms shall have the indicated meanings:

Agency means any department, division, or unit funded in whole or part through the county, and under program control of the county, and subject to these policies and procedures.

Appointment means the act of placing an employee in an established, funded position.

Authorized position means a position included in the approved county budget.

Class of positions means a group of one or more positions which are substantially similar with respect to difficulty, responsibility, degree of supervision required and exercised, character of work required, and generally the same kind and amount of training and experience for the proper performance which merits approximately equal pay. Any such group of positions shall be allocated to the same class.

Class title means the official designation or name of a class as stated in the class specifications. It shall be used on all personnel records and action forms. Titles used in operating activities of the various departments may be left to the discretion of department/division heads.

Classification plan means the document that describes the concepts, procedures, and class description utilized in the classification of positions in the county.

Day means the total hours in a workday that the employee is regularly scheduled to work.

Demotion means the movement of an employee, either voluntarily or involuntarily, from a position in one classification to a different position in another classification having a lesser degree of responsibility and a lower salary range.

Department head (appointed) means a manager of a major department of the county who is appointed to the position through the normal selection process as described in the policies and procedures set out in this chapter.

Department head (outside appointed) means a manager of a major department of the county who is appointed by an authority outside of county government for a specific period of time.

Dismissal means the action taken against an employee to separate him/her from service with the county.

Division head means a manager of a group of departments of the county who is appointed to the position through the normal selection process as described in the policies and procedures set out in this chapter.

Established position means an authorized position which has been classified in accordance with the classification plan.

Exempt employee means any regular, full-time or part-time employee exempted from minimum wage and overtime requirements as specified by criteria in the Fair Labor Standards Act (FLSA).

Immediate family means the employee's spouse, parent, child, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, stepmother, stepfather, stepson, stepdaughter,

aunt, uncle, niece, or nephew.

Introductory period means a working test period required of an employee following his appointment to a position, normally not to exceed three months in duration.

Layoff means termination of employment due to the abolishment of positions necessitated by a shortage of funds or a material change in the organization of duties within a department of the county.

Nonexempt employee means any regular full-time or part-time employee covered by minimum wage and overtime requirements as specified by criteria in the Fair Labor Standards Act (FLSA).

Part-time position means a position authorized for less than the entire normally established work period, on a daily, weekly, monthly, or annual basis.

Pay plan means the document that describes the philosophy, methods, and salary procedures for compensating employees in classified positions of the county.

Pay schedule means the officially approved list of pay grades and their assigned salary range.

Position means a group of currently assigned duties and responsibilities requiring the employment of one person. A position may be occupied or vacant.

Possession in relation to substance abuse, shall include, but is not limited to, the presence of drugs or alcohol on the employee, or in the employee's lunch box (bag), tool kit, purse, desk, locker, or cabinets, or in the employee's office, county vehicle, or other work space under the employee's control.

Promotion means the movement of an employee from a position in one classification to a different position in another classification having a greater degree of responsibility and a higher salary range.

Reclassification means the assignment of an established position in one classification to a higher or lower classification based upon a substantial change in the duties and responsibilities of the position.

Regular, full-time employee means an employee who is regularly scheduled to work at least 37.5 hours per week and is not a temporary or student employee.

Regular, part-time employee means an employee who is regularly scheduled to work less than 37.5 hours per week and is not a temporary or student employee.

Review date means the date on which an employee shall normally be considered for a merit salary advancement, based upon demonstrated job performance in a position.

Sickness means any illness or injury suffered by an eligible employee of the county.

Temporary position means a position created for a defined period of time not to exceed six months and not renewable.

Transfer means the movement of an employee from one position to another position having the same salary range and the same level of responsibility within the classified system.

Under the influence means when an employee is affected by drugs or alcohol or a combination thereof in a detectable manner or in any detectable amount.

Year means the county's fiscal year, starting on July 1 and ending the following June 30.

(Ord. No. 94-023, § 5, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-6. Organization for personnel administration.

(a) *County council.* The county council shall adopt and amend personnel policies and procedures at such time as it shall deem suitable.

(b) *County administrator.* The county administrator shall:

_____ (1) Draft, apply, and interpret such personnel policies and procedures and revisions thereto as may from time to time be necessary to carry out the intent and purpose of the provisions of the personnel system and submit them to council for approval.

_____ (2) Carry out or delegate such other duties as are prescribed by the personnel policies and procedures set out

in this chapter.

(c) *Delegation of duties.* The county administrator, at his discretion, may delegate any or all of the duties assigned by the policies and procedures set out in this chapter.

(Ord. No. 94-023, § 6, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-7. Recruitment and employment; equal employment opportunity policy.

(a) It is the policy of the county to recruit, hire, train, and promote employees on the basis of qualifications and without discrimination because of race, religion, color, political affiliation, handicap, national origin, sex, or age; except where absence of handicap, sex or age is a bona fide occupational qualification. Furthermore, it is the county's practice to take affirmative action to remove any effects of and prevent discrimination because of race, religion, color, national origin, handicap, sex or age; except where absence of handicap, sex or age is a bona fide occupational qualification. This policy applies to all levels and phases of personnel administration such as recruitment, advertising, testing, hiring, training, promotion, transfer, leave practice, rates of pay, selection for supervisory positions, and employee benefits programs. Furthermore, all officials and employees of the county as well as employment agencies, labor organization, and advertising agencies with whom this county deals, will be informed of this policy.

(b) The personnel manager will serve in the capacity of equal employment opportunity officer. Under the direction of the administrator, he/she is responsible for the overall administration of the equal employment opportunity policy. Furthermore, he/she will monitor personnel actions of the organization through direct contact with the division/department heads. Also, he/she has direct contact with all others who will play an important role in accomplishing the county's goals.

(c) All employee communication media will be utilized to keep the employees and the public informed of this practice. Bulletin boards, employee handbooks, discussions or films to orient new employees, and in-house publications will emphasize the county's commitment to a program of equal employment opportunity.

(d) The county will establish a system of communication and feedback controls within all management and departmental levels to assure compliance with this plan throughout the entire jurisdiction. Further, the grievance procedures under section 55-30 are available to address and resolve allegations or complaints of discrimination of any type.

(e) All job openings are to be filled on the basis of qualifications and individual merit rather than any consideration of race, religion, color, national origin, handicap, sex, or age.

(Ord. No. 94-023, § 7, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-8. Affirmative action goals and policy.

(a) The administrator, in consultation with the equal employment opportunity officer, will establish the affirmative action goals, action items, responsible officials, and target dates for the county and will submit to county council for adoption by resolution.

(b) The goals will include recruiting, training, and promoting females, blacks, and other minorities, consistent with job opportunities as they occur.

(c) The ultimate purpose of this plan is that the staff of the county will fairly represent the female, black, and other minority manpower in this area.

(d) Management will evaluate all employees to determine if their capabilities and skills are being fully utilized. Individuals who are found to be underutilized will be given priority consideration either for promotion or transfer to positions having greater potential for advancement.

(e) The county recognizes an obligation to its employees and to the people they serve to develop and utilize to full potential the talent and abilities of each employee.

(f) To this end, the county fully endorses and will continue to support the development and maintenance of a program of training and career development for the employees of the county.

(g) The county, within the limits of its resources, encourages every employee to avail himself/herself of career development opportunities provided by the county and to offer constructive suggestions and recommendations relative to these opportunities.

(h) The management and supervisory staff of the county have a responsibility to ensure that career development

opportunities are maintained and made available on the basis of individual merit without regard to race, color, creed, national origin, sex, age, handicap, or political affiliation.

(Ord. No. 94-023, § 8, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-9. Types of employment.

The county has established four categories of employment based primarily on the duration of the job and hours of work required per week in the job:

_____ (1) *Categories of employment:*

_____ a. *Regular full-time:* A position which normally requires weekly hours of work equal to or exceeding the normal workweek (i.e., 37 1/2 hours per week).

_____ b. *Regular part-time:* A position which normally requires weekly hours of work less than the normal workweek.

_____ c. *Temporary full-time:* A job of limited duration, which normally requires weekly hours of work of at least 30 hours or more per week.

_____ d. *Temporary part-time:* A job of limited duration, which normally requires weekly hours of work of less than 30 hours per week.

_____ (2) *Temporary employment; special provisions.*

_____ a. The personnel policies and procedures contained in this chapter do apply to temporary employment unless otherwise noted.

_____ b. Temporary employees are not subject to the county's pay system and rates established for regular employees, are not entitled to paid leave, and are entitled only to those fringe benefits required by law.

(Ord. No. 94-023, § 9, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-10. Procedures; selection process.

(a) *Policy.* The recruitment goal for the county is to find and hire those persons who are most likely to become productive and satisfied employees over a long period of time. To fulfill this goal, the recruitment program is designed to attract qualified individuals to fill county job openings and to provide the county with reliable applicant sources from which qualified individuals may be placed for each job opening. All recruiting efforts should conform with the equal employment opportunity statement contained in these rules.

(b) *Procedure.*

_____ (1) In order to eliminate duplication of effort in recruiting qualified applicants and to ensure that all potential applicants within a reasonable area have an opportunity to learn of vacancies within county service, it shall be the policy of the county that only the county administrator or his/her designee shall be authorized to expend funds for the advertisement of vacancies or for any other purpose related to the recruitment of applicants.

_____ (2) All elected, outside appointed, and appointed department heads shall notify the personnel administrator immediately upon learning that a vacancy will occur. Except for those departments under the direction of an elected or outside appointed department head (for which the remainder of this subparagraph is optional), the personnel administrator shall then take those steps as may be necessary to attract qualified candidates. Upon the appropriate screening, in accordance with paragraph (c) of this section, all qualified applicants shall be entered upon a register for the position vacancy. The entire list, accompanied by appropriate referral forms/applications, shall be submitted to the department head for selection of candidates to interview or hire.

_____ (3) Any elected or outside appointed department head who elects not to follow the above selection procedures shall be responsible for all applicable EEOC recordkeeping and related requirements and any actions of their employees.

_____ (4) The selection process may include one or more or all of the following: Oral interviews, evaluation of experience and training, reference checks, written examinations, performance tests or nonassembled examinations as specifically related to essential job skills and functions.

(5) Physical examinations may be required for any and all classifications as may be determined necessary upon employment.

(6) Starting salaries for newly employed personnel shall be determined in accordance with procedures and guidelines contained in the classification and compensation plan and approved by the county administrator.

(c) *Promotions and transfers.*

(1) In order to provide upward mobility for the employees in county service, it shall be the policy of the county to consider applications from persons currently employed before applications from the public are considered. A notice will be posted on the personnel department bulletin board for each vacancy that occurs stating the position, the minimum training and experience requirements, the salary range, and how and when to apply.

(2) First consideration shall be given to those persons in the unit or department where the vacancy occurs for whom the vacant position would represent a promotion. If none of these persons are selected to fill the vacancy, all other county employees requesting consideration will be considered. Finally, any other applications may be considered.

(3) For the purpose of this section, newly hired introductory employees shall not be considered as regular county employees and shall consequently be treated as outside applicants. Moreover, lateral transfers between departments shall be permitted for regular employees for the purpose of filling vacancies, but it shall be discouraged.

(d) *Final selection of new employees.*

(1) The final selection of the person to fill each vacancy within an elected officials's department or within a department of an official appointed by outside authority shall be made by the applicable department head. The final selection of the person to fill each vacancy for an appointed official's department shall be made by the appropriate appointed department head with the approval of his/her division head and the county administrator. All starting salaries shall be established in accordance with the provisions of the plan of administration for the county and approved by the county administrator.

(2) The personnel department will be responsible for signing up all new employees and processing the necessary forms required to place them on the payroll and on department records. New employees shall begin their employment on the first day of the workweek of their department unless permission is obtained from the county administrator to begin at a different date.

(e) *Introductory period.*

(1) All new employees appointed to regular county positions shall serve an introductory period of at least three months. Law enforcement officers shall be on an introductory status until they comply with the existing state laws pertaining to law enforcement officers. At the end of the introductory period, the department head will determine whether the employee should be continued as a regular employee, if the employee's introductory period should be extended for up to three additional months, or if the employee should be discharged. If the department head determines that the employee's introductory period should be extended or the employee should be discharged, the department head should report such action to the personnel manager. An employee dismissed during the introductory period shall have no recourse of appeal.

(2) If an employee is required to be away from work in excess of ten working days during his/her introductory period due to a workers' compensation-covered injury, or any authorized leave without pay, the period of such absence shall not be counted as time in service toward completion of the introductory period.

(f) *Suspension.* During an investigation, hearing, or trial of any employee on any criminal charge, or during the course of any civil action involving an employee or the employee's status with the county, when suspension would be in the best interests of the county, the county administrator may suspend the employee without pay for the duration of the proceedings as a nondisciplinary measure. 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 any lesser period of the suspension.

(g) *Demotion.* Any employee whose work in his/her present position is unsatisfactory but who offers promise of becoming a satisfactory employee, may, with full justification, be demoted by his/her department/division head. The notice of such action shall be reported to the county administrator by submission of a personnel action form.

(Ord. No. 94-023, § 10, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-11. Hiring of relatives; nepotism.

(a) *Policy.* Two or more members of an immediate family shall not be employed within the same department. Two or more members of an immediate family shall not be employed within different departments where one member occupies a position which has influence over another's employment, promotion, salary, administration and other related management or personnel consideration. Employment of close relatives may be permitted in strictly emergency situations for temporary periods of time, normally not to exceed 30 calendar days, or for some longer period with the approval of the county administrator in cases where other qualified applicants are not available.

(b) *Exception.* This policy shall be inapplicable to any employment decisions made by an elected official.

(Ord. No. 94-023, § 11, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-12. Terminations.

(a) *Voluntary terminations.* Nonelected employees may terminate their employment, voluntarily, at any time. The county shall expect employees who resign from employment with the county to give the county reasonable notice so arrangements can be made to find a replacement and otherwise minimize any disruption of work created by the resignation. Employees who do not provide such notice will not be considered as leaving in good standing, unless the employee was prevented from giving proper notice due to extenuating circumstances or other circumstances beyond the employee's control and the situation is approved by their department head.

(1) *Notice requirement.*

a. Regular, full-time employees who resign shall submit a letter of resignation to their immediate supervisor at least ten workdays in advance of their anticipated last day of work.

b. Department/division heads who resign shall submit a letter of resignation to the county administrator at least 20 workdays in advance of their anticipated last day of work.

c. Regular probationary and temporary employees are not required to give the ten workday notice, but should work out a reasonable notice, with their supervisor.

(2) *Resignation with prejudice.*

a. Employees who resign without proper notice shall be considered as resigning with prejudice, unless proper notice requirements are waived by their department head.

b. In addition, an employee shall be considered as resigning with prejudice if the employee initiates a resignation at the time that adequate grounds exist for termination of the employee's employment by the county.

c. Employees who resign with prejudice will not be reemployed until the facts surrounding their resignation are reviewed and a decision made to give the employee another employment opportunity.

(3) *Rescinding resignations.* An employee may not rescind a resignation without approval of the department head concerned and the county administrator.

(4) *Pay.* An employee who resigns shall be paid at the end of the pay period during which the resignation becomes effective.

(b) *Involuntary terminations.*

(1) Employees being terminated involuntarily may be given advance notice, or termination may be summary (at once) when, in the judgment of the department/division head, it would be in the best interest of the county.

(2) Employees terminated involuntarily for any reason shall be paid for all hours worked through termination and all earned unused annual leave (subject to limitations as set forth in these policies) during the next regular payday following termination which shall not exceed 30 days after written notice is given.

(3) If an employee resigns after having been informed he/she is to be terminated involuntarily, it will still be considered as an involuntary termination.

(c) *Status of a dismissed employee.*

(1) Any dismissed employee of the county or other political subdivision of the state who seeks employment or reemployment, either to the same position or different position in the county, must disclose the date and reasons

for dismissal from his/her former employment, which must be verified from his/her personnel records.

_____ (2) An employee dismissed for cause shall not be eligible for employment or reemployment to any position with the county.

(d) *Reduction in force.*

_____ (1) In the event that a reduction in force becomes necessary, consideration will be given to the quality of each employee's past performance, the needs of the county, seniority, and other relevant factors in determining those employees to be retained.

_____ (2) When involuntary terminations arise due to cutbacks in county operational funds requiring a reduction in force, before separating a regular employee, efforts may be made to offer him/her an assignment to a vacant position for which he/she is qualified. Additionally, assistance in finding employment for the separated employee may be rendered. Terminations for reasons due to reduction in force shall be documented in the employee's personnel folder for his/her protection.

(e) *Exit interviews.* At the time of termination, for whatever reason, the employee may be interviewed in order to assure that the county's responsibilities to the employee and the employee's responsibilities to the county have been met in matters related to the separation. Employees should arrange with the county personnel office for the interview.

_____ (1) *Exit interview questionnaire.* Employees who are being terminated for reasons other than discharge for cause shall be interviewed at the time of separation and an "exit questionnaire" completed by the interviewer.

_____ (2) *Employee termination report.* A personnel action form may be completed on all employees being terminated for whatever reason to assure that all details regarding the termination have been properly handled.

_____ (3) *General provisions.*

_____ a. The employee must turn in all county-owned property, including tools, keys, credit cards, identification cards, uniforms, etc.

_____ b. Terminated employees are required to turn in all county-owned property at the time of termination. In addition, terminated employees are required to satisfy any other obligations to the county at the time of termination or make reasonable arrangements to satisfy any such obligations. Failure to complete these requirements at the time of termination may result in an appropriate deduction being made from the terminated employee's final paycheck and/or legal action being initiated against the terminated employee.

(Ord. No. 94-023, § 12, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-13. General personnel policies; hours of work.

(a) *Departments covered.* All departments of county government are subject to the provisions of this section as to hours of work.

(b) *Official hours of work.*

_____ (1) To ensure maximum efficiency and coordination of services, it is the policy of the county to provide uniform working hours for all departments, excepting those departments which maintain continuous operations seven days per week and those departments otherwise specified by the county administrator.

_____ (2) The business hours for most departments of the county shall be no less than from 8:30 a.m. to 5:00 p.m., Monday through Friday, except for official holidays. Any exception to these hours must be approved by the county administrator. The several departments of the public works and sewer divisions may work four ten-hour days per week during daylight savings time at the discretion of the county administrator. Those county departments where seven-day/24-hour services or emergency services are maintained may have workweeks in excess of the normally scheduled hours. They will be designated and will follow guidelines as established by the FLSA or other federal or state laws incumbent upon the county.

_____ (3) All employees paid by the county, regardless of whose direction and control they may work under, are expected to work during all work hours as established above, exclusive of bona fide breaks, meal times, or unscheduled hours, etc. Employees are not to perform work during such nonwork breaks, mealtimes, or unscheduled hours, unless approval is received from an immediate supervisor and only in cases of extreme emergency.

_____ (4) For recordkeeping and payroll purposes, the workweek begins at 12:01 a.m. Sunday and ends 12:00

midnight the following Saturday.

(Ord. No. 94-023, § 13, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-14. Outside employment.

(a) The work of the county shall have precedence over the other occupational interests of non-elected employees. All outside employment for salary, wages or commission service, and all self-employment must be reported to and approved by the county administrator.

_____ (1) An employee's request for outside employment will not be granted when:

_____ a. Such additional work will interfere with his/her duties as an employee of the county;

_____ b. Such additional work lowers the efficiency of the employee;

_____ c. Such duties, trades, businesses, or professions require review, inspection, licensing, permitting, or regulation by the county; or

_____ d. Such additional work interferes with or is contrary to the interests of the county.

_____ (2) Unauthorized outside employment shall be considered direct insubordination and shall be grounds for dismissal.

(b) County departments may, by agreement, either lend or borrow the services of regular employees during their regular working hours provided that the borrowed employee is not required to work more than his/her regularly scheduled work hours as a result of such arrangement. No additional compensation will be received by a borrowed employee. This policy shall not interfere with the normal conditions of employment which requires an employee to perform work in other county departments as part of his regular duties.

(Ord. No. 94-023, § 14, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-15. Overtime.

(a) Overtime for other than law enforcement, detention, and emergency response employees is defined as time worked over 40 hours in a given seven-day workweek beginning Saturday midnight. All overtime worked in every department must have the prior approval of the county administrator, except in cases where emergency situations occur. Accounting for overtime for all departments shall be done on the official payroll time sheets. Overtime for law enforcement, detention, and emergency response employees, however, shall be based on a 28-day cycle with overtime being any hours worked in excess of 171 hours for law enforcement employees and emergency response employees during the cycle. All overtime shall be paid or compensated for in accordance with the FLSA.

(b) The payment in cash for overtime will be made only for hours worked over and above a 40-hour, seven-day workweek for other than law enforcement, detention, and emergency response employees. Overtime payment for covered nonexempt law enforcement, detention, and emergency response employees will be made only for hours worked over and above 171 hours, respectively, during a 28-day cycle.

(c) Hours worked in excess of those listed in the preceding paragraphs is considered overtime for pay purposes. Pay for vacation time, sick leave, holidays, etc., is not pay for time worked and is, therefore, not considered as hours worked for purposes of overtime computations. Pay for overtime hours worked shall be at the rate of one and one-half times the employee's hourly rate of pay.

(d) Compensatory time off for overtime hours worked may be provided in lieu of immediate overtime pay in cash in accordance with appropriate current FLSA rules, at the option of the county administrator, for covered nonexempt employees.

_____ (1) Covered nonexempt employees shall be granted compensatory time for overtime hours worked at rate of one and one-half hours for each hour of overtime worked subject to the following provisions:

_____ a. The maximum compensatory time which may be accrued by any affected employee shall be 480 hours (i.e., not more than 320 hours of actual overtime hours worked) for those engaged in law enforcement, detention and emergency response activity, and 240 hours (i.e., no more than 160 hours of actual overtime hours worked) for all other employees. An employee who has accrued the maximum number of compensatory hours shall be paid overtime compensation in cash for any additional overtime hours of work.

b. An employee shall be encouraged to use accrued compensatory time within a reasonable period, e.g., within 30 days, if to do so would not unduly disrupt the operations of the work site.

c. Nonexempt employees having accrued compensatory time upon termination of employment shall be paid for such time which shall be calculated at the average regular rate of pay for the final three years of employment, or the final regular rate received by the employee, whichever is higher.

d. Compensatory time off is encouraged with covered nonexempt employees when it is given within the same workweek and for law enforcement, detention, and emergency response employees within a 28-day cycle to avoid an overtime situation from occurring.

(2) Exempt employees shall not receive payment or compensatory time off for hours worked, travel time, attendance at meetings, etc., in excess of the normal workweek. However, exempt employees who are required to work on an authorized holiday shall be given a compensatory day off at another time.

(e) Under limited circumstances, employees who work in the same department may, at their option, substitute (trading time) work hours provided that such substitution has prior approval by the immediate supervisor(s) of each employee involved and that the employees are substituting an equivalent number of work hours.

(Ord. No. 94-023, § 15, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-16. Official holidays.

(a) The following shall be observed as official paid holidays for the employees of the County of Anderson:

(1) New Year's Day;

(2) Martin Luther King's Birthday;

(3) George Washington's Birthday;

(4) National Memorial Day;

(5) Independence Day;

(6) Labor Day;

(7) General Election Day (during election year);

(8) Veteran's Day;

(9) Thanksgiving Day;

(10) Day after Thanksgiving;

(11) Christmas Day;

(12) Day after Christmas;

(13) Any other day proclaimed as a holiday by the Governor of South Carolina.

(b) For each paid holiday, each regular employee shall receive a holiday allowance equal to his/her normal pay for one workday. This time shall not be counted as hours worked for the purpose of computing overtime.

(c) Whenever a holiday falls on a Saturday, the preceding Friday shall be observed. If a holiday falls on a Sunday, the following Monday shall normally be observed as a holiday.

(d) An employee who is required to work on an official holiday may be paid at his/her regular straight-time rate for all hours worked. The division head shall have the option of either granting a day off with pay within the next 30 days or granting the regular holiday allowance in addition to the pay for hours worked with the approval of the county administrator.

(e) A regular, full-time employee who works a 12-hour shift and is scheduled to work on a holiday shall receive a holiday allowance equal to his/her normal pay for one 12-hour workday. This time shall not be counted as hours worked for the purpose of computing overtime. The employee shall also receive his/her regular pay for the work period. Further, when a holiday falls on a Saturday or Sunday, the 12-hour-shift employee who works the Saturday or Sunday shall receive the

holiday allowance therefor and not for the Friday or Monday on which the other county employees are off.

(Ord. No. 94-023, § 16, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-17. Seniority.

Seniority is an employee's length of service with the county dating from the employee's last hire date. Seniority is important to employees because it determines eligibility for certain benefits such as vacations. Also, in other employment-related matters, the county will reward length of service by seeking to favor long-service employees, other factors being equal.

_____ (1) *Introductory employees.* Newly hired employees do not accumulate seniority until they have satisfactorily completed their three-month introductory period and have been classified as regular employees. Their hire date will then become their seniority date.

_____ (2) *Interruptions in service and loss of seniority.*

_____ a. All terminations, regardless of cause, and layoffs exceeding six months shall be an interruption in service.

_____ b. Employees who are laid off, subsequently recalled, and report back to work prior to the expiration of six months from their date of lay off shall not have an interruption or break in their seniority.

_____ c. Employees who are laid off for a period exceeding six months and subsequently rehired will have their seniority date adjusted to give them credit for prior service after again satisfactorily completing the three-month introductory period.

_____ d. Employees who voluntarily terminate their employment (resign, quit, job abandonment, etc.) or are discharged for cause, and subsequently are rehired shall not receive seniority credit for prior service. Their seniority shall begin with their new hire date after satisfactory completion of the introductory period.

(Ord. No. 94-023, § 17, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-18. Annual leave.

(a) *Purpose.* It is the policy of the county to provide paid annual leave affording opportunity for healthful rest and relaxation to all regular, full-time and to all regular, part-time employees who are scheduled to work at least 30 hours per week.

(b) *Rate of earnings.* All regular employees who are scheduled to work at least 30 hours per week shall be entitled to annual leave with pay. Annual leave may not be taken during the introductory period; however, such leave will accrue from the date of initial appointment. Accordingly, such annual leave shall accrue to the employee on a bi-weekly basis starting with the first payroll period according to the following schedule:

_____ (1) Eligible employees with less than five years of continuous service shall receive credit for three and seven-tenths hours per pay period.

_____ (2) Eligible employees with five or more but less than ten years of continuous service shall receive credit for five and five-tenths hours per pay period.

_____ (3) Eligible employees with ten or more but less than 20 years of continuous service shall receive credit for seven and forty-two hundredths hours per pay period.

_____ (4) Regular employees with 20 or more years of continuous service shall receive credit for nine and twenty-five hundredths hours per pay period.

_____ (5) All eligible employees who work 12-hour shifts shall accrue annual leave at rates of four and sixty-two hundredths, six and forty-six hundredths, eight and thirty hundredths, and ten and fifteen hundredths hours respectively per pay period based on the provisions of subsections (1), (2), (3), and (4) above.

_____ (6) No annual leave accrual shall be permitted for an employee while on leave without pay or during suspension for disciplinary purposes, nor shall any annual leave accrued for unexcused absences, or when an employee is on a nonpay status. Annual leave shall accrue, however, to an employee while on authorized annual, sick, or other leave with pay.

_____ (7) Annual leave shall be granted on a pro rata basis to regular, part-time employees.

(c) Use of annual leave.

- _____ (1) Annual leave time may not be used or charged in units of less than one-half hour.
- _____ (2) All eligible employees are encouraged to take at least one workweek, five continuous workdays, of paid annual leave each fiscal year. Eligible employees who work 12-hour shifts are encouraged to take at least two continuous 12-hour shifts of paid annual leave each fiscal year.
- _____ (3) Except in the case of an emergency, all annual leave time must be approved a minimum of 48 hours in advance by the employee's department head. Whenever possible, an employee wishing to take more than four hours of annual leave time should request approval at least one week in advance. All annual leave must be requested through channels by the completion of an employee request form.
- _____ (4) Whenever possible, employees will be allowed to take paid annual leave at times most convenient to them.
- _____ (5) The department heads shall request their annual leave of the county administrator or his designee who shall grant same.
- _____ (6) Elected officials or those appointed by an authority outside of county government may take leave whenever they wish and which is convenient to them.
- _____ (7) When a paid holiday is observed by the county during the period an employee is on paid vacation, the employee shall receive only his/her regular holiday pay and that day shall not be charged against the vacation earnings.
- _____ (8) Should an employee become ill during a period of annual leave, he/she shall be charged with sick leave rather than annual leave subject to the provisions of the sick leave policies contained herein.
- _____ (9) Pay in lieu of annual leave is not permitted.

(d) Carryover and payout of vacation earnings.

- _____ (1) Up to the equivalent of 30 days (240 hours) of unused annual leave may be carried forward from one calendar year to the next. All over the equivalent of 30 days (240 hours) of annual leave will automatically be lost at the end of each calendar year, except in the case where the county administrator approves in writing a carryover of annual leave in excess of 30 days.
- _____ (2) When an employee's employment with the county is terminated the employee shall be paid at his/her regular straight time rate for all hours of unused annual leave, not to exceed 60 days (480 hours)¹ provided the employee has successfully completed his/her introductory period with the county. In the event of the death of an active employee, this payment shall be made to his/her legal representative.

(e) Attendance records.

- _____ (1) An attendance record shall be submitted by each employee to the department head and forwarded to the finance department and the respective department heads. This record shall reflect all hours worked and/or not worked (i.e., sick leave, vacation leave, civil leave, etc.) for all nonexempt employees. Only the hours not worked will be recorded for all exempt employees. Exempt and nonexempt employees will be as defined by the Fair Labor Standards Act regulations, as amended, and identified by the personnel administrator. An employee's record shall be made available to him/her for inspection upon request.
- _____ (2) The head of each department shall be responsible for the completion of a bi-weekly attendance report for his/her department. This may be reviewed by the division director. This report shall be sent to the finance department no later than noon on the Monday following the last Saturday in the time sheet cycle.

(Ord. No. 94-023, § 18, 10-4-94; Ord. No. 98-018, 10-20-98)

¹**Note to reader:** Maximum accruable leave in a one-year period by an employee with 21 or more years of service who carries 30 days over into the fiscal year.

Sec. 55-19. Sick leave policy.

- (a) *Purpose.* It is the policy of the county to provide reasonable time off with pay, up to the amount of unused sick leave earnings, to employees who are unable to work due to personal illness or injury. Each elected or appointed department/division head shall have the responsibility of enforcing this sick leave policy.

(b) *Rate of earnings.* All regular employees who are scheduled to work at least 30 hours per week shall earn credits for paid sick leave at the rate of three and seven-tenths hours (four and sixty-two hundredths hours for 12-hour shift employees) per pay period of continuous service. No sick leave for regular part-time employees will be accrued for weeks in which less than one-half of the normal workweek is worked. There is no qualifying period for sick leave; consequently, employees will begin accruing this type leave immediately upon employment and may take it in accordance with their accrual during the introductory period. Up to the equivalent of 90 days (720 hours) of unused sick leave earnings may be carried forward from one calendar year to the next. All over this equivalent will automatically be lost at the end of each calendar year.

(c) *Use of sick leave.*

- _____ (1) Sick leave will not be used or charged in units of less than one-half hour.
- _____ (2) Sick leave may be paid when an employee is unable to work due to personal illness or injury, or when the employee's presence may endanger the health of fellow workers.
- _____ (3) Sick leave may be taken for medical and dental appointments.
- _____ (4) Sick leave may be used to cover the absence of an employee when it is necessary for that employee to care for a spouse, child, or parent (as those terms are defined in the Family and Medical Leave Act) with a serious illness or injury. Paid sick leave to care for a spouse, child, or parent will be limited to three days at any one time and to a maximum of six days per calendar year. However, the employee may qualify for additional unpaid family leave pursuant to the Family and Medical Leave Act.
- _____ (5) When a paid holiday occurs during the period an employee is on sick leave with pay, the employee shall receive only his/her regular holiday pay and that shall not be charged against his/her leave earnings.
- _____ (6) Upon returning to work from sick leave, an employee shall complete and sign an employee request form covering the period of absence and submit same through channels for approval.

(d) *Payment of sick leave.*

- _____ (1) In order to be eligible for sick leave with pay, an employee must:
 - _____ a. Report to his/her supervisor within 30 minutes of the scheduled starting time the reason for the absence. An employee who fails to notify his/her supervisor shall not be paid for the time taken prior to notification. (Except in cases of emergency where such notification is not possible.)
 - _____ b. Keep his/her supervisor informed of his/her condition if out sick more than one workday. Failure to keep the supervisor informed as to his/her condition while on a leave of absence can result in disciplinary action, up to and including termination of employment.
 - _____ c. If the absence is in excess of three consecutive working days, present a written statement by a licensed physician certifying that the employee's condition prevents him/her from performing the duties of his/her position. At his/her discretion, however, the employee's department head may, with the division head's approval, at any time, request written verification by a licensed physician of an employee's absence due to illness or injury if there is reason to suspect abuse of the privilege. Failure to provide this written verification may result in loss of pay for the time absent from work and/or termination of employment.
- _____ (2) Upon leaving county employment, for whatever reason, an employee will not be paid for any unused sick leave.

(d) *Long-term illness.*

_____ (1) *General.* After an employee has used all accrued sick leave credits, he/she may elect or be required by the county to use his/her vacation leave before being placed on leave without pay. At the discretion of the county, an employee may be entitled to remain on leave (paid and/or unpaid) for up to one year from the last day worked. Also, see Family and Medical Leave Act of 1993.

_____ (2) *Maternity leave.*

_____ a. Any regular full-time or part-time employee may be granted maternity/paternity leave for a period not to exceed 12 workweeks in accordance with the Family and Medical Leave Act of 1993. An employee shall report her condition to her immediate supervisor as soon as pregnancy has been confirmed.

b. All other sections of this sick leave program apply to maternity leave, including use of sick leave and annual leave earnings prior to being placed on leave without pay status.

(3) *Returning to work.* The position held by an employee may be held open while he/she is on an extended medical leave by redistributing the work among the other employees in the department or by filling the position on a temporary basis, if possible. If it becomes necessary to fill the position on a regular basis in order to ensure continued smooth operation of the department and maintain a high level of quality in the delivery of services to the citizens of the county, the employee shall be notified immediately that the county will attempt to place him/her in a position of like status and pay when he/she is able to return to work. The employee's reemployment rights under the Family and Medical Leave Act of 1993 may differ from the foregoing.

(Ord. No. 94-023, § 19, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-20. Administrative leave.

(a) *Bereavement leave.*

(1) If a death occurred in the immediate family of a regular, full-time county employee, up to three days of leave with pay may be granted at the discretion of the department head with division head approval. If additional time is needed, the employee may utilize accrued annual leave upon approval of the department/division head. The definition of immediate family will be as set forth in section 55-5.

(2) At the discretion of the department head and upon the approval of the division head, an employee may be granted reasonable time off to attend a funeral. There shall be no loss of pay if the time is less than two hours and is made up during the same workweek.

(b) *Inclement weather.*

(1) If inclement weather occurs during a working day, and it is determined by the county administrator after consultation with knowledgeable sources that driving conditions may become extremely hazardous, the county administrator may authorize county employees to leave work before the usual closing time without loss of pay or leave time.

(2) If inclement weather occurs during nonworking hours, hours of operation of county offices may be altered by the county administrator after consultation with knowledgeable sources. County employees will be granted administrative leave with pay as long as hazardous conditions exist, as determined by the county administrator. Announcing of operational plans will be made by radio and television.

(3) If inclement weather occurs during nonworking hours, the county will endeavor to notify local radio stations between 7:00 a.m. and 7:30 a.m. as to when the hours of county operation are to be altered. If regular hours of operation are not to be altered, no announcement will be made.

(4) If hazardous weather conditions make it impossible for an employee to report for work at his/her place of work (job), or the employee arrives late or leaves early due to these conditions, the employee shall be allowed, at the discretion of the department head, to:

a. Make up the time lost from work at a time scheduled by the department head.

b. Take the time off without pay.

c. Take the time off as vacation time.

(5) This policy applies to all county employees of elected or appointed departments except those exempted by the county administrator (e.g. sheriff's department and public works employees).

(c) *Bomb threats.* If a bomb threat is received during working hours in any county building, evacuation thereof will be in accordance with the bomb threat plan prepared by the office of disaster preparedness. No employee will be excused from work as a result of an evacuation without the approval of the county administrator. Accordingly, employees will be required to remain in designated evacuation areas until given clearance to either return to their respective work sites or otherwise given permission to leave work. Failure to abide by this policy will result in an employee's having to take annual leave or being placed on leave without pay.

(Ord. No. 94-023, § 20, 10-4-94; Ord. No. 98-008, 5-5-98; Ord. No. 98-018, 10-20-98)

Sec. 55-21. Military leave.

(a) In accordance with state law, all employees who are members of the South Carolina National Guard or any reserve unit of the United States Armed Forces shall be entitled to military leave without loss of pay, efficiency rating, or other benefits for up to 15 regularly scheduled workdays in any one calendar year so that they may participate in training or other such duties ordered by the appropriate authority. In addition, if these employees are ordered by appropriate authority to serve during an emergency, they shall be entitled to such leave for not exceeding 30 additional regularly scheduled workdays.

(b) An employee going on military leave shall notify his/her elected or appointed department head immediately but not more than three days after receiving notification of duty necessitating such leave and shall provide necessary documentation as soon after it is available as possible.

(c) Further, federal law provides that employees will be granted an unpaid leave of absence, upon request, to perform active duty for training or inactive duty training with the Armed Forces of the United States or the National Guard and shall be entitled to reinstatement with the employer after performing such duty. Further, still, persons performing certain military duties or training with the Armed Forces of the United States or a reserve component thereof shall be entitled to federal reemployment rights if they meet the requirements and criteria therefor. The county complies with all federal laws explicitly. The county personnel office will provide additional details on request.

(Ord. No. 94-023, § 21, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-22. Civil leave.

(a) *Jury duty.* All regular county employees selected for jury duty shall be entitled to civil leave with pay for the period of absence required. 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/she will be required to report for duty at the regular place of work if there are at least two hours left in the workday, or he/she will be charged annual leave 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 all fees received as a juror.

(b) *Official court attendance.* All regular employees subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the county, state or federal government shall be entitled to leave with pay for such period as his/her court attendance may require. Any fees paid for such service may be retained by the employee.

(c) *Private litigation.* Absence of a county employee to appear in private litigation in which he/she is a principal party shall be charged to annual leave or to leave without pay.

(Ord. No. 94-023, § 22, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-23. Educational leave.

The county encourages all regular employees to continue their education in order to maintain and improve skills and knowledge required in current positions or which will prepare employees for assuming additional responsibilities with the county in the future. Accordingly, the county will grant unpaid educational leave pursuant to the following terms:

_____ (1) *Eligibility.*

_____ a. Regular, full-time employees who have satisfactorily completed at least one year of continuous employment during the employee's current period of employment.

_____ (2) *Approved courses.*

_____ a. Courses at an accredited institution which will aid the employee in his/her current job or a county job to which he/she might reasonably be transferred or promoted.

_____ b. Courses at an accredited institution leading to a certificate, diploma, or degree, provided that the certificate, diploma, or degree program will aid the employee in his/her current job or a county job to which he/she might reasonably be transferred or promoted.

_____ (3) *Educational leave without pay.*

_____ a. *Definition:* Full or part-time leave without pay to take approved courses.

_____ b. *Approval:* Such leave must be approved in advance by the employee's department head and the county administrator.

_____ 1. The employee must submit a letter of request to his/her department head at least 30 days prior to the first day of leave being requested or within five days after being notified of acceptance for admission by the school, which ever is later.

_____ 2. The letter of request must include:

_____ i. A statement of the type and purpose of the leave.

_____ ii. When the leave would start and how long it would last.

_____ iii. An attached copy of the letter of acceptance from the school to be attended.

_____ iv. Other information that may be helpful to those reviewing the request for approval.

_____ 3. The employee's request shall be either approved or disapproved and the employee so notified within ten working days after receipt of the request by the department head.

_____ c. *Term of leave:* Leave may be approved for up to 12 consecutive months. Leave may be extended for up to an additional six consecutive months maximum beyond the initial 12 months with approval of the county council.

_____ d. *Return to work after leave:* Upon successful completion of the courses taken for which the leave was approved, the county may reinstate the employee to his/her former position, a position of like status and pay, or any other available position for which the individual is qualified.

(Ord. No. 94-023, § 23, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-24. Leave without pay.

The county administrator, upon the advice of elected or appointed department/division heads, may grant leave without pay for a period not to exceed six months, when it is in the best interest of the county. Normally, such leave will be granted only under unusual and extenuating circumstances and where the employee has no other leave, paid or unpaid, available. When the leave without pay expires, a person may be reinstated to the position he/she vacates if such position still exists or to some other available position for which he/she is qualified if the position no longer exists. If he/she does not report back to work within three working days after the leave is ended, the employee is said to abandon the job and is terminated unless the employee notifies his/her supervisor that they are ill or have another circumstance that will warrant an extension by the county administrator.

(Ord. No. 94-023, § 24, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-25. Family and Medical Leave Act of 1993.

(a) *General.* The Family and Medical Leave Act (FMLA) provides that employees who have worked for the county for at least 12 months and at least 1,250 hours during the prior 12 months may take up to 12 weeks of unpaid leave in a 12-month period for one or a combination of the following reasons:

_____ (1) The birth and/or care of a newborn child of the employee (leave must be taken within 12 months of the child's birth).

_____ (2) The placement of a child with the employee through adoption or foster care (leave must be taken within 12 months of the child's placement).

_____ (3) In order to care for the employee's spouse, child, or parent who has a serious health condition.

_____ (4) A serious health condition which renders the employee unable to perform the essential functions of his or her position. In the case of a medical leave that lasts in excess of 12 weeks pursuant to county policy, the benefits and reinstatement provisions set forth below may not apply.

The county measures the "12-month period" for FMLA purposes on a rolling calendar basis. Therefore, any FMLA-qualifying leave taken in the 12-month period preceding the commencement of any requested leave will operate to reduce an employee's entitlement to leave under the FMLA.

(b) *Application.* An eligible employee must apply for FMLA leave in writing at least 30 days before the leave is to commence or as soon as possible if 30-days notice is not possible. Appropriate forms must be submitted to the personnel

a. Course content:

1. Individual courses not part of a degree program: The course must be one that has a direct relationship to the employee's job or to a job the employee might reasonably be expected to move.

2. Courses taken as part of a degree program: In such cases, if an individual course does not meet the job relationship criteria set forth in "a." above, but the degree program does, then the course would qualify for educational assistance.

b. Department head responsibility: The department head, in consultation with the employee requesting assistance, will determine if the course or degree is properly job-related. The department head will also make a recommendation as to whether the employee demonstrates the capacity to carry their full work schedule as well as the course work.

c. Course load: Assistance may not be granted for more than two courses at a time.

d. Approvals:

1. Approval for educational assistance must be obtained in advance of the beginning of the course.

2. The employee will submit a request for assistance using the appropriate form provided. The request must be approved by the employee's department/division head.

3. Approval of a request for educational assistance will also be contingent upon the availability of the funds for this purpose.

e. Satisfactory completion of course work:

1. Evidence of course completion and expenditures: To qualify for educational assistance, the employee must obtain the approvals set forth above and must submit evidence of satisfactory completion of the course (transcript from the educational institution) with a grade of "C" or better within 30 days after completion of the course. This must be accompanied by receipts of payment for tuition, fees, and books.

2. The evidence submitted will be examined by the county administrator (or designee) and, if found to be in order, reimbursement of course expenses will be approved.

3. Reimbursement amount: Reimbursement will be 80 percent of the cost of tuition and fees (i.e., lab fees, etc.) plus 100 percent of the cost of the required textbook(s) for the course.

f. Training required by the county: When the county requires an employee to take special courses, either through educational institutions or other media internally or externally, the cost of such course or programs, including textbooks, fees, and travel expenses, will be entirely paid by the county. However, if an employee voluntarily terminates his/her employment with the county within one year of the completion of the course, he/she will be required to reimburse the county for all expenses paid in association with the course.

g. Approved educational institutions: Courses taken by employees at their initiative and not required by the county must be taken at an accredited business school, technical school, high school, college, or university in order to receive educational assistance.

(4) *Memberships; professional and civic organizations.*

a. County council may allow department/division heads and supervisors to join professional and civic organizations when, in the council's judgment, the membership contributes to the individual's professional growth.

b. The county will pay 100 percent of approved annual membership-related expenses.

(Ord. No. 94-023, § 26, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-27. Payroll changes.

Any action which will affect an employee's base pay, status, or identification shall be promptly reported to the county

personnel administrator by the submission of a personnel action form by the department head. No changes shall be made without an approved personnel action form from the county administrator or his designee.

(Ord. No. 94-023, § 27, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-28. Retirement.

(a) *Participate in state system.* Anderson County participates in the South Carolina Retirement System and the South Carolina Policy Officers' Retirement System. Membership upon employment is mandatory for all full-time, part-time, and temporary personnel who fill a permanent position. Persons filling a temporary position, whether in a full-time or part-time capacity, have the option of membership. The effective date of enrollment in the retirement system is the date of the employee's appointment to regular county service.

(b) *[Details upon employment.]* All provisions and procedures of the retirement system shall be those of the above-cited systems. All eligible employees shall be provided with the details of the systems upon employment.

(Ord. No. 94-023, § 28, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-29. Disciplinary action.

(a) *Purpose.* The guidelines set out in this section are provided so that should it become necessary for an elected or appointed department head to take disciplinary action against an employee, such discipline will be administered in a consistent manner without regard to race, color, religion, age, sex, disability, or national origin.

_____ (1) In the application of discipline under the terms of this policy, the following guidelines should be followed:

- _____ a. The purpose of discipline is to correct not to punish.
- _____ b. The severity of the discipline should be appropriate for the seriousness of the misconduct--Not too lenient nor excessive.
- _____ c. Where more than one instance of discipline is necessary to correct misconduct, the discipline should be progressively more severe to impress upon the employee that the misconduct must be corrected.
- _____ d. The discipline should be timely--As soon as possible and reasonable after the event giving rise to the need for discipline, but allowing time for proper investigation and decision on the discipline to be administered.
- _____ e. The severity of the discipline should be consistent with that administered to other employees under the same or similar circumstances.

(b) *General.*

_____ (1) Disciplinary actions may be prescribed by a department head when, in his/her opinion, an employee's work performance or actions are sufficiently below standards so as to be detrimental to the county and/or the employee or if the employee violates county policies and/or ordinances which allow disciplinary action.

_____ (2) The county reserves the right to take any form of disciplinary action against any employee at any time. In general, the four types of disciplinary actions which may be taken in regard to regular employees are as follows:

- _____ a. *Oral warning.* In certain instances of substandard performance or conduct, an oral discussion between the employee's department/division head and the employee may be sufficient to correct the situation. In such cases, the department head need not fill out any formal written notice, and there need not be any documentation placed in the employee's personnel file; however, the department/division head may make an informal note for his/her own records in case the corrective action sought is not forthcoming.
- _____ b. *Written warning.* This action should take the form of a written notice of reprimand written by the employee's department/division head and given to the employee. This notice shall state clearly the reasons for the reprimand and provide for the employee's signature acknowledging receipt thereof. A copy of this notice should be retained by the department/division head with an additional copy sent to the personnel department to be filed in the employee's personnel file.
- _____ c. *Suspension.* This action may be taken as a disciplinary measure when the action and/or behavior of an employee is serious enough to warrant more than a written reprimand but less than discharge. It shall clearly state the reasons, duration, and actions to be taken (discharge) if the action and/or behavior or

similar actions/behavior are repeated. As with the written reprimand, this notice shall provide for the employee's signature acknowledging receipt thereof. The original shall be given to the employee, a department copy retained, and a copy forwarded to the personnel department.

d. *Discharge.* If the employee's action, in the judgment of the employee's department/division head warrants, the employee may be discharged. Written notice shall be given to the employee giving the reasons and effective date of discharge subject to the provisions for involuntary termination. This notice shall also provide for the employee's signature acknowledging receipt thereof. In cases where notification must be mailed, it shall be sent by certified mail, return receipt requested, and the signed return receipt retained. The original shall be given (or mailed) to the employee, a department copy retained, and a copy forwarded to the personnel department along with a properly executed personnel action form for processing.

(3) Any regular employee may seek an appeal of any perceived unjust disciplinary action taken against him/her through the grievance procedures established herein.

(4) Supervisors may consider the following factors in addition to the facts related to the misconduct being dealt with when making a decision on the appropriate disciplinary action to take.

a. Length of service.

b. Records of other disciplinary action in the employee's personnel file.

c. Similar misconduct of other employees and the discipline administered to them.

d. The employee's attitude following the misconduct.

(5) If the misconduct is of such a serious nature that the supervisor or administrator feels the individual(s) involved should be removed from work until the matter is investigated, the individual may be suspended from work without pay until a decision on discipline is reached. If it is later determined that the suspension was improper or not appropriate, the individual will be reimbursed for the time lost from work due to suspension. An employee who is suspended pending investigation of misconduct may be temporarily transferred to an available position for which he/she is qualified, provided such transfer is approved by the county administrator.

(c) *Rules of conduct.* Employees are expected to observe established rules of work and conduct. Accordingly, violations thereof are subject to disciplinary action pursuant to this policy.

(Ord. No. 94-023, § 29, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-30. Grievance procedure and discrimination resolution.

(a) *Intent.* It is our policy to provide a means to resolve situations or problems that may arise from the employment relationship.

(b) *Employee rights.*

(1) All regular employees who think or feel they have been treated improperly or unlawfully are entitled to present a grievance or appeal, without fear of recrimination. Former regular employees may appeal dismissal.

(2) To resolve a grievance or appeal without undue delay.

(3) All covered employees are made aware of their rights under this policy.

(c) *Grievance committee.* The county administrator shall appoint a five-member grievance committee.

(1) *Term.* The term of a committee member is three years, except at time of initial committee formation, when one member will be appointed for one year and two committee members will be appointed for two years. Interim appointments to replace a committee member shall be for the unexpired term.

(2) *Representation.* Members are selected on a broadly representative basis (management and non-management employees) from the various departments and agencies.

(3) *Presiding officer.*

a. The committee members will annually elect a chairperson to serve as the presiding officer of all hearings and procedures conducted by the committee. When the chairperson is unable to attend a hearing, he/she will select another committee member to serve as the presiding officer.

b. The presiding officer will have control of the proceedings of hearings. He is responsible for taking whatever action is necessary to ensure an equitable, orderly, and expeditious hearing. All parties will abide by his decision, except when a committee member objects to a decision to accept evidence, in which case the majority vote of the committee will govern.

(4) *Hearing procedures.*

a. The hearing board shall consist of the five members of the grievance committee. A quorum consists of four members. Committee members who are employed in the same department or agency as the grieving employee will not serve as hearing board members.

b. The hearing board has the authority and discretion to call for files, records, and papers pertinent to any investigation; to determine the order of testimony and the appearance of witnesses; to call additional witnesses; and to secure the services of a recording secretary. Repetitive, cumulative, or irrelevant testimony will not be allowed, and the scope of the hearing shall be narrowly limited to the specific subject of the grievance.

(d) *Grievance/appeal procedures.*

(1) Step one discussion between employee and immediate supervisor.

a. The employee should first discuss the problem or grievance with his/her immediate supervisor within 15 calendar days of the action or incident which is the subject of the grievance. If the situation concerns the employee's immediate supervisor, the employee may go directly to the department head.

b. The supervisor will investigate the matter and seek an appropriate solution to the situation. The supervisor may seek advice and counsel from the higher level of management. A response to the employee will be provided within five working days.

(2) Step two discussion between employee and department/division head.

a. If the supervisor is unable to resolve the situation, or if the employee is not satisfied with the solution, he/she may present the matter to the department division/head.

b. The department head will investigate the problem, collecting all relevant facts, and provide the employee with a response within five working days.

(3) Step three hearing before the grievance committee.

a. If the department head is unable to resolve the situation or if the employee is not satisfied with the solution, he/she may submit a written request to the county administrator for a hearing by the grievance committee.

b. The county administrator will coordinate with the chairperson of the grievance committee to schedule a hearing within ten working days of receipt of an employee's written request.

c. Reports of findings and decisions. The committee will submit to the county administrator a report of its findings and decisions within 20 calendar days after the hearing.

d. The county administrator will review the committee's report and either approve or reject the decision.

i. If approved, the committee's decision becomes final, and the chairperson of the committee will provide copies of the decision to the county administrator, employee, and the department/division head.

ii. If the committee's decision is rejected, the county administrator will make his/her own final decision without further hearing. Copies of this decision will be provided to the employee, the department/division head and the grievance committee chairperson.

(Ord. No. 94-023, § 30, 10-4-94; Ord. No. 95-014, § 1, 6-6-95; Ord. No. 95-025, § 1, 12-5-95; Ord. No. 97-007, 3-18-97; Ord. No. 98-018, 10-20-98)

Sec. 55-31. Travel and subsistence allowance.

(a) *Statement of policy.* When employees of the county are required to travel on official business, the county will pay reasonable amounts for transportation, meals, and lodging. As a general rule, overnight travel is not allowed for

destinations within a 50-mile radius of the employee's normal work location. Exceptions must be approved by the county administrator. The county will make reasonable expense allowance to cover travel-related cost of approved travel in amount that neither reward or penalize the employee.

(b) *Transportation costs.*

_____ (1) The county may purchase tickets in advance for employees traveling by common carrier. All employees shall travel in tourist class whenever possible.

_____ (2) Employees who, with proper authorization, use their personal vehicles may be reimbursed at the rate per mile established by the state. When two or more employees travel in the same vehicle, only the individual who owns the vehicle will be reimbursed for travel.

_____ (3) Employees may be reimbursed upon proper receipt for all ferry, bridge, road, and parking tolls. Receipts for taxi fares are not required; however, taxi expenses must be itemized on the expense report.

(c) *Meal allowance.* Employees may be reimbursed for actual meal expense incurred while traveling not to exceed a total of \$28.00 per day. Reimbursement for meals will only be provided for overnight out of town travel. Employees on out of town overnight travel status for only a portion of the day will be reimbursed by the following schedule:

_____ (1) *Departure.* If you leave prior to 8:00 a.m., the per diem would be \$28.00; if you leave after 8:00 a.m. but before noon, the per diem would be \$23.00; departure after noon but prior to 6:00 p.m., the per diem would be \$15.00.

_____ (2) *Return day.* After 8:00 p.m., per diem \$28.00; prior to 8:00 p.m. but after 2:00 p.m., per diem \$13.00; prior to noon but after 8:00 a.m, per diem \$5.00.

_____ (3) *Same-day trips.* Employees may be reimbursed for actual out-of-pocket meal expenses, including tips incurred while traveling to an approved out-of-county meeting by the county administrator, according to the following schedule:

_____ a. Breakfast . . . \$5.00

_____ b. Lunch . . . \$8.00

_____ c. Dinner . . . \$15.00

_____ For these meals, receipts must be submitted.

(d) *Lodging.* When lodging is required, 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 may stay at the hotel or motel where the meeting is to be held. In all cases, the county will pay no more than the regular single room rate. Receipts must be presented for all lodging by submitting the original hotel/motel bill. If extra charges are assessed over the single room rate and the employee's family stays with him/her, they shall pay the difference in the charges.

(e) *Advances.* Travel advances may be made to cover anticipated travel expenses with the approval of the county administrator. They must be on the appropriate form.

(f) *General.* All travel must be authorized by the department/division head and be within the budgeted dollars of that department or division. Accordingly, all expenses must be supported by an expense report. Travel expense report forms will be furnished by the finance department. These forms must be used for all travel reimbursements and filled out completely as applicable. The expense report shall be signed and dated by the individual, approved by the department/division head, and returned (with all applicable receipts and any unused advanced travel funds) to the finance department. Travel expense reports for daily recurring travel shall be submitted as a group by each department head with approval by the division head.

(g) *Penalty for noncompliance.* If any employee fails to submit a travel expense report under the regulations stated in subsection (f) above, they shall forfeit their expenses for daily recurring travel for that submission.

(h) *Travel expense allowance.*

_____ (1) Mileage allowance for privately owned vehicles shall be the same as that paid to employees of the state of South Carolina and shall be based on odometer readings and consistent with standard highway mileage guides showing distances from point to point.

_____ a. Employees will be paid the mileage for approved private vehicle travel from the employee's home or office to a terminal and/or from a terminal to the employee's home or office.

- _____ (2) Parking fees are allowed expenses for parking at a common carrier terminal or other parking area.
- _____ (3) Air travel will only be paid for less than first-class accommodations when available. Otherwise, the lowest first-class rate will be paid.
- _____ (4) Commercially rented vehicles and other special conveyances shall be allowed only when the use of other available modes of transportation will not be more advantageous to the county.
- _____ (5) Taxi and limousine fares are allowed expenses when in approved travel status and properly justified.
- _____ (6) Traffic violations. The county will not assume responsibility for traffic violations or parking tickets incurred during the operation of a county vehicle or privately owned vehicle, nor for traffic accidents involving use of privately owned vehicles on county business.
- _____ (7) Meals.
 - _____ a. Trips within county jurisdiction. No allowance unless the meals are "working sessions" or for night meals when it would be unreasonable to assume the employee should wait until returning home to eat dinner.
 - _____ When a "working session" includes a meal period or meal periods during which county business is conducted, meal expenses will be allowed if approved orally in advance by the appropriate department/division head. Maximum allowance for such meals is cited above.
 - _____ b. Meal costs incurred by employees for representatives of state or federal agencies and local officials will be an allowed expense if prior approval has been obtained from the appropriate department/division head.
 - _____ c. When meals are provided as part of the registration fee for conferences, conventions, seminars, etc., the daily allowable meal expense will be accordingly reduced.

(Ord. No. 94-023, § 31, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-32. Regulations for driving county vehicles and reporting accidents.

- (a) Employees using county-owned vehicles shall be expected to drive them as if they were their personal vehicles. Employees shall be expected to possess a valid driver's license and obey all traffic rules and regulations, plus any special regulations that may emanate from time to time from the county administrator.
- (b) Any employee involved in an automobile accident involving a county vehicle or receiving a citation for a traffic violation while driving a county vehicle shall pursue each of the following steps (if applicable), unless prevented by serious injury.
 - _____ (1) Immediately report by telephone to the county sheriff's department if within Anderson County.
 - _____ (2) Immediately report to other law enforcement agency, in whatever town, city, or county as applicable, where the accident occurs.
 - _____ (3) Make every effort to secure the following information from the other driver(s):
 - _____ a. Name and address;
 - _____ b. Name of insurance company and policy number; and
 - _____ c. License number of other automobile.
 - _____ (4) Make no statement which could be construed as an admission of fault or which might obligate the county or its insurance carrier.
 - _____ (5) Stay with the vehicle until it has been removed for repair or instructions are given to return to point of origin.
 - _____ (6) Notify department/division head as soon as practicable.
 - _____ (7) File an accident report with the finance department on a form provided upon request. This form should be filed as soon as possible, but must be within three days after the accident.

(c) Any employee involved in an automobile accident involving a county vehicle may be required to submit to a drug and/or alcohol test as set forth in section 55-52.

(d) Any employee who receives a citation for any traffic violation while driving a county vehicle or while on county business in any other vehicle shall be responsible for paying any fine imposed as result of such violation, except where the county administrator determines that the county should be responsible for the violation.

(Ord. No. 94-023, § 32, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-33. Use of oil company credit cards.

(a) Credit cards may be used for gas and oil purchases, emergency repairs, and normal travel expenses approved by the department/division head.

(b) All gas, oil, and repair requirements occurring during official automobile use on trips within the county shall be filled at county facilities established by the county administrator for that purpose. Deviations from the policy shall be allowed only with the approval of the finance manager.

(Ord. No. 94-023, § 33, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-34. Salary plan.

(a) *Pay range.* The pay schedule includes a series of salary ranges in annual amounts. Each range has a minimum or entering rate, intermediate rates, and a maximum rate. There are several main advantages to a system of ranges such as that presented. Some of these are as follows:

_____ (1) Opportunity is afforded county administrative officials to reward efficient and faithful employees for continued good or outstanding service.

_____ (2) Equal compensation may be provided for like work or equivalent responsibility.

_____ (3) Increased competency and effectiveness resulting from experience in a position can be rewarded by increased compensation.

_____ (4) Budgets can be prepared with ease and accuracy and payroll procedures can be simplified.

_____ (5) A framework is provided within which salaries may be set which will eventually compare satisfactorily with those of other public and private employers, when funds are made available.

(b) *Interpretation and application of the plan.* The pay ranges which have a minimum, midpoint, and maximum designation are intended to be gross annual base compensation to be paid by the county for regular, full-time employment in the various classes, except as noted. Regular, full-time employment is defined in section 55-5.

(c) *Other interpretations.* Where it is necessary to pay for part-time services, the hourly or part-time rate shall be set by the county administrator, or his designee, who will set up several classes of work and the rates for each class. The pay ranges do not include reimbursement for travel or other expenses incurred in connection with official business.

(d) *Use of pay range.*

_____ (1) New employees will normally be hired into a position at a rate between the minimum and midpoint of the salary grade to which the position is assigned. The actual rate paid should be based on the bona fide qualifications of the applicant and the estimated amount of training and time in the position that would be required for the individual to be fully qualified for the position. Because of the availability of applicants and other market factors, it could be necessary or appropriate to pay a rate below the minimum or above the midpoint in order to fill the position. Should this be the case, prior approval of the county administrator is required. Increases from lower to higher rates within a salary range shall be on the basis of merit except that cost of living increases approved by county council shall be across the board.

_____ (2) An applicant hired or employee promoted to a position in a higher grade who does not meet all of the established requirements of the position may be appointed with the approval of the county administrator at a training salary of five percent below the minimum starting salary during a period normally not to exceed six months. An employee in a trainee status shall continue to receive a reduced salary until successful completion of the specified training period or until the county administrator shall find that the trainee is qualified to assume the full responsibilities of the position.

(3) In order to improve productivity and provide an employee a means to improve his/her performance, the work performance of each classified employee shall be evaluated at least annually in accordance with the administrative procedure prescribed and/or approved by the county administrator. This evaluation will be for all regular, full-time employees. The evaluation will be the responsibility of the first-line supervisor and/or department/division head. These reports will be shared with the employee in an interview session. These evaluations shall be used to guide employees toward a better professional discharge of their responsibilities.

Performance appraisals are confidential and shall be made available only to the employee appraised, the employee's supervisor and department/division head, the personnel supervisor, and the county administrator.

(4) Regular merit increases may be granted to deserving regular employees whose work has exceeded the standards established for satisfactory performance and when such an increase will not exceed the maximum salary rate for the grade of the position. Merit increases shall be recommended by an employee's department/division head and shall be approved by the county administrator before becoming effective. An employee shall be considered eligible for a merit raise on his/her anniversary date of employment or any other date so designated by county council provided the council has approved funds for merit raises in that fiscal year.

(5) In order to improve morale, promote increased productivity, and/or encourage ingenuity, employees shall be given special recognition for exceptional achievement, performance, acts, suggestion and/or length of service. Similarly, county departments/offices shall also be given special recognition for demonstrated special achievements or services that reflect favorably upon the county. Such recognition shall be accomplished by the granting of incentive awards in accordance with administrative policies and procedures as shall be prescribed and/or approved by the county administrator.

(e) *Salary administration policies and controls.* The plan of administration presents the major policies and basic procedures recommended to govern the subsequent administration and maintenance of adequate salary levels under the classification and compensation plan.

(Ord. No. 94-023, § 34, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-35. Fringe benefits; social security benefits.

All county employees are covered under the Federal Insurance Contribution Act (FICA) which provides social security benefits upon retirement and death benefits to the employee's dependent(s). The employee's portion of the social security taxes is deducted from the employee's bi-weekly contributions. The county also makes contributions based upon the wages earned by the employee.

(Ord. No. 94-023, § 35, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-36. Workmen's compensation.

All county employees are covered by the South Carolina Workers' Compensation Act. If an employee is injured or suffers disability because of an accident while performing his/her duties, he/she shall immediately report that fact to his/her immediate supervisor (in the absence of the employee's immediate supervisor, the injury should be reported to the department/division head or the personnel department). Failure to immediately report an injury may result in loss of workers' compensation benefits. After the employee reports an on-the-job injury, his/her immediate supervisor shall notify the department head concerned, who shall notify the personnel department. The personnel department will prepare the necessary forms for compensation to cover the hospital, medical payment, and/or personal disability payments (an employee's health insurance need not be used in this case) based upon information provided by the department head. Such forms will include, but not be limited to, the employee's first report of injury and the OSHA report.

(Ord. No. 94-023, § 36, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-37. Insurance.

(a) Anderson County participates in group health, dental, life, and accidental death and dismemberment insurance programs for all regular, full-time employees and for all regular, part-time employees working at least 30 hours per week who have completed 12 months of employment with the county. The county pays the base rate for standard health plan coverage for each eligible employee. If the employee wishes to upgrade to a different type of group health plan coverage, he/she must pay the difference between the premium for the standard coverage and the premium for the upgraded coverage through authorized payroll deductions. If an employee desires to cover dependents, he/she must pay the additional premium through authorized payroll deductions.

(b) The county's portion of the employee's premiums shall not be paid for any employee on leave without pay or nonpay status at the time payment is to be made to the insurance company for that employee. Such an employee may elect to continue his/her coverage during his/her leave period by remitting payments for the county's portion as well as any optional payments for dependents. These payments may not be withheld from the employee's check after returning to work but must be paid at least one month in advance. An employee will automatically be dropped from coverage and the county's billing if a valid check or money order is not received in the finance office by the 20th day of each month the employee is on nonpay status.

(c) Reserved.

(d) An employee may purchase, through payroll deduction, additional supplemental health, and/or life insurance which carries several options and provides expanded insurance coverage for the employee and dependents. The personnel department may make information available regarding such coverage upon request by the employee.

(Ord. No. 94-023, § 37, 10-4-94; Ord. No. 96-020, § 1, 11-7-96; Ord. No. 98-018, 10-20-98)

Sec. 55-38. Retiree insurance.

(a) This policy sets forth the terms under which the county will pay premiums for health insurance for retired employees within the regulations of the State health benefit plan or its underwriter. In order to be eligible for retiree health insurance under the current requirements of the State Insurance System, an employee must be covered under the State Insurance System for a period of at least five consecutive years prior to retirement. The retiree is responsible for paying all premiums for retiree health insurance under the State Insurance System, except under the circumstances set forth below.

(b) An employee who retires from service with the county, who has been employed by the county for at least five consecutive years prior to his or her retirement date, and who qualifies for retiree health insurance under the State Insurance System shall be eligible to have his or her retiree health insurance premiums paid by the county for a certain number of years, as established by the following schedule:

TABLE INSET:

Consecutive years of service to Anderson County prior to retirement	Length of time during which retiree health insurance premiums will be paid by Anderson County
At least 5 years	5 years
At least 6 years	6 years
At least 7 years	7 years
At least 8 years	8 years
At least 9 years	9 years
10 or more years	10 years

(c) The county will pay the premiums for standard health plan coverage for each eligible retiree for the period of time set forth above in paragraph (b). If the retiree wishes to upgrade to a different type of health plan coverage, he/she must pay the difference between the premium for the standard coverage and the premium for the upgraded coverage by making appropriate monthly payments to the county.

(d) At the end of any retiree health insurance paid for by the county, as set forth above in paragraph (b), the retiree shall be entitled to keep his or her retiree health insurance under the State Insurance System to the extent permitted by state law, provided that the retiree makes all applicable premium payments.

(e) The county hereby reserves the right to amend or terminate this policy at any time, with or without notice, and any such amendment or termination may be made effective with respect to any current or future employee.

(Ord. No. 98-018, 10-20-98)

Editor's note: Formerly, § 55-38 pertained to unemployment insurance. See the Code Comparative Table.

Sec. 55-39. Unemployment insurance.

The county participates in the South Carolina Unemployment Program as required by law and, therefore, provides this benefit to former employees who qualify thereunder.

(Ord. No. 94-023, § 38, 10-4-94; Ord. No. 98-018, 10-20-98)

Editor's note: Formerly, § 55-39 pertained to other payroll deductions. See the Code Comparative Table.

Sec. 55-40. Other payroll deductions.

Christmas Club, United Way, savings bond purchases, and deferred income contributions may be made through payroll deduction.

(Ord. No. 94-023, § 39, 10-4-94; Ord. No. 98-018, 10-20-98)

Editor's note: Formerly, § 55-40 pertained to membership in credit union. See the Code Comparative Table.

Sec. 55-41. Membership in credit union.

The county may offer all employees membership in a credit union for their benefit. An employee who is a member may use this source as a savings plan or may borrow money in accordance with the rules and regulations which are established. Employees may also take advantage of any other plan of savings or borrowing as may be afforded by the credit union. The county may obtain membership in a credit union previously established which renders services that may be advantageous for the employees of Anderson County.

(Ord. No. 94-023, § 40, 10-4-94; Ord. No. 98-018, 10-20-98)

Editor's note: Formerly, § 55-41 pertained to merit principle. See the Code Comparative Table.

Sec. 55-42. Classification and compensation plan.

(a) *Coverage of the classification plan.* This classification plan shall include all permanent classes of positions in county service.

(b) *Allocation of positions.* The county administrator, or his designee, shall allocate each position covered by the classification plan to its appropriate class in the position classification plan.

(c) *Maintenance of classification plan.* The county administrator, or his designee, shall be responsible for the administration and maintenance of the position classification plan. Department/division heads shall be responsible for bringing to the attention of the county administrator or his designee: (1) the need for any new position, and (2) material changes in the nature of duties, responsibilities, working conditions, and other factors affecting the classification of any existing position. Following the receipt of such information concerning any new position, the county administrator, or his designee, shall either: (1) allocate the new position to the appropriate class within the existing classification plan; or (2) recommend that the council amend the position plan to establish a new class to which the new position may be allocated. When the county administrator or his designee finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the county administrator or his designee shall: (1) revise the existing class specification; or (2) reallocate the position to the appropriate class within the existing classification plan.

(d) *Official copy of the position classification plan.* The official copy of the position classification plan shall be the original copy of the ordinance duly passed by the county council and shall be included in the Code of Ordinances maintained by the clerk to council.

(e) *Coverage of classification plan.* The position classification plan for the county shall include a classification plan and a pay plan which shall consist of a schematic list of class titles, an alphabetical list of class titles, and a schedule of class assignments to the pay grades. The compensation plan shall include all full-time and regular classes of positions. It shall be amended, deleted from, and added to from time to time by the county administrator, except that the salary schedule shall be amended by the county council in their budget appropriations to and for county employees.

(f) *Maintenance of compensation plan.* Each year prior to the preparation of the annual budget, the county administrator, or his designee, shall secure information concerning the general level of salaries paid and fringe benefits provided in private industry in the area, the salaries paid and fringe benefits provided by comparable county, municipal, and state employees, and any change in the cost of living in the area during the fiscal year. The county administrator, or his designee, shall conduct continuing studies of the internal relationships between classes in order to reduce or eliminate inequities between classes of positions within the county. Based on his/her studies and the general financial condition of the county, the county administrator shall recommend to the county council such increases, reductions, or amendments of the salary plan as he/she deems necessary to maintain the fairness and adequacy of the salary plan. The annual budget adopted by the council, and any amendments thereto, together with the authorized appropriation, shall constitute the approval of amendments to the pay plan by the council.

(g) *Official copy of the compensation plan.* The official copy of the compensation plan shall be the original of the ordinance duly passed by the county council and shall be included in the Code of Ordinances maintained by the clerk to council. The personnel administrator shall be responsible for maintaining a copy of the compensation plan which shall include a salary schedule of assignment of classes to the pay grades plus all amendments thereto. A copy of the official plan shall be available for inspection by the public under reasonable conditions during business hours.

(Ord. No. 94-023, § 42, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-43. Salaries after changes in status.

(a) *Salary of promoted or reclassified in status.* The salary of an employee promoted or reclassified from one class to another having a higher overlapping pay range shall be adjusted to the minimum of the new range or to five percent above his/her old salary, whichever is higher, unless a different increase is authorized in writing by the county administrator. The reclassification of a position to a class having a lower pay range shall not result in a reduction of his/her salary unless otherwise authorized in writing by the county administrator. Promotional salary increases may be delayed on a recommendation from a department/division head for a period not to exceed six months pending proven ability to perform the job to which promoted.

(b) *Salary of transferred employee.* The reassignment of an employee to a position in the same class or to a position in a different class with the same pay range shall not change the employee's salary unless otherwise authorized in writing by the county administrator.

(c) *Salary of demoted employee.* An employee given a demotion to a position in a different class with a lower minimum salary may be reduced in pay five percent or to the maximum of the pay range, whichever is lower, for the class to which he/she is demoted unless otherwise authorized in writing by the county administrator.

(d) *Lateral transfers.* Lateral transfers are not normally made unless, in the sole opinion of county management, it is in the best interest of county operations to do so. A lateral transfer is the transfer of an employee from one position in a salary grade to a different position in the same salary grade. Salary increases are not normally granted in such situations unless otherwise authorized in writing by the county administrator.

(e) *Effective date of salary changes.* The effective date of all salary changes (increase or decrease) should coincide with the beginning of a workweek unless there are compelling reasons to do otherwise.

(Ord. No. 94-023, § 43, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-44. New employee orientation.

(a) It shall be the responsibility of the personnel department for conducting a new employee orientation session for each new employee at which time the contents of the employee orientation handbook, benefits, and other information shall be discussed. A copy of a handbook and other materials shall be given to each new employee as he/she is placed on the payroll.

(b) The personnel department shall ensure that each department/division head is in receipt of a copy of the employee handbook and the personnel policies and shall have the discretion to administer and interpret them at the direction of the county administrator. All employees shall be required to sign a certification that they have received a copy of and read the personnel policies and procedures handbook.

(Ord. No. 94-023, § 44, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-45. Employment of interns.

(a) Interns shall be of two types: those who are appointed without pay (usually to fulfill practicum requirements for educational purposes) and those who are appointed with pay, who shall be of two types: those who are hired directly by the county and those who are recommended through an outside agency or special program on a reimbursable basis.

(b) All interns shall be appointed by the county administrator upon recommendations from the department/division heads. All interns and/or intern programs shall be coordinated through the personnel department.

(c) Any department head wishing to use interns without pay shall submit a request in writing, giving all the details of the program and the name(s) of the person(s) who will be serving without pay. The county administrator shall approve or disapprove, in writing, the request of the department/division head.

(d) Department/division heads wishing to use interns with pay shall submit their request in writing to the personnel

department, which shall coordinate between that department and any special intern program available or interns to be hired directly by the county.

(e) Interns to be paid by the county on a reimbursable basis shall be determined by the county administrator, and copies of the contract or agreement between the county and the agency or special program shall be given to the personnel and finance departments.

(f) A budget appropriation, approved by the county council, shall precede the hiring of any intern(s) directly by the county.

(Ord. No. 94-023, § 45, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-46. General service regulations.

(a) *Attitude and common courtesy.* When contacting the public in any manner, especially on public business, county employees shall do so in a courteous manner. Every employee shall, at all times, endeavor to conduct him/herself in a manner that reflects credit upon his/her department and the government of Anderson County.

(b) *Disclosure of confidential information.* No official or employee shall, without the approval of his/her supervisor, disclose information concerning the property, government, or affairs of the county. Nor shall he/she under any circumstances use such information to advance the financial or other private interest of him/herself or others. (See section 55-47, Ethics Code, for reference to the South Carolina Ethics Act of 1991).

(c) *Use of county-owned equipment or property.* No employee shall take for his personal use any county-owned equipment or property. All employees shall use county-owned equipment and property only in the manner authorized by the appropriate county official. An employee who is on call may be authorized to take a vehicle to his/her residence by his/her department/division head.

(d) *Surrender of property.* An employee who is discharged is required to return all items of equipment and property, including uniforms, belonging to the county. Failure to return such equipment and property may result in an appropriate deduction being taken from the employee's final paycheck.

(e) *Partisan political activity.* Partisan political activity by any employee shall be prohibited during regular working hours. Employees may not use county equipment, supplies, vehicles, or other properties in any partisan political activity. Employees who are paid either in full or in part by federal monies are covered under the Federal Hatch Act and the Federal Election Campaign Act and will be required to conform to the regulations of those acts, which state that such employees may engage in any legal partisan political activity. Employees are permitted to:

_____ (1) Express his/her opinion on political subjects and candidates, display stickers or posters on their cars or houses, and wear buttons and badges, except when in the performance of county responsibility.

_____ (2) Take an active part in political management and political campaigns. Attend political conventions and participate in the deliberation or proceedings of the convention, or any of its committees. Employees may be candidates for, or serve as delegates, alternates, or proxies at such a convention even though such candidacy involves a public partisan election. Volunteer work for a partisan candidate, campaign, committee, political party, or nominating convention of a political party is permitted.

_____ (3) Be a candidate for a political party office, accept an appointment to fill a vacancy in an elective office, to the extent that the above may not constitute a conflict of interest, but may not be a candidate for public elective office in a partisan election. An employee may serve at the polls as an election official or clerk, or as a checker, watcher, or challenger for a political party candidate in a partisan election.

(f) *Prohibited activity.* County employees are prohibited from:

_____ (1) Using his/her official authority or influence for the purpose of interfering with or affecting the results of an election or nomination for office.

_____ (2) Directly or indirectly coercing, attempting to coerce, commanding or advising a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

_____ (3) Being a candidate for public elective office in a partisan election (candidacy for political party office is not prohibited).

_____ (4) Using county facilities, equipment, or personnel at any time to further their own candidacy or the candidacy of any other candidate or candidates. Failure to adhere to this policy is grounds for immediate dismissal.

For the purpose of this policy, "partisan" is defined as being of a single party or cause. Violations of these rules may result in dismissal or such other disciplinary action as the county administrator and/or county council shall deem appropriate.

(g) *Personnel records.* Personnel records and recordkeeping systems shall be established and maintained as required to efficiently and effectively control and manage the county's workforce, comply with applicable federal/state/local regulations, and otherwise meet the county's needs in personnel-related matters.

(1) *Personnel records.* Records of all employees' actions, including, but not limited to, recruiting, hiring, pay, benefits, promotions, demotions, transfers, layoffs, recall from layoffs, terminations, disciplinary action, educational, social, recreational programs, etc., shall be maintained in accordance with Affirmative Action Program requirements; Equal Employment Opportunity Commission requirements; Records and Reports part 1602, Subpart I-State and Local Governments Record Keeping; State Freedom of Information Act; and other applicable laws and regulations.

(2) *Employee service records.*

a. A service record file on each employee shall be maintained by the county personnel office in accord with federal and state regulations.

b. The service record shall contain such data as employment application, evaluation reports, leave records, special commendations, training and educational records, pay and benefits data, status change action, etc.

c. Except for references, all information in an employee's service record file shall be open for the employee's review after the employee makes a written request to the personnel administrator which is approved.

d. Approved review of his/her service record file by an employee may be made only in the county personnel office.

e. Employee service records may not be taken out of the personnel office.

(h) *Confidentiality of personnel records.* Personnel records shall be maintained in a confidential and secure manner and released only with proper authorization and in accord with the state Freedom of Information Act and other applicable federal and state regulations.

(i) *Employee responsibility.*

(1) Employees shall keep their department heads advised of any changes in their personal data, such as address, phone number, number of dependents, etc.

(2) Department heads shall report these changes to the personnel office.

(j) *General.*

(1) Inquiries concerning employee records shall be directed to the personnel administrator.

(2) Personnel records of terminated employees shall be retained for three years from the date of termination. A service record shall be maintained for 25 years.

(k) *Job/credit references.*

(1) The county, when contacted for job/credit references, shall provide the caller with service record information that would verify employment and dates of employment. If the employee signs an appropriate release, the county will provide additional job-related information.

(2) No other information may be communicated except that which conforms with the Federal Privacy Act or the South Carolina Freedom of Information Act.

(l) *Moving expenses.* Since most county employees live within the county and therefore within a reasonable commuting distance of their jobs, moving/relocation expenses, as a rule, will not be paid by the county for new or existing employees. However, such expenses may be paid in exceptional situations where it is deemed in the best interest of the county to provide such assistance and/or if the move is required by the county. In such cases, the move and expenses to be paid must have prior approval of the county council, and the amount of expenses to be paid will be individually determined in each case based on the merits and circumstances of each case.

(Ord. No. 94-023, § 46, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-47. Ethics code.

All Anderson County employees shall abide by the provisions of the South Carolina Ethics Act of 1991 or its successor.

(Ord. No. 94-023, § 47, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-48. Discrimination and harassment policy.

(a) It is the policy of the county that all employees shall have the opportunity to work in an atmosphere and environment free from any form of harassment or retaliation based on race, color, religion, gender, sex, national origin, age, or disability. Such forms of harassment or retaliation constitute discrimination under various state and federal laws and will not be tolerated by the county.

(b) *Harassment* is defined as verbal or physical conduct that demeans or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, sex, national origin, age, or disability, or that of his/her relatives, friends, or associates, and that:

- _____ (1) Has the purpose or effect of creating an intimidating, hostile, or offensive working environment; or
- _____ (2) Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- _____ (3) Otherwise adversely affects an individual's employment opportunities.

(c) Examples of harassing conduct include, but are not limited to, the following:

- _____ (1) Epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to race, color, religion, gender, sex, national origin, age, or disability; and
- _____ (2) Written or graphic material that demeans or shows hostility or aversion toward an individual or group because of race, color, religion, gender, sex, national origin, age, or disability and that is placed on walls, bulletin boards, or elsewhere on county premises, or circulated in the workplace;
- _____ (3) Making, as a condition of employment, unwelcome sexual advances or requests, requests for sexual favors, or other verbal or physical conduct of a sexual nature;
- _____ (4) Making submission to or rejection of such conduct the basis for employment decisions; or
- _____ (5) Creating an intimidating, offensive, or hostile work environment by such conduct.

(d) Examples of sexual harassment include, but are not limited to, the following:

- _____ (1) Verbal--Sexual innuendo, suggestive comments, insults, threats, jokes about gender-specific traits, or sexual propositions;
- _____ (2) Nonverbal--Making suggestive or insulting noises, leering, whistling, or making obscene gestures;
- _____ (3) Physical--Touching, pinching, brushing the body, coercing sexual intercourse, or assault.

(e) Any employee who feels that he or she has suffered any form of harassment or retaliation is required to immediately report the alleged conduct to his or her supervisor so that a confidential investigation of the complaint can be undertaken. Alternatively, the employee may report the alleged conduct to his or her department/division head or the county personnel manager. Further, any employee who observes conduct by another employee which he or she believes to be harassing, retaliatory, or discriminatory is required to report such conduct as outlined above. All complaints of harassment will be treated confidentially and will be investigated promptly and thoroughly.

(f) Any individual found by the county to have harassed another employee will be subject to appropriate disciplinary action ranging from placement of a written warning in his or her file up to and including termination.

(g) Retaliation or discrimination against an employee for reporting or complaining about harassment is prohibited. However, employees should recognize that false accusations of harassment can have serious effects on innocent individuals. The making of accusations which are known by the accusing person to be false is a form of misconduct which will likely result in serious impairment of the county's efforts to administer this policy properly and effectively for the benefit of all employees. Accordingly, such misconduct will result in disciplinary action up to and including termination.

(Ord. No. 94-023, § 49, 10-4-94; Ord. No. 98-018, 10-20-98)

Editor's note: Formerly, § 55-48 pertained to penalty for violation. See the Code Comparative Table.

Sec. 55-49. Safety policy.

(a) *Responsibility, accountability for safety.* It is the policy of the county to conduct all operations as safely and efficiently as possible. Accordingly, the responsibility, authority, and accountability for safety are assigned to all department/division heads and/or supervisory personnel within their individual area of operations. The county intends to promote safe and healthy work practices and compliance with statutory programs and requirements in the areas of occupational safety and health.

(b) *Employee responsibility.* Each employee shall have the responsibility for performing his/her own work in a safe and efficient manner and for observing safety rules and regulations. Further, any safety hazard observed thereby shall be immediately reported to the appropriate supervisor or department/division head.

(c) *Vehicle/equipment operations.* In the case of vehicle and/or equipment operations, drivers/operators shall be expected to follow the principles of "defensive driving," i.e., to drive so as to prevent accidents in spite of the incorrect action of others and in spite of adverse driving conditions.

(Ord. No. 94-023, § 50, 10-4-94; Ord. No. 98-018, 10-20-98)

Editor's note: Formerly, § 55-49 pertained to the county's discrimination and harassment policy. See the Code Comparative Table.

Sec. 55-50. Safety coordinator; responsibilities.

The personnel department shall be the safety coordinator for the county. It shall be the responsibility of the personnel department to administer a total safety effort at a staff level and to coordinate this effort with all departments/offices to ensure that safety standards are met throughout the county.

(Ord. No. 94-023, § 51, 10-4-94; Ord. No. 98-018, 10-20-98)

Editor's note: Formerly, § 55-50 pertained to the county's safety policy. See the Code Comparative Table.

Sec. 55-51. Safety committee.

(a) *Established, membership.* A county safety committee shall be established by the county administrator.

(b) *Purpose.* The purpose of the safety committee shall be to establish, monitor, and maintain a comprehensive safety program for the county. Specific responsibilities for and authority for action by the safety committee shall be subject to the discretion of the county administrator.

(Ord. No. 94-023, § 52, 10-4-94; Ord. No. 98-018, 10-20-98)

Editor's note: Formerly, § 55-51 pertained to safety coordinator; responsibilities. See the Code Comparative Table.

Sec. 55-52. Substance abuse policy.

(a) *Purpose.* The intent of this policy is to document the county's position with respect to alcohol and drug abuse (substance abuse). The county's position requires procedures that are designed to:

- _____ (1) Establish and maintain a safe, healthy working environment for all employees;
- _____ (2) Ensure the reputation of the county and its employees as good, responsible citizens;
- _____ (3) Reduce the incidence of accidental injury to employees or to property;
- _____ (4) Reduce absenteeism, indifferent job performance, and other nonproductive action; and
- _____ (5) Provide assistance toward rehabilitation for any employee who seeks the county's help in overcoming any addiction to, dependence upon, or problem with alcohol or drugs.

(b) *General policy.* Alcohol and/or drug abuse in the workplace is dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury and possible death. The failure of any employee to comply with the procedures set forth in the policy will result in disciplinary action up to and including discharge.

The county will treat alcohol and/or chemical dependency as a health problem. The voluntary seeking of assistance for any such problem is encouraged, and an employee will not be subject to discipline solely as a result of seeking assistance for such problem. However, the seeking of assistance for any such problem will not shield the employee from discipline for a violation of the county's substance abuse policy if such violation comes to the county's attention through other means, such as direct observation, job performance, drug testing, etc.

The Drug-Free Workplace Act of 1988 requires all county employees to notify the county within five calendar days after any criminal conviction for the manufacture, distribution, dispensation, possession, or use of narcotics, drugs, or any other controlled substance at the workplace. Criminal conviction means a finding of guilt, a plea of no contest, or a plea of guilty. The county shall then be required to notify all federal contracting agencies and grantors of such conviction within ten days of receiving notice of the conviction.

Employees will be given a copy of this policy and will be required to sign a form, similar to that set out following this section, acknowledging its receipt. By continuing to work, the employee agrees that he/she will abide by the policy as a condition of employment. Failure to sign the form will result in disciplinary action up to and including discharge.

The term "county property" as used in this policy includes, but is not limited to, work sites, parking lots, vehicles, offices, and locations where an employee represents the county in any capacity.

(c) *Inspection.* To ensure that illegal drugs and alcohol do not enter or affect the workplace, the county reserves the right to search all vehicles, containers, lockers, or other items on county property. A search may be conducted whenever the county has reasonable suspicion that an employee may be in violation of this policy. The county may request that an employee display his/her personal property for visual inspection. Failure to consent to, or cooperate with, such inspections will be grounds for disciplinary action up to and including discharge.

(d) *Alcoholic beverages, illegal drugs, and legal drugs.*

_____ (1) Alcoholic beverages.

_____ a. The consumption or possession of alcoholic beverages on county property is strictly prohibited and places the violator in jeopardy of immediate discharge, except where such consumption or possession has been approved in advance by the county administrator. The possession of alcohol in a personal vehicle on county property is not prohibited provided such possession is in compliance with this policy, as well as state, federal, and local laws.

_____ b. Being under the influence of alcoholic beverages while on duty will subject an employee to disciplinary action up to and including discharge for the first offense. An employee will be considered under the influence of alcohol when, in the judgment of the employee's supervisor or another county official, the employee's ability to perform the job safely and effectively is affected by the use of alcohol. An employee who is perceived to be under the influence of alcohol will be removed immediately from the workplace and may be required to submit to a breath or blood test to measure the blood alcohol concentration. An employee with an alcohol concentration of 0.04 or greater will be considered to be under the influence of alcohol for purposes of this policy. However, a determination that an employee is under the influence of alcohol may be made by the county without conducting a test to determine the employee's alcohol concentration.

_____ c. Employees who consume alcoholic beverages at any time during work hours, including lunch and breaks, either on or off county premises, may be subject to disciplinary action up to and including discharge.

_____ d. Any employee arrested for an alcohol-related incident must immediately notify his/her supervisor and the county administrator of the arrest if the incident occurs:

_____ i. During scheduled working hours;

_____ ii. While operating a county vehicle on county or personal business; or

_____ iii. While operating a personal vehicle on county business.

_____ (2) Illegal drugs.

_____ a. "Illegal drugs" are drugs or controlled substances which are: (1) not legally obtainable or (2) legally obtainable but not obtained or used in a lawful manner. Examples include cocaine, marijuana, opiates,

amphetamines, and phencyclidine, as well as prescription drugs which are not lawfully obtained or properly utilized. The term "illegal drugs" also refers to mind-altering and/or addictive substances which are not sold as drugs or medicines but are used for mind or behavior-altering effect.

b. The manufacture, distribution, dispensation, possession, or use of illegal drugs on county premises is strictly prohibited and places the violator in jeopardy of immediate discharge.

c. Being under the influence of illegal drugs while on duty will subject an employee to disciplinary action up to and including discharge for the first offense. An employee will be considered to be under the influence of illegal drugs if the employee tests positive for any illegal drug (or its metabolites) at or above the cutoff level established by the county.

d. Employees who distribute, dispense, possess, or use illegal drugs at any time, either on or off county premises, and either on or off duty, will be subject to disciplinary action up to and including discharge.

e. Law enforcement authorities will be notified whenever illegal drugs are found in the workplace.

(3) Legal drugs.

a. "Legal drugs" are those prescribed or over-the-counter drugs which are legally obtained by the employee and used for the purpose for which they were prescribed and sold.

b. Legal drugs shall be used only in the manner, combination, and quantity prescribed during the term of the work shift. Legal drugs shall be used only by the person to whom the drug is prescribed.

c. If an employee has any indication that prescribed or over-the-counter drugs may affect their behavior and/or performance, the employee must notify their supervisor, or other appropriate county official, that they are taking drugs prior to beginning work. Where such use of legal drugs adversely affects job performance, it is in the best interest of the employee, co-workers, and the county for that employee to be temporarily relieved of his/her duties. If an employee is relieved of his/her duties, that employee may be temporarily reassigned to an available position for which he/she is qualified until fit to return to his/her regular position. If no such reassignment is made, the employee may elect to use available sick leave or annual leave until he/she is fit to return to regular duty. Failure to provide proper notification may subject the employee to disciplinary action.

(e) *Types of testing.* The county shall administer three types of alcohol and/or drug testing programs: pre-employment, reasonable suspicion, and random.

(1) Pre-employment.

a. All applicants who are conditionally offered employment into any full-time or part-time position with regular status will be tested for the presence of illegal drugs. The pre-employment testing program shall apply to applicants for positions in all county departments, including those headed by elected officials.

b. Applicants will be advised of the county's substance abuse policy and testing requirements in writing prior to an offer of hire or referral for a drug test.

c. If an applicant refuses to provide a urine or other appropriate testing specimen, he/she will not be considered for employment, and the employment application process will be terminated.

d. If any applicant's test is positive, the applicant will not be considered for employment and will be informed that he/she has failed to meet medical standards. If the applicant asks what substance was detected by the test, he/she shall be informed in a confidential manner.

e. Any applicant who refuses to provide a urine or other appropriate testing specimen or who fails to pass the pre-employment drug test shall be ineligible for hire for a period of 12 months.

(2) Reasonable suspicion.

a. The county will require alcohol and/or drug screening tests when there is reasonable suspicion such as, but not limited to, the following:

i. Any employee whose work performance or behavior creates a reasonable suspicion that he/she is unfit for duty and possibly abusing alcohol and drugs.

ii. Any employee who is responsible for an accident on county property or involving county property where there is no reasonable explanation as to the cause or where negligence or

carelessness appears to be the cause.

_____ iii. Any employee who is involved in an accident where the county has a reasonable belief that alcohol and/or drug use may have contributed to the employee's involvement in the accident.

_____ iv. Any employee who is responsible for an accident resulting in damage to county property or injury to other persons where there is not reasonable explanation as to the cause or where negligence or carelessness appears to be the cause.

_____ b. Reserved.

_____ c. If a supervisor has a reasonable suspicion that an employee is using alcohol and/or illegal drugs, he/she must report their findings and observations to the department head and the personnel administrator. Upon approval by the personnel administrator and/or other appropriate county officials, the employee will be asked to consent to a drug and/or alcohol test and sign a form acknowledging his/her consent.

_____ d. Any employee who refuses to provide a urine or other appropriate testing specimen will be subject to disciplinary action up to and including discharge.

_____ e. The reasonable cause testing program shall apply to all full-time, part-time, and temporary employees of the county including those employed in departments headed by elected officials. Volunteer rescue squad members shall also be included in the reasonable cause testing program. Elected officials are excluded from the policy but may elect to participate on a voluntary basis.

_____ (3) Random testing.

_____ a. The random testing program shall apply to all employees of the county who are required to submit to random testing pursuant to any applicable state or federal law. Any employee subject to random testing will be notified at the time of hire or at the time he/she becomes subject to such testing.

_____ b. Selection of employees for random testing shall be conducted through the use of random number generator or another neutral selection process.

_____ c. When an employee is selected for random testing, both the employee and the employee's supervisor shall be notified on the day the test is scheduled to occur. The supervisor shall explain to the employee that he/she is under no suspicion of taking drugs and that the employee's name was selected randomly pursuant to this policy.

_____ d. Any employee who refuses to provide a urine or other appropriate testing specimen will be subject to disciplinary action up to and including discharge.

(f) *Testing procedures.*

_____ (1) A designated collection site will be provided where employees and applicants will present themselves for testing. The site will possess all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and transportation of urine or other required specimens to a drug testing laboratory.

_____ (2) Employees will be asked by their supervisor or other appropriate county official to report to a collection site. Employees who are believed to be under the influence of drugs will be transported to the collection site by the employee's supervisor or other appropriate county officials. Applicants will be instructed to report to the collection site at a specified time.

_____ (3) To ensure that the sample or specimen provided by an individual is properly identified and not accidentally confused with any other sample, strict procedures shall be used when collecting and transferring the sample. The total of these procedures is known as the chain-of-custody.

_____ (4) Individuals required to submit to a test under this policy may be given an opportunity prior to testing to complete a control form listing all drugs they have recently taken, including prescribed drugs, and to explain the circumstances of the use of those drugs.

_____ (5) Collection of samples or specimens shall allow individual privacy unless there is reason to believe that a particular individual may alter or substitute the specimen to be provided. Precautions shall be taken to ensure that a specimen has not been adulterated or diluted during the collection procedure and that all information on the specimen bottle and the chain-of-custody form can be identified as belonging to a given individual. Collection of urine specimens shall not be made under observation unless the county has reason to believe that a particular

individual may alter or substitute the specimen.

(6) All specimens collected by the county pursuant to this policy shall be tested in a laboratory certified by the United States Department of Health and Human Services Substance Abuse and Mental Health Services Administration.

(7) All samples will first be subjected to an individual screening process to detect the presence of drugs. Those samples having a negative screen (no illegal or illicitly used substance) will be considered to have tested negative and no further testing will be done on those samples. Those samples that test positive on the first screen will be tested more extensively by means of gas chromatography/mass spectrometry (GC/MS) analysis to eliminate any false positive tests.

(8) The laboratory will ensure that the chain-of-custody procedures are adhered to from the time of receipt of urine samples until testing is completed and results are reported. Samples that test positive will be stored by the laboratory for a minimum of one year.

(9) An individual who tests positive may request a second analysis of the original sample. That test will be conducted at the same laboratory used by the county at the individual's expense. The individual can also request a separate retest at another SAMSHA-certified laboratory. In such instances, the laboratory used by the county will send a portion of the original sample to a laboratory designated by the individual. The cost of the retest shall be paid for by the individual.

(10) All individuals required to submit to a test under this policy will receive written notification of drug test results.

(g) *Rehabilitation.*

(1) *Eligibility.*

a. All regular employees of the county shall be eligible to participate in a rehabilitation program.

b. A list of organizations that provide alcohol and drug counseling, rehabilitation, or assistance is available in the personnel office.

(2) *Employee self-referral.*

a. Any employee who feels that he/she has developed an addiction to, dependence upon, or problem with alcohol or drugs, legal or illegal, is encouraged to seek assistance and rehabilitation. Employees may contact the personnel administrator for additional information or assistance regarding self-referrals.

b. The Anderson-Oconee Alcohol and Drug Abuse Commission d/b/a/ Anderson-Oconee Behavioral Health Services offers rehabilitation and counseling services on a confidential basis to county employees at no charge. They do not contact the county if the employee makes the initial contact and requests confidentiality.

(3) *Employer referral.*

a. Employees who are determined through testing procedures or medical evaluation to have developed an addiction to, dependence upon, or problem with alcohol or drugs may, at the sole discretion of the county, be offered an opportunity to participate in a rehabilitation program as an alternative to disciplinary action. If medical rehabilitation is approved and medical evaluation indicates that an employee cannot be relied upon to work his/her job safely, the employee will be required to take a leave of absence. In the alternative, the employee may be allowed to temporarily transfer to an available position which he/she is qualified to perform and can perform safely. The employee may return to his/her regular position when evidence of satisfactory rehabilitation is provided. In the event the employee's regular position has been filled, the employee will be reinstated to an available position for which he/she is qualified.

b. Employees who refuse the offer of rehabilitation or who fail to provide the county with evidence of satisfactory rehabilitation will be subject to disciplinary action up to and including discharge.

(4) *General.*

a. Contact with organizations offering alcohol and drug treatment programs will be made by the personnel administrator and/or county physician.

b. Rehabilitation is the responsibility of the employee. Any employee seeking rehabilitation for alcohol or drug addiction will be entitled to benefits outlined in the group medical insurance plan, if applicable.

Compensation during this period of rehabilitation will be the same as it would for any other illness.

c. Upon successful completion of the rehabilitation program, the employee will be eligible to return to active status in accordance with the policy established for employees returning from a medical leave of absence. The employee will be required to participate in any post-treatment counseling programs as recommended by the treatment center. In addition, the employee must agree to a program of follow-up testing for a one-year period after completion of the rehabilitation program. Follow-up testing will consist of up to 12 unannounced drug screen tests during the one-year period.

(h) *Confidentiality.* Employee requests for rehabilitation will be treated as confidential and only persons with a "need to know" (e.g., county administrator, personnel administrator, department supervisor) will be made aware of such requests.

(Ord. No. 94-023, § 53, 10-4-94; Ord. No. 97-029, 11-18-97; Ord. No. 98-018, 10-20-98)

Editor's note: Formerly, § 55-52 pertained to the safety committee. See the Code Comparative Table.

EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT OF ALCOHOL AND/OR DRUG ABUSE POLICY

This is to certify that I have received a copy of the County's Alcohol and/or Drug Abuse Policy. I agree that my compliance with the policy shall be considered as a condition of employment. My failure to comply will result in disciplinary action up to and including immediate discharge.

TABLE INSET:

Signature _____	Date _____
Social Security Number _____	Department _____

(Ord. No. 94-023, § Attachment A, 10-4-94; Ord. No. 98-018, 10-20-98)

COUNTY OF ANDERSON
DRUG AND/OR ALCOHOL SCREEN CONSENT FORM

TABLE INSET:

Name: _____	SSN: _____
Address: _____	Phone: _____
_____	Dept: _____

TABLE INSET:

___	Yes	___	No	Have you taken any medication or drugs within the past 30 days?
___	Yes	___	No	Have you consumed any alcoholic beverages within the past 24 hours?
___	Yes	___	No	Are you taking any prescription or over-the-counter drugs or medications?
___	Yes	___	No	Have you smoked marijuana within the past 30 days?

If you answered yes to any of the above, list the name(s) of the drug or medication or provide any desired explanation in the space below.

TABLE INSET:

_____	_____
_____	_____

I understand and voluntarily consent to the County's request for a urine specimen or other appropriate testing sample. I hereby hold harmless the County of Anderson, the laboratory, their employees, agents, and contractors from any liability arising from this request to furnish this or any specimen or sample, the testing of the specimen or sample, and any

decisions made concerning my employment based upon the results of the test, or any other use or disclosure of the test results to or by appropriate and authorized persons. I consent to allow appropriate personnel designated by the County to perform chemical tests for the presence of alcohol, drugs, or other controlled substances. I also give my permission to release the results of these tests to appropriate County personnel and I release any of the above listed persons from any liability whatsoever arising from the release of this information to appropriate persons.

TABLE INSET:

Employee Signature Date	_____
Witness Date	_____

I hereby acknowledge that the urine specimen or other appropriate testing sample given is my own. Further, I attest that the specimen or sample was labeled in my presence and initialed by me.

TABLE INSET:

Signature	Date
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(Ord. No. 94-023, § Attachment B, 10-4-94; Ord. No. 98-018, 10-20-98)

Sec. 55-53. County public defender's office; change in employment status.

Anderson County shall release from all employment all employees and assistants affiliated with the Anderson County Office of the Public Defender, Tenth Judicial Circuit, and recognize these employees as employees of the public defender, and to contract with the state to facilitate their continued enrollment and participation in the South Carolina Retirement System and the South Carolina Deferred Compensation Programs.

(Ord. No. 98-013, 6-16-98)

Sec. 55-54. County solicitor's office employees; change in employment status.

Anderson County shall release from all employment all employees and assistants affiliated with the Anderson County Office of the Solicitor, Tenth Judicial Circuit, and recognize these employees as employees of the solicitor, and to contract with the state to facilitate their continued enrollment and participation in the South Carolina Retirement System and the South Carolina Deferred Compensation Programs.

(Ord. No. 97-026, 11-4-97)