

# **COUNTY OF LEBANON**



# **EMPLOYEE HANDBOOK**

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## **ABOUT THIS HANDBOOK**

This Handbook is designed to inform Employees of the County of Lebanon (County) about the policies, procedures, benefits, and regulations, which govern the relationship between the County and its Employees. This Handbook sets forth the County expectations.

While this Handbook is intended to provide Employees with general policies and guidelines under which the County operates, this Handbook is not a contract of employment. Employment with the County is on an “at-will” basis, such that either the Employee or the County can terminate the employment relationship at any time, with or without cause or notice. Certain Employees are members of a collective bargaining unit. Collective Bargaining Unit Employees subject to labor agreements shall comply with this Handbook. If a provision of the Handbook is in conflict with a labor agreement, the labor agreement will supersede the policy in conflict.

The County maintains discretion to modify, suspend, or discontinue any of the County benefits and policies, without prior notice. As changes are made, Employees will receive updated information via memorandums, Department postings, and/or the County intranet. If any provision of this Handbook is unclear, the Employee should contact their Department Head/Elected Official /Elected Official or the Human Resources Department.

The policies and procedures contained in the Employee Handbook do not in any way affect the rights of the Judges and other elected County officers with respect to hiring, discharging and supervising employees as set forth in 16 P.S. §1620 and relevant court decisions.

This Handbook supersedes all prior County Handbooks and is effective May 1, 2017.  
Updated January 1, 2025.

## **THE COUNTY MISSION**

Lebanon County Commissioners are dedicated to providing public services to the community, and to protecting, restoring, and improving the quality of life in Lebanon County. Functioning as the executive and legislative branches of government, the County Commissioners and their associated Agencies commit themselves to the leadership and service required in pursuing activities beneficial to the citizens of Lebanon County.

*Note: The use of specific gender pronouns in this Handbook has been avoided wherever possible. However, where such avoidance would have led to awkward sentences, the words “Employee”, “they”, “theirs” has been used. This use should be considered to refer to both genders or no specific gender.*

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## **II. EMPLOYMENT POLICIES, PRACTICES, AND RULES**

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## **EQUAL EMPLOYMENT OPPORTUNITY STATEMENT**

The County provides equal employment opportunities to all Employees and applicants for employment, without regard to race, ethnicity, religion, sex, national origin, age, disability, veteran status, marital status, political affiliation, sexual orientation, or status in any group protected by federal, state or local laws. This Policy applies to all parts of the County, including, but not limited to, the recruitment, hire, and promotion for all job classifications, compensation, benefits, transfers, layoffs, terminations, recalls from layoff, discipline, County-sponsored training and development, and all other privileges, terms, and conditions of employment.

The County will afford to qualified applicants and Employees with known disabilities reasonable accommodations that do not create an undue hardship. Any Employee that is in need of an accommodation should make a written request to the Director of Human Resources.

The County is committed to the uniform application of this Policy without distinguishing Employees, except on the basis of merit, and the existence of occupational qualifications.

The County maintains an Equal Employment Opportunity Plan (Plan). The Plan is an analysis and review of the existing workforce, as well as newly hired employees compared to existing labor market supply of qualified minority applicants. The Plan is intended to seek and prevent any disparity between the available labor force and the existing County workforce.

### **Parties/Roles:**

- A. All employees who make decisions with respect to recruitment, evaluation, selection, promotion, compensation, training and termination of employees are responsible for adhering to the EEO Policy and Plan, and ensuring that all employment practices are free from discriminatory factors.
- B. Department Head/Elected Official and other designated employees shall be responsible for employment practices including, but are not limited to the following:
  - 1. Provide training and development for all employees without regard to age, sex, race, ethnicity, religion, national origin, political affiliation, marital or veteran status, sexual orientation, disability or status in any group protected by federal, state or local law.
  - 2. Assist in identifying problem areas and establishing goals and objectives. A problem area exists when an area of recruitment, selection, compensation, training, etc. does not meet the standards consistent with equal employment goals.
- C. The Director of Human Resources shall have the overall responsibility for the implementation of the County's Plan, with specific responsibilities assigned to other designated persons. The responsibilities of the Director of Human Resources include, but are not limited to the following:
  - 1. Coordination of equal employment efforts; and
  - 2. Research and development of the County's Plan and statistics.

**Actions/Procedures:**

**A. General Procedures:**

1. Recruitment for candidates will include actively seeking qualified individuals by: maintaining consistency in advertising the availability of employment to all sources of recruitment, both internally and externally.
2. All personnel activity, including referrals, transfers, promotions, terminations and compensation shall be monitored on a regular basis to ensure that all practices are non-discriminatory.
3. The County is not limited to efforts identified in the Plan. If appropriate, or as required by specific programs, supplements to the Plan should be developed by individual offices or agencies as required.

**B. Actions for Identifying and Correcting Problem Areas:**

1. Upon identification of a problem area, the Director of Human Resources shall be notified.
2. The Director of Human Resources and other designated staff will develop a set of goals to correct the problem and set forth a timeframe in which to accomplish those goals.
3. The goals shall be monitored on a scheduled basis during the course of the timeframe that is set.
4. At the end of the set timeframe, the Director of Human Resources or other designated staff shall determine the effectiveness of the goals. If the area of employment is still considered to be a problem area, new goals and timeframes will be set.

**Dissemination of the Plan:**

1. The County's Plan shall be disseminated both internally and externally.
2. The County's Policy shall be discussed with each new Employee during their orientation session.
3. The County's Plan shall be readily accessible to the public and to all agencies that conduct business with the County, including the Human Resources page of the County website, [www.lebanoncountypa.gov](http://www.lebanoncountypa.gov), the Human Resources Bulletin Board at the Municipal Building, and posted within each department and visible to all employees and to County agencies.

**Open Door Policy:**

The County maintains an "open door" policy for anyone who believes they have been discriminated against on the basis of race, ethnicity, sex, national origin, religion, age, marital or veteran status, sexual orientation, political affiliation or disability.

Any Employee who believes they have been the subject of discrimination should immediately follow the "To report a discrimination complaint" process outlined on the following page. Employees who make claims of discrimination shall not be subject to retaliatory conduct.

To report a discrimination complaint:

1. Employee should immediately discuss the situation with their Supervisor and/or follow Department Head/Elected Official /Elected Official chain-of-command. If the Supervisor or Department Head/Elected Official is not available or the individual is the subject of the complaint, the employee shall contact the Director of Human Resources and/or any affiliated union representative and a resolution will be sought.
2. Employee shall file a written complaint with the Director of Human Resources.
3. If employee is not satisfied with the outcome of the complaint, Employee may file a written complaint with the Pennsylvania Human Relations Commission (PHRC), Harrisburg Regional Office, Executive Offices, 333 Market Street, 8<sup>th</sup> Floor, Harrisburg, Pennsylvania 17101-2210 at Telephone: (717) 787-4410 (voice); (717) 787-7279 (TTY); or [www.phrc.state.pa.us](http://www.phrc.state.pa.us); or the Equal Employment Opportunity Commission (EEOC), Philadelphia District EEOC Office, 801 Market Street, Suite 1300, Philadelphia, Pennsylvania 19107-3127 at Telephone: 1-800-669-4000 or 1-866-408-8075; Fax: (215) 440-2606.



## **HARASSMENT POLICY**

The County is committed to maintaining an environment that is free from improper behavior, including harassment and hostile behavior, or physical behavior, including harassment and hostile behavior based on race, ethnicity, religion, gender, sexual orientation, national origin, age, disability, veteran status, marital status, or political affiliation, or any other status protected by federal, state, or local law.

The purpose of the policy is to ensure that all employees are treated with dignity and respect in a harassment free workplace. The policy applies to all County employees. All management employees shall be responsible for implementing and monitoring compliance with this policy.

### **Definitions:**

**Improper Behavior:** May originate from, but is not necessarily limited to, management, supervisors, customers, vendors, or other personnel.

**Harassment:** May consist of, but is not limited to, offensive remarks, slurs, negative stereotyping, gestures, physical contact, display, distribution or solicitation of material, circulating or posting of derogatory written material or pictures, that reflect a disdain toward an individual based on the protected statuses set forth above.

### **Examples:**

Physical Harassment: hitting, pushing, touching, scratching, biting or other physical contact.

Verbal Harassment: intimidation, propositions, suggestive comments, or threats to commit acts such as those described herein, derogatory or vulgar comments or jokes with reference to the protected statuses set forth above.

Non-Verbal Harassment: display or distribution of objects or written, graphic or electronic materials that are suggestive, offensive or degrading, staring and leering.

**Sexual Harassment:** May be comprised, but is not limited to, unwelcome offensive sexual advances, or requests for sexual favors, other verbal or physical conduct, or material of a sexual nature. *See Sexual Harassment Policy.*

**Hostile or Abusive Behavior:** May or may not be limited in frequency, severity, physical threatening and/or humiliating behavior. Such behavior adversely affects Employee's psychological well-being, unreasonably interferes with work performance, or is physically violent in nature, thereby threatening Employee's safety. *See Workplace Violence Policy.*

**Harassment Policy Procedure:**

An Employee with concerns should immediately discuss the situation with their Supervisor and/or Department Head/Elected Official or designee. Written complaints shall be provided to Human Resources, who will promptly and thoroughly investigate all complaints to the extent possible, and appropriate corrective action will be taken, if warranted, to the extent consistent with adequate investigation and appropriate corrective action. Any complaints of harassment will be treated as confidential as possible. The County will not retaliate against an Employee for the filing of a complaint.

**Discipline:**

Any Employee, including supervisors and management, violating this policy will be subject to discipline, up to and including termination. Any Employee filing a frivolous or vindictive claim without merit will be subject to discipline, up to and including termination.

## **SEXUAL HARASSMENT POLICY**

The County prohibits sexual harassment of all Employees, including verbal, non-verbal and physical conduct. Sexual harassment is defined as unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature where:

1. submission to such conduct is made an express or implied term or condition of employment;
2. submission to or rejection of such conduct is used as the basis for employment decisions; or
3. such conduct has the purpose or the effect of unreasonably interfering with work performance or creating an intimidating, hostile, or offensive work environment.

This definition includes many forms of offensive behavior. It also includes harassment of a person by another person of the same gender.

The following conduct violates this Sexual Harassment Policy:

- a. Physical assaults of a sexual nature:
  - Rape, sexual battery and molestation.
  - Intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against an Employee, or poking another Employee's body.
- b. Unwanted sexual advances, proposition or sexual comments:
  - A pattern of sexually oriented gestures, noises, remarks, jokes or comments.
  - Preferential treatment or promise of preferential treatment for submitting to sexual conduct for compensation or reward.
- c. Sexual displays or publications in the workplace:
  - Pictures, posters, calendars, or other materials that are sexually suggestive.
- d. Retaliation for sexual harassment complaints: The County will not tolerate retaliation against an Employee who alleges sexual harassment in the workplace, including, but not limited to:
  - Discipline, changing work assignments, providing inaccurate work information.
  - Refusing to cooperate with an Employee because that person has complained about sexual harassment.
- e. Offering employment benefits, such as favorable assignments, reviews, promotions, or the like, in exchange for sexual favors.

**Penalties for Misconduct:**

An Employee's commission of acts of sexual harassment or retaliation against an Employee who has asserted a sexual harassment complaint (verbal or written) shall be subject to disciplinary action, up to and including termination.

**Complaint Report Procedures:**

An Employee who believes they are the victim of such conduct should let the offender know in definite terms that the conduct is offensive and unwelcome. An Employee with concerns should follow Department chain-of-command or contact Human Resources. All complaints of sexual harassment or discrimination shall be in writing to Human Resources. All information pertinent to the allegations of the sexual harassment or discrimination shall be included in the written complaint. Human Resources will promptly investigate the complaint. If a Department Head/Elected Official is the subject of the complaint, that individual shall not be involved in the investigation of the allegations. A copy of the complaint shall be maintained in the reporting Employee's personnel file, and if the allegations are found to have merit, a copy of the complaint, findings of the investigation, and discipline records will be maintained in the offending Employee's personnel file. Witness statements and other documents related to the investigation shall be maintained by Human Resources in a separate file and are deemed confidential. The complaining party shall be notified of the results of the investigation. The complaining party shall not be notified of the discipline imposed.

The County will handle reports of alleged sexual harassment and discrimination with sensitivity to concerns for confidentiality, reputation and privacy, as is practical.

**False Allegations:**

While the County does not intend to quash or diminish the reporting of claims of sexual harassment or discrimination, any Employee whose allegations of sexual harassment or discrimination are found to be intentionally fabricated shall be subject to disciplinary action, up to and including termination.

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### **III. EMPLOYMENT GUIDELINES**

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## **JOB POSTINGS**

The County is committed to providing promotional opportunities to Employees who demonstrate exemplary job performance and self-motivation. Job announcements are posted on the County's website, bulletin boards throughout County Offices and Departments, and employment websites. The County may concurrently advertise or otherwise recruit qualified individuals. The County is an Equal Employment Opportunity Employer. *See Equal Employment Opportunity Statement.*

## **EMPLOYMENT REFERENCES**

All inquiries by prospective employers, their investigators, personnel employment agencies, or anyone else regarding a current or former Employee concerning any aspect of their employment must be referred to the Human Resources Department.

## **FRATERNIZATION**

Engaging in a romantic relationship with a coworker within the same Department is highly discouraged. This type of relationship in the workplace can negatively impact employee productivity, turnover, and security. It may also result in issues related to sexual harassment claims, as well as damage the integrity of the County. Employees are required to disclose any romantic or sexual relationship(s) with a coworker(s) within the same department to the Department Head/Elected Official or designee. Employees will be required to sign an acknowledgment statement asserting the relationship is consensual, and that Employee's behavior will remain professional at all times in the workplace. All such romantic relationships are strictly prohibited between supervisor(s) and subordinate(s) within the same department.

Any relationship that interferes with the culture or teamwork, the harmonious work environment, the productivity or security of employees, will be addressed by applying the County's progressive discipline policy.

## **EMPLOYMENT OF RELATIVES AND DOMESTIC PARTNERS**

Relatives of Employee shall not be appointed to or transferred to County positions in the following situations:

1. Employee is in a position to supervise or control the work of the relative;
2. Employee is in a position to influence the relative's rate of pay or promotion;
3. The handling of confidential information could cause a conflict of interest; and
4. The vacant position is in the same department as a relative.

"Relative" shall mean: blood or legal relationship in the capacity of immediate family member. "Immediate family member" shall mean: spouse, domestic partner, child, parent, and sibling including in-law, step, or adoptive.

If employees who marry or live together work in a direct supervisory relationship with each other, the County will attempt to reassign one of the employees to another position for which the Employee is qualified, if such a position is available. If no such position is available, one of the employees may be required to resign employment with the County.

Current employees who marry or live together, work together and are not in a direct supervisory relationship with each other, will be required to sign an acknowledgment statement asserting the relationship is consensual, and that Employee's behavior will remain professional at all times in the workplace.

It is the responsibility of the Applicant for employment and Employee to disclose a relationship to the Department Head/Elected Official or any County Employee conducting the interview/hiring process. Failure to disclose the same may result in denial of consideration for a position or termination of employment.



## **CONFLICT OF INTEREST**

Employee shall not engage in outside employment that may hinder, or be perceived as to hinder, the impartial performance of their public duties, embarrass the County government, impair their efficiency, or present a potential conflict of interest.

Employee shall not own, directly or indirectly, any interest in any business or enterprise if such ownership would influence adversely any decision of Employee in their role with the County. The County recognizes the right to engage in secondary employment outside of the time commitment required by each County position. However, Employee shall not hold a second job that conflicts with or appears to be in conflict with the Employee's duties as a County employee. A conflict of interest shall exist whenever an Employee has a financial interest, direct or indirect, in a supplier, vendor, or other principal dealing with the County, and that interest is of such extent or nature that it might reasonably affect their judgment or decisions made on behalf of the County. Outside employment shall not be performed during hours when Employee is on duty at their County position.

Employee shall inform their Department Head/Elected Official of any outside employment in which Employee may be engaged by completing the Outside Business Interest Activity Form. Department Head/Elected Official shall be responsible for forwarding the form to Human Resources with their recommendation. Outside employment shall be examined by the Director of Human Resources, and based on the circumstances, the Commissioners, to determine conflict and provide authority.

Employee shall decline all gifts of substance that may be presented to them. Good judgment should be used in the determination between a gift of substance and an inconsequential gift of advertising, such as calendars, pencils, memo pads, and the like. Employee shall not accept any free or preferred services, benefits, or concessions from any person or company as a result of employment with the County.

Situations that result in a conflict of interest may be cause for disciplinary action, up to and including termination.

## **ORIENTATION**

Employee shall attend County orientation within the Employee's first month of employment. Failure to complete orientation within 90 days of Employee's first day of work shall result in termination of employment. Orientation is conducted in two parts by the Employee's supervisor and Human Resources. Orientation is required to maintain employment status with the County. Employee shall receive a copy of the Employee Handbook prior to orientation.

## **PROBATIONARY PERIOD / PERFORMANCE EVALUATION**

### **Probationary Period:**

All new Employees of the County or Employees that are changing job classifications (promotion, demotion, transfer, etc.) shall serve a probationary period of no less than Ninety (90) days. This period will be used to train and evaluate Employee's effective adjustment to work tasks, conduct, observation of rules, attendance, and job responsibilities. Any probationary Employee whose performance does not meet the required standards of job progress or adaptation during this period may be terminated. The County reserves the right to extend the probationary period. A probationary period is not a guarantee of employment, nor does it create a contract of employment for a period of time. Employee remains an Employee "at will."

The purpose of the probationary period is to allow Employee the opportunity to receive and learn information regarding requirements of the position, performance, policies and procedures, compensation, benefits, and expectations of the position.

Employee may also be placed on probationary status as a disciplinary measure if Employee commits a violation of any County Policy or departmental rule or regulation. The period of disciplinary probation is at the discretion of the Department Head/Elected Official, in combination with the Human Resources Department.

### **Performance Evaluation:**

The Department Head/Elected Official and/or designee shall complete a performance evaluation at the conclusion of the probationary period and every year thereafter. Department Head/Elected Official, however, may decide to evaluate Employees at any time. Evaluations are to be explained to the Employee, and Employee is asked to acknowledge the evaluation with their signature. All evaluations must be approved by the Department Head/Elected Official and County Commissioners.

## **EMPLOYMENT CLASSIFICATIONS**

All new Employees shall be classified as probationary for a period of at least ninety (90) days, unless a longer period is set forth in a union contract or required by local, state, or federal law. Employees are classified in the following categories:

- **Full-time Employee** – an individual who works a regularly scheduled period of thirty-five (35) hours or more within a seven (7) day period;
- **Part-time Employee** – an individual who works fifteen (15) to less than thirty-five (35) hours, within a seven (7) day period;
- **Casual Employees** – an individual who works on an as-needed basis, with no set schedule or number of working hours;
- **Temporary Employee** – an individual who works full-time or part-time for a specified period of time;
- **Routine Probationary Employee** – an individual who experienced a change in job classification, or a new hire in the first ninety (90) days, unless a longer period is set forth in a union contract or required by local, state, or federal law; and
- **Intern** – an unpaid individual who is selected through a recognized educational institution to be trained and educated for a specific period of time.

### **Probationary Period:**

Employees may be terminated for unsuccessful performance or an unsuccessful evaluation at any time. The County reserves the right to extend the probationary period. A probationary period is not a guarantee of employment, nor does it create a contract of employment for a period of time. The Employee remains an Employee “at will.”

The purpose of probation is to allow the Employee the opportunity to receive and learn information regarding requirements of the position, performance, policies and procedures, compensation, benefits, and expectations of the position. *See Probationary Period Statement.*

## **HOURS OF WORK AND OPERATION**

Generally, County office hours are 8:30 a.m. to 4:30 p.m., Monday through Friday. Offices may have different working hours. The County Commissioners maintain the discretion to change hours of operation. Employee should confirm their scheduled work hours with their immediate supervisor.

To avoid interfering with or interrupting ongoing operations, Employees are prohibited from remaining at or returning to work areas when off-duty. Employee may be authorized by their Department Head/Elected Official or designee to return to work to complete an assignment in the event of an emergency. In such an instance, the Employee would be on-duty. Brief off-duty visits to work areas may be permitted. Employee should confirm their authority to return to work when off-duty with their supervisor. Off-duty Employees who return to work areas shall avoid interfering with or disrupting Employees engaged in ongoing operations.

During Employee's regular shift, Employee shall receive two (2) break periods of fifteen (15) minutes. If Employee works seven (7) hours or more per day, Employee shall receive one (1) break period, which may occur approximately midway during the first half of Employee's shift, and one (1) break period of fifteen (15) minutes, which may occur approximately midway during the second half of Employee's shift. Both break periods are considered a privilege, and work situations may not permit break periods. Department Head/Elected Official maintains discretion to control break periods.

Unless otherwise provided, Employee shall be granted a thirty (30) minute or one (1) hour unpaid lunch period, based on Employees workday hours and as designated by their Department Head/Elected Official. During regular working hours, the lunch period shall be scheduled between the hours of 11:00 a.m. and 2:00 p.m.

For example, Employee who works a seven (7) hour workday with a one (1) hour unpaid lunch period, shall report to work for eight (8) hours each day (i.e. 8:30am-4:30pm) with their unpaid lunch period built into their schedule mid-day. Employee is not permitted to shorten their lunch period to accumulate overtime hours. Unless otherwise approved by the Commissioners, all Employees have a one (1) hour unpaid lunch period built into their work schedule each day. The practice of eating lunch within the Employee's work area or office is prohibited.

## **ATTENDANCE**

An Employee is expected and required to be in attendance to commence work at designated work locations on assigned days and hours. Employee shall not be entering the work area at the time work is to be commenced, but should be prepared to commence business at the start of their shift. An Employee is expected to remain at work for the entire work shift, excluding breaks and lunch. Late arrivals, early departures, and other personal absences are disruptive and should be avoided. When an Employee's late arrivals, early departures, and other personal absences are excessive, the Employee may be subject to discipline, up to and including termination of employment.

The following shall be considered an unauthorized absence: (1) any absence from work without proper notification; (2) an unexcused absence; and (3) an unscheduled sick day used the workday before or after a scheduled vacation, personal day, or holiday, unless substantiated by a healthcare provider's note excusing the Employee. Unauthorized absences shall not be compensated in any form, regardless of paid time available to the Employee. If an Employee is charged with an unauthorized absence the workday before or after a scheduled holiday, the Employee shall forfeit the holiday pay, and the Employee shall not be paid for the day when the unauthorized absence occurred.

An Employee with three (3) consecutive "no call/no show" shall be deemed to have voluntarily terminated their employment without notice. The Department Head/Elected Official shall immediately notify Human Resources on the 3<sup>rd</sup> day.

Unauthorized absences, tardiness, or unauthorized early departure shall result in disciplinary action, up to and including termination of employment. The Department Head/Elected Official is authorized to reduce the Employee's pay for lost time, or to require the Employee to work the lost time.

### **Reporting Absences from Work:**

All absences from work must be reported as set forth below and in accordance with specific policies related to each:

1. **Sick Leave** – Employee shall report absences from work due to illness to their Department Head/Elected Official or designee prior to their scheduled shift. Employee must report absences in accordance with their Department Call-Off procedure. Employee shall provide verbal notice of absence. Texting or emailing to call-off is prohibited. Daily notice is required, unless the specific duration of the illness is provided to the employer. *See the Sick Leave Policy.*
2. **Vacation** – Employee shall schedule vacation in advance according to Department procedures. The Department Head/Elected Official or designee is authorized to approve or deny a vacation request. *See the Vacation Policy.*
3. **Personal Days** – Employee shall schedule personal days in advance according to the Personal Days Policy and Department procedures. The Department Head/Elected Official or designee is authorized to approve or deny a personal day request. *See the Personal Days Policy.*

4. **Leave of Absence/FMLA** – Requests for leave of absence under the Family Medical Leave Act shall be presented to Human Resources at least thirty (30) days prior to leave, unless emergent. An Employee shall complete the Extended Time-Off Request Form and return it to Human Resources for eligibility determination. *See Family and Medical Leave Policy*
5. **Bereavement Leave** – Employee shall request bereavement leave through their Department Head/Elected Official in accordance with the Bereavement Leave Policy. *See Bereavement Leave Policy.*
6. **Jury Duty/Court Appearance** – Employee shall notify their Department Head/Elected Official upon notice of jury duty or court appearance. *See Jury Duty/Court Appearance Policy.*
7. **Military Leave** – Employee shall notify their Department Head/Elected Official as soon as orders are received or there is knowledge of leave and shall submit copies of their military orders to their Department Head/Elected Official and Human Resources. *See Military Leave Policy.*

Failure to comply with this Policy may result in disciplinary action, up to and including termination.

## **INCLEMENT WEATHER**

The main purpose of County government is to serve the people of Lebanon County. As such, the County will make every effort to open and keep County offices and departments operational during inclement weather conditions. Occasionally, weather conditions require County offices and departments to close for the day or a portion of the day. When extreme weather conditions exist, the County Commissioners and/or County Administrator will make a decision on closing offices based upon information provided by emergency officials. Information regarding office closings or delays shall be announced over local radio and television stations during early morning hours or when such information becomes available.

### **Full-time Employee:**

If County offices or departments are closed for the day, or any part of the day, Full-time Employee may receive their regular rate of pay, for their normal working hours, for the period of the closure recorded as administrative time under the following condition: Employee was scheduled to work that day. If employee was not scheduled to work that day or had/had prescheduled paid-time-off (PTO), administrative time shall not be issued and the PTO will be charged as scheduled, if applicable. Employee must be in compensable status (*see Definitions*) to receive administrative pay.

Early dismissal administrative pay is only applicable if Full-time Employee is at work at the time of the dismissal and does not have prescheduled PTO. If Employee is still at work at the time of the dismissal, Employee shall not be charged any leave time for the remainder of the day. If Employee is not at work, not scheduled to work, has already left for the day or is scheduled to leave for prescheduled paid-time-off (PTO), administrative time shall not be issued and the PTO will be charged as scheduled.

If non-essential Full-time Employee is unable to report to work due to inclement weather, Employee shall notify their Department Head/Elected Official or designee of the absence by the beginning of their scheduled shift or in accordance with Department policy. Essential Employee shall follow Department procedure. Paid time off shall be charged in half or whole day increments, excluding sick time. Essential Employee is defined as those employees who work within a 24-hour Department, including but not limited to the following Departments: Lebanon County Correctional Facility, Renova Center, Department of Emergency Services and Central Booking. If Employee has no accumulated paid time off, as outlined above, Employee shall receive no pay for the unexcused absence. If Employee calls off sick on an inclement weather day, Employee shall present a healthcare provider's note to Human Resources in order for sick paid time off to be granted.

### **Part-time/hourly:**

Employee does not receive administrative pay.

An Employee, who leaves work when County offices have not been officially closed, shall have the remaining hours charged to accumulated vacation in half-day increments. If Employee does not have any accumulated vacation or personal days, Employee shall not be paid for the time off. Employee shall then be subject to disciplinary action. Authorization from Employee's Department Head/Elected Official or designee is required prior to early departure. Failure to obtain authorization may result in disciplinary action, up to and including termination.



## **POLITICAL ACTIVITY**

Employee shall not be subject to direct or indirect political influence as a condition of employment, nor shall employee engage in partisan political activity in the workplace.

In order to ensure the integrity of governmental offices and the provision of public services, employees of the County are further prohibited from 1) use of official authority or influence for the purpose of interfering with the election or nomination for office or affecting the results thereof (except by casting the employee's vote); and 2) directly or indirectly coercing or attempting to coerce, commanding or advising any officer or employee to pay, lend or contribute any part of the employee's salary or compensation, or anything else of value to any party, committee, organization, agency, or person for political purposes.

The Hatch Act Modernization Act of 2012 (positions fully funded by loans or grants from the United States government or federal agency): Employees of the County who are covered by The Hatch Act Modernization Act, 5 U.S.C. §1501, *et seq.*, are prohibited from becoming a candidate for partisan elective office. Questions concerning application of The Hatch Act to Employee shall be directed to Human Resources. If applicable, additional restrictions:

- Cannot be a candidate for public office in partisan elections;
- Shall not use official authority or influence for purpose of interfering with or affecting the result of an election or nomination for office;
- Shall not, directly or indirectly, coerce, attempt to coerce, command or advise another "covered" employee to lead, pay or contribute anything of value to a political party or candidate
- **Civil Service Position:** If Employee holds a Civil Service position, the Civil Service Act defines their permitted and prohibited political activities and penalties. Employee is prohibited from taking an active part in political management or in a political campaign.

### **Prohibited Activities (Civil Service Employees):**

Prohibited activities include, but are not limited to the following activities:

- Use of official authority or influence to interfere or affect the result of an election;
- Take an active part in political management or in a political campaign;
- Serve as an officer of a political party; a member of a national, state, or local committee of a political party; or an officer or a member of a committee of a partisan political club; or be a candidate for any of these positions;
- Organize or reorganize a political party organization or political club;
- Directly or indirectly solicit, receive, collect, handle, disburse, or account for assessments, contributions, or other funds for a partisan political purpose;
- Organize, sell tickets to, promote, or actively participate in a fundraising activity of a candidate in a partisan election, political party, or political club;
- Take an active part in managing the political campaign of a candidate for public office in a partisan election or a candidate for political party office;
- Become a candidate or campaign for an elective public office in a partisan election;

- Solicit votes in support of or in opposition to a candidate for public office in a partisan election or a candidate for a political party office;
- Act as recorder, watcher, challenger, or similar officer at the polls on behalf of a political party or candidate in a partisan election;
- Drive voters to the polls on behalf of a political party or candidate in a partisan election;
- Endorse or oppose a candidate for public office in a partisan election or a candidate for political party office in a political advertisement, a broadcast, campaign literature or similar material;
- Serve as a delegate, alternate, or proxy to a political party convention;
- Address a convention, caucus, rally, or similar gathering of a political party in support of or in opposition to a partisan candidate for public office or political party;
- Initiate or circulate a partisan nomination petition;
- Solicit, pay, collect, or receive a contribution at or in the workplace from any Employee for any political party, political fund or other partisan recipient;
- Pay a contribution at or in the workplace to any Employee who is the employer or employing authority of the person making the contribution for any political party, political fund or other partisan recipient.

**Permitted Activities (All Employees):**

Employee may participate in the following activities, except while on duty or in uniform:

- Register and vote in any election;
- Express opinions privately and publicly on political subjects and candidates;
- Display political materials (badge, button, etc.) while not on duty and at locations other than the workplace;
- Participate in non-partisan activities of a civic, community, social, labor, professional or similar organization;
- Be a member of a political party, organization or club and participate in its activities to the extent consistent with the Civil Service Act;
- Attend a political convention, rally, fundraising function, or other political gathering;
- Sign a political petition;
- Make a financial contribution to a political party or organization;
- Be politically active in connection with a question, which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance, or any other question or issue of a similar character;
- Participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise efficiency or integrity as an employee, or the neutrality, efficiency or integrity of a Commonwealth agency.

**Prohibited Activities (All Employees):**

Employee shall not:

- Participate in political activity during work hours;
- Coerce any other County Employee to contribute time, money or services to a political candidate or campaign;
- Participate in political activity that requires approval, without first obtaining the necessary approval;
- Participate in political activity while in uniform, representing self as a County Employee, or while acting on behalf of the County;
- Accept gifts, gratuities, favors, entertainment, loans, etc. from anyone who a) wants or has business with the County; b) is regulated by the County; c) has filed a lawsuit against the County; or d) has interests that are substantially affected by Employee's job performance or nonperformance.

Additional guidelines may be obtained from the Department of Human Resources.

## **PETS AND SERVICE ANIMALS**

Employee is prohibited from bringing any animals/pets into the Municipal Building or any other County owned or operated facility or property, including County vehicles. A Service Animal performing its duties, such as guide dogs for the blind, on-duty police dogs, and animals pre-approved for the use of therapeutic recreation, may be brought into County owned or operated facilities or vehicles.

Employee shall notify Human Resources if Employee requires the use of a service animal.

## **PERSONNEL FILE**

The Human Resources Department maintains a personnel file on each Employee. The Human Resources Department also maintains files for health and related insurance benefits. The County Controller's Office maintains information on every Employee's payroll, which includes payroll history, vacation, sick and personal day balances, payroll deductions, and retirement information.

A current Employee may review their personnel file on an annual basis by making an appointment with the Human Resources Department. Employee may receive a copy of the file upon request one time per year. Human Resources shall make a copy of the file, and Employee shall be charged at the rate of \$.25/page. Employee may request written correspondence be placed in the personnel file as a rebuttal to any disputed contents.

All information contained in Employee's personnel file is confidential, unless exempted by the Pennsylvania Right-to-Know Law. If someone inquires about employment, the County allows verification of position, salary and dates of employment only. For release of other information, a signed Authorization must be submitted.

## **EMPLOYEE IDENTIFICATION CARDS**

All Employees are provided with a security identification card (ID) by the County.

- Employee is required to wear and make visible their ID during work hours.
- The ID will allow access to certain buildings and departments that apply to the Employee's respective position.

It is Employee's responsibility to safeguard their ID. Employee shall not give their ID to any person for any reason. If the ID is lost, stolen, or destroyed, it is Employee's responsibility to immediately contact their Department Head/Elected Official and the Human Resources Department. There will be a fee charged (as established by the County Commissioners) for replacement.

If Employee is voluntarily/involuntarily terminated, Employee shall immediately provide their ID to the Human Resources Department. If Employee is employed by an agency outside of the Municipal Building, Employee shall immediately provide their ID to their Department Head/Elected Official, who shall be responsible for returning the ID to Human Resources within 48 hours of Employee's last day of employment.

Failure to comply with this Policy shall result in disciplinary action, up to and including termination.

## **SOLICITATION AND DISTRIBUTION**

Solicitation and distribution of literature of any kind is prohibited within the Municipal Building or any other County-owned or operated property, unless prior written approval is received from the Department Head/Elected Official, or such prohibition would be in violation of federal, state, or local laws. Employee may engage in approved solicitation or distribution for organizational purposes during break periods, meal periods, or other authorized non-working time, so long as Employee and visitors of the Municipal Building or other property are not disturbed.

Selling, as well as distributing advertising material, bills, and printed or written literature of any kind is prohibited in working areas.

If Employee observes a violation of this Policy, or is subject to unsolicited material, the Director of Human Resources should be notified. A violation of this Policy may result in disciplinary action, up to and including termination of employment.

## **CELLULAR TELEPHONE USAGE**

The nonessential use of any telephone or wireless communication devices while driving on County business is **STRICTLY PROHIBITED**. Cellular telephones and wireless communication devices are to be used only as necessary for essential business or safety needs. Regardless of the circumstances, including slow or stopped traffic, Employee is required to pull off to the side of the road and safely stop the vehicle before placing or accepting a call, unless using a hands-free device/operation. For the purpose of hands-free device/operation, Employee shall take appropriate precautions, including pulling off to the side of the road and stopping the vehicle when engaged in discussions of complicated or emotional matters, in situations where there is heavy traffic, inclement weather, or Employee is driving in unfamiliar area.

Employee shall follow all applicable local, state and federal laws and regulations regarding use of cellular telephones and wireless communication devices at all times. Use of hand-held cellular telephones and wireless communication devices while driving is illegal, and Employee may be fined or prosecuted for violations.

Employee shall not engage in texting while driving. Texting is defined as review of, or preparation and transmission of typed messages through any such devices, or the engagement in any form of electronic data retrieval or electronic data communications through any networking devices, including but not limited to, social media or email.

If Employee is charged with a traffic violation resulting from the use of their cellular telephone or wireless communication device while driving, Employee shall be solely responsible for all liabilities that result from such actions.

If Employee is found to be negligent or charged with a traffic violation arising out of a motor vehicle accident as a result of cellular telephone usage Employee may be responsible for all liabilities that result for such actions.

Making and receiving personal cellular telephone calls, text messages, instant messages via social media, headsets/headphones, or similar devices during work hours is prohibited. Cellular telephones may be used during scheduled break periods or lunch. Emergency personal calls shall be directed to the Department's main telephone number. It is recognized that Employee may need to make or accept a personal call during work hours, and such behavior is only acceptable with limited frequency and duration.

A violation of this Policy shall result in disciplinary action, up to and including termination.



## **PARKING**

Municipal Building Employees shall park their personal cars in one of the following parking lots: (1) the parking lot north of Oak Street at 7<sup>th</sup> Street; (2) in the northeast lots north of Oak Street and in front of the Oak Street Maintenance garage; (3) the auxiliary lot (Elm Street entrance) at the rear of the building; or (4) lot along 8<sup>th</sup> Street southwest of the Municipal Building.

Employees are directed not to use parking spaces designated to be used by public during operating hours, as these spaces are to be utilized by citizens who have business to conduct in the Municipal Building.

Parking in spaces reserved for disabled persons and fire lanes, accordingly marked, is strictly prohibited. With the exception of, if the Employee possess the required disability license plate or handicap parking permit issued by the Pennsylvania Department of Transportation.

## **CONFIDENTIAL INFORMATION**

Employee must be aware of the confidential nature of the information to which Employee has access. Examples of confidential information include, but are not limited to, addresses, social security numbers, driver's license numbers, dates of birth, health information, and proprietary business information. In the course of performing assigned duties, Employee may acquire proprietary information of the County, which is confidential in nature and should remain confidential. Confidential information should not be discussed or shared with anyone, except as needed in the workplace. When questions arise as to whether certain information is confidential, Employee should direct their questions to the Department Head/Elected Official.

Additionally, strict controls regarding work areas, records, and computer information are enforced by the County to ensure the confidentiality of information. Casual conversations with other Employees may be overheard and thereby violate the privacy of others. Careful attention should be given to conversations held in places of public gathering.

Confidential information maintained on a computer, including an e-mail system, may be quickly distributed to or viewed by those without a need to know, and such action should be avoided. Careful attention should be given to material saved in the system, transmitted, and displayed on the computer screen.

An Employee assigned keys, Security ID's, given special access, or assigned job responsibilities in connection with safety, security or confidentiality of such records, material, equipment or such items of monetary or business value, shall be required to use sound judgment and discretion in carrying out their duties and shall be accountable for any breaches of confidential information.

A violation of this Policy may result in disciplinary action, up to and including termination.

*See also, Health Insurance Portability and Accountability Act (HIPAA) – Medical Privacy Policy and Health Information Technology for Economic and Clinical Health Act Policy - Information Technology Policy.*

## **HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) -MEDICAL PRIVACY**

This Policy protects the privacy and confidentiality of protected health information (PHI) whenever it is used by County representatives. The private and confidential use of such information will be the responsibility of all employees with job responsibilities requiring access to PHI.

PHI refers to individually identifiable health information received by the County's health plan or received by a health care provider, health plan or health care clearinghouse that relates to the past or present health of an employee or to payment of health care claims. PHI information includes medical conditions, health status, claims, experience, medical histories, physical examinations, genetic information, and evidence of disability.

The County has designated the Director of Human Resources as the HIPAA Compliance Officer (HCO), and any questions or issues regarding PHI should be presented to the HCO for resolution. The HCO is also charged with the following responsibilities:

- Issuing procedural guidelines for access to PHI,
- Developing a matrix for personnel who will need access to PHI,
- Developing guidelines for describing how and when PHI will be maintained, used, transferred or transmitted.

On an annual basis, the County performs open enrollment, changes in enrollment and payroll deductions; provides assistance in claims processing resolution and explanation of benefits issues; and assists in coordination of benefit with health care providers. Some or all of these activities may require the use or transmission of PHI. All information related to these processes will be maintained in confidence, and Employees will not disclose PHI from these processes for employment-related actions, except as provided by administrative procedures approved by HCO.

### **General Rules:**

- Disclosures that do not qualify as PHI:
  - Disclosures of PHI to the Employee to whom it belongs;
  - Requests by health care providers for treatment or payment;
  - Disclosures requested to be made to authorized parties by the Employee;
  - Disclosures to government agencies for reporting or enforcement purposes;
  - Disclosures to workers' compensation providers and those authorized by the workers' compensation providers.
- Information regarding whether an Employee is covered by a plan for claims processing purposes may be disclosed.
- Information external to the health plan is not considered PHI if the information is being furnished for claims processing purposes involving worker's compensation or short or long-term disability and medical information received to verify Americans with Disabilities Act (ADA) or the Family Medical Leave Act (FMLA) status.

Personnel records and disclosures of PHI will be maintained for a period of six (6) years as required by federal law, unless a state law requires a longer retention period. Records that have been maintained for the maximum interval will be destroyed in a manner to ensure that such data is not compromised in the future in accordance with the County record retention policy.

In the event that the Plan's PHI is unsecured based on standards set by the United States Department of Health & Human Services, the Plan will notify the Employee within 60 days of the date of the discovery of any breach of Employee PHI or within the date that there is reason to believe that there has been a breach of Employee PHI. The notice will include the circumstances of the breach, the date of the breach, the date of discovery of the breach, the type of information involved, steps Employee should take to mitigate the harm and protect against future breaches.

The law provides Employee with the following rights with respect to their PHI that the Plan and its business associates or subcontractors maintain:

- Employee has the right to request restrictions on County's uses and disclosures of PHI. Employee may request that County limit disclosures of PHI only for County payment or health care operations and to certain individuals. However, the County is required to agree to Employee's request. County will accommodate reasonable requests to receive communications by alternative means or at alternative locations.
- Employee has the right to inspect and copy the PHI that the Plan maintains. The requested information will be provided to Employee within 30 days, if the information is maintained on-site or within 60 days if it is maintained off-site. Employer may request a 30-day extension, but County will notify Employee if it elects the extension and will provide Employee with the reason. If County denies Employee's access to their PHI, County will provide Employee with a written denial, which will include the reason for the denial along with other relevant information.
- Employee has the right to request that County amend your PHI. Within 60 days of receiving Employee's request, County will respond. County may request an additional 30-day extension, but if it does, it will explain the reasons. If the County denies Employee's request, it will provide him with a written denial that clearly explains why County denied the request. Employee will be given the opportunity to provide County a statement of disagreement. County will include Employee's statement with the PHI that is the subject of Employee's request.
- Employee has the right to receive a list of County disclosures of Employee's PHI, except for those disclosures that are made in connection with claims payments or County health care operations. County will not include any disclosures it has made to Employee or at Employee's request, or any disclosures made prior to April 14, 2004. County will provide Employee with the list within 60 days after it received Employee's request, except that County may request a 30-day extension. If Employee requests more than one account within a 12-month period, County will charge Employee a reasonable fee for each subsequent request.
- Employee has the right to receive a copy of this Notice upon request. In order to exercise any of these rights, Employee will be required to complete a form that County will provide to Employee upon request. All requests should be made to the HCO contact shown at the end of this Notice.

- If Employee believes that their privacy rights as described in this Notice have been violated, Employee may complain to the Plan as described under Contact Information below. Employee may also file a complaint with the Department of Health & Human Services at the Office of Civil Rights, Region III, 150 S. Independence Mall West, Suite 372, Philadelphia, PA 19106-9111. Phone: (800) 368-1019. The Plan will not retaliate or discriminate against Employee for filing a complaint.

If Employee has any questions about this policy/notice or would like to file a complaint, Employee may contact:

HIPAA Compliance Officer  
County of Lebanon  
County Municipal Building  
400 South Eighth Street, Room 207  
Lebanon, PA 17042

Some departments with medical records may have a separate HIPAA Compliance Officer, in which case Employee should contact their Department Head/Elected Official or designee.

## **HEALTH INFORMATION TECHNOLOGY FOR ECONOMIC AND CLINICAL HEALTH ACT (HITECH)**

As a result of the Health Information Technology for Economic and Clinical Health (HITECH) Act, part of the American Recovery and Reinvestment Act of 2009 (ARRA), covered entities under the HIPAA of 1996 and their business associates must provide notification in the case of breaches of unsecured protected health information. The Department of Health & Human Services provided guidance identifying the specific technologies and methodologies that cause protected health information to be unusable, unreadable, or indecipherable to unauthorized individuals and for the purposes of determining what information is unsecured protected health information.

Breach notification rules apply to HIPAA covered entities and their business associates that access, maintain, retain, modify, record, store, destroy, or otherwise hold, use, or disclose unsecured protected health information. Certain definitions are important for understanding these provisions:

### **Definitions:**

**Covered Entity:** A health plan, healthcare clearinghouse, or healthcare provider that transmits any health information electronically in connection with a covered transaction, such as submitting healthcare claims to a health plan.

**Breach:** The unauthorized acquisition, access, use, or disclosure of PHI, which compromises the security, or privacy of this information.

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

**Protected Health Information:** The individually identifiable health information held or transmitted in any form or medium by HIPAA covered entities and business associates, subject to certain limited exceptions.

**Unsecured Protected Health Information:** PHI that is not secured through the use of approved technology or methodology.

### **Guidelines:**

The security rule requires covered entities to safeguard electronic protected health information (EPHI) and permits covered entities to use any security measures that allow them to reasonably and appropriately implement all safeguard requirements.

If a covered entity chooses to encrypt PHI to comply with the security rule, follows the guidance identifying the specific technologies and methodologies, and subsequently discovers a breach of that encrypted information, the covered entity will not be required to provide a breach notification because the information is not considered unsecured PHI.

There are two permitted methods that can render PHI unusable, unreadable, or indecipherable:

- Paper, film, or other hard copy media have been shredded or destroyed; or
- Electronic media has been cleared, purged, or destroyed, such that the PHI cannot be retrieved.

Covered entities and business associates need to evaluate the risk of harm to individuals that has occurred in the case of a breach and should consider:

- The type and amount of protected health information involved in the breach;
- To whom the information was disclosed;
- Assurances that the information will not be further disclosed;
- Risk of re-identification when performing a risk assessment; and
- The risk assessment should be fact specific.

If the nature of the PHI does not pose a significant risk of financial, reputational, or other harm, then the violation is not in breach.

There are three (3) exceptions to the definition of “breach” that encompass situations Congress clearly did not intend to constitute breaches:

- Unintentional acquisition, access, or use of PHI by an Employee or individual acting under the authority of a covered entity or business associate;
- Inadvertent disclosure of PHI from one person authorized to access PHI at a covered entity or business associate to another person authorized to access PHI at the covered entity or business associate; and
- Unauthorized disclosure in which an unauthorized person to whom PHI is disclosed would not reasonably have been able to retain the information.

Covered entities and business associates will need to do the following to determine whether a breach occurred:

- The covered entity or business associate must determine whether there has been the impermissible use or disclosure of PHI under the Privacy Rule;
- The covered entity or business associate must determine, and document, whether the impermissible use or disclosure compromises the security or privacy of the PHI; and
- The covered entity or business associate may need to determine whether the incident falls under one of the exceptions.

Knowledge of a breach, i.e., when a breach is treated as “discovered,” starts the clock in terms of the time a covered entity has to make the notifications required by the rule. Except when law enforcement requests a delay, a covered entity must send the required notification, without unreasonable delay, and in no case later than sixty (60) calendar days after the date the breach was discovered by the covered entity.

There are specific content requirements for the breach notice to the individual which must include, to the extent possible, the following elements:

- A brief description of what happened, including the date of the breach and the date of the discovery of the breach, if known;
- A description of the types of unsecured PHI that were involved in the breach (such as whether full name, social security number, date of birth, home address, account number, diagnosis, disability code, or other types of information were involved);
- Any steps individuals should take to protect themselves from potential harm resulting from the breach;
- A brief description of what the covered entity involved is doing to investigate the breach, to mitigate harm to individuals, and to protect against any further breaches; and
- Contact procedures for individuals to ask questions or learn additional information, which must include a toll-free telephone number, an e-mail address, website, or postal address.

Additionally, the notifications must be written at an appropriate reading level using clear language that the recipient will be able to understand.

An actual written notice to the individual, as well as a substitute notice to the individual, if contact information is insufficient or out-of-date, must be provided. A covered entity must provide a breach notice to the individual in written form by first-class mail at the last known address of the individual. The written notice may be in the form of e-mail, provided the individual agrees to receive electronic notice.

If a covered entity has insufficient or out-of-date contact information for ten (10) or more individuals, then the covered entity must provide substitute notice through either a conspicuous posting for a period of ninety (90) days on the home page of its website, or conspicuous notice in major print or broadcast media in geographic areas where the individuals affected by the breach likely reside.

If more than five hundred (500) residents of a state or jurisdiction are reasonably believed to have been accessed, acquired, or disclosed during a breach, notice must be provided to prominent media outlets without unreasonable delay and no later than sixty (60) calendar days after the discovery of the breach.

For breaches involving five hundred (500) or more individuals, covered entities are also required to notify the Health and Human Services (HHS) Secretary at the time the affected individual is notified. For breaches involving fewer than five hundred (500) individuals, a covered entity may maintain a log of these breaches and annually submit the log to the HHS Secretary, documenting the breaches occurring during the year involved. This internal log must be maintained for six (6) years. The information must be submitted to the HHS Secretary no later than sixty (60) days after the end of each calendar year.

A business associate is required to notify the covered entity of the breach so that the covered entity can notify affected individuals. In cases in which a breach involves the unsecured PHI of multiple covered entities and it is unclear to whom the breached information relates, it may be necessary to notify all potentially affected covered entities. The covered entity must provide the required notifications to affected individuals without unreasonable delay, but no later than sixty (60) days.

If a business associate is acting as an agent of a covered entity, then the business associate's discovery of the breach will be assigned to the covered entity. In such circumstances, the covered entity must provide notifications based on the time the business associate discovers the breach, not from the time the business associate notifies the covered entity. However, if the business associate is an independent contractor of the covered entity (i.e., not an agent), then the covered entity must provide



notification based on the time the business associate notifies the covered entity of the breach.

If a law enforcement official determines that a notification, notice, or posting would impede a criminal investigation or cause damage to national security by providing a written statement, the notification, notice, or posting will be delayed temporarily for the requested time period.

Oral requests can be accommodated for up to thirty (30) days, unless a written statement with a specific extension is provided during that time.

Covered entities and business associates are required to comply with a number of administrative requirements, including:

- Develop and document policies and procedures;
- Train workforce members on policies and procedures and have consequences for failure to comply with them;
- Permit individuals to file complaints regarding these policies and procedures or failure to comply with them; and
- Refrain from intimidation or retaliation.

Following an impermissible use or disclosure under the privacy rule, covered entities and business associates have the burden of demonstrating that all required notifications were made. They must also be able to demonstrate that an impermissible use or disclosure did not constitute a breach in cases where they determined that notifications were required.

## **DRESS CODE**

Employees are expected to dress in **business casual** attire. Employee should use good judgement when choosing clothing and accessories for the nature of work to be performed. Employees must always present a clean, professional appearance. Employees are expected to be well-groomed and wear clean clothing, free of holes, tears, or other signs of wear. Proper supportive business footwear should be worn. Extreme trends are to be avoided. If Employee's Department provides uniforms, Employee is required to wear the uniforms provided. Some Departments may have more stringent dress code guidelines.<sup>1</sup>

Examples of attire that are considered **inappropriate** include, but are not limited to, the following:

- **Clothing with offensive or inappropriate designs, stamps, slogans, statements or pictures** are strictly prohibited - (some images or designs can even be considered harassment);
- **Dirty, stained or wrinkled clothing;**
- **Revealing, sheer or suggestive attire** - (i.e. Backless, sheer, tight, low-cut shirts, crop tops);
- **Tank tops, halter tops and camisoles without the appropriate coverage** - (i.e. sweater/cover up worn over top). Dress sleeveless shirts or dress exposed shoulder shirts **are** permitted (difference between tank/halter/camisole tops and sleeveless shirts: tank/halter/camisole tops often have bra like or spaghetti strap or thin straps; dress sleeveless shirts are wider straps with less shoulder exposure);
- **Flip flops are strictly prohibited** - dress sandals **are** permitted (difference between flip flops and sandals: flip flops are loose fitting and not strapped around the heel; sandals are either open toed or between the toe with support around instep or have ankle support with a strap at the heel);
- **Short skirts, short dresses and shorts** - the traditional length for work is knee-length and is not permitted to be shorter than 1 inch above the knee;
- **Athletic or workout gear is prohibited;**
- **Yoga pants are strictly prohibited;**
- **Leggings without the appropriate coverage** - leggings must be worn with appropriated length shirt, sweater or skirt to cover to the mid-thigh or longer, they should be treated as hosiery;
- **Sneakers or other casual shoes** – (i.e. Crocs, tennis shoes, Uggs, slides, Birkenstocks);
- **Jeans, jean capris, jean skirts and jean jackets (of any color)** - with the exception of departments that perform manual labor, maintenance, undercover law enforcement;
- **Sweatshirts with or without a hood are prohibited;**
- **Non-natural hair colors;**
- **Tattoos, body writing, facial piercings** - are discouraged, and should be appropriate for the nature of County business and the work performed, however, they can be approved by a Department Head/Elected Official prior to hire or implementation of the tattoo(s) or piercing(s). Department Head/Elected Official have the authority to require the tattoo to be covered or piercing to be removed during work hours.

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<sup>1</sup> Clothing and grooming styles dictated by religion or ethnicity are exempt

**DRESS DOWN DAYS:**

Human Resources/Wellness may schedule Dress-Down Days with the approval of the County Commissioners.

Employees must also have the approval of their Department Head/Elected Official to participate in the scheduled Dress-Down Day.

Employees must understand that based upon the responsibilities of their position, they may be unable to participate.

All Dress Down Days are at the discretion of the County Commissioners and may be discontinued at any time.

The previously listed inappropriate attire is strictly prohibited on dress down days as well, with the exception of the following, that may be worn on an authorized dress down day only:

**Permitted attire on a dress down day:**

- Sneakers or other casual shoes;
- Thin long-sleeve tee shirts with or without a hood are acceptable;
- Sweatshirts, without hoods;
- Jeans or pants (*may not be overly faded or have any rips, tears, or shredded areas*);
- Shorts or capris (*may not be more than 1 inch above the knees, Bermuda shorts are acceptable*).

Supervisor shall notify Employee of any additional requirements regarding safety equipment and clothing.

If Employee is in violation of this Policy, Employee may be sent home without pay to change their attire. Repeat violation(s) shall result in disciplinary action, up to and including termination of employment.

## **LACTATION POLICY**

The purpose of the County's Lactation Policy is to provide County employees the ability to pump/express milk or breastfeed their babies in the workplace.

Full-time Employee is permitted to use her standard 15- minute break in the morning and afternoon, which are paid breaks, for this purpose. However, if the employee's break exceeds 15 minutes, the time away from work shall be unpaid OR the employee may extend her workday with approval from her supervisor and Human Resources to account for lost time. If additional time is needed it is permitted under this policy, however it must be prescheduled/approved with her Department Head/Elected Official. Employees may also use their unpaid lunch breaks for this purpose. Part-time Employee who may need to utilize time during their workday under this policy shall meet with the Department Head/Elected Official and Human Resources prior to returning to work or need occurring to discuss available options. This policy shall be available to the employee **for one (1) year** following the child's birth.

### **Procedure:**

Employee shall inform and coordinate with her Department Head/Elected Official or designee of her desire to take breaks under this policy. Employees are encouraged to use the breaks as planned with the Department Head/Elected Official, with limited deviation from the agreed upon schedule.

Employee and the Department Head/Elected Official shall discuss a convenient location for breaks under this policy. At no time shall an employee use a bathroom for pumping/expressing milk or breastfeeding.

### **Guidelines:**

The following guidelines are established under this policy:

- All lactation breaks shall be recorded via a log-in/log-out sheet;
- Employee shall not be disturbed with work issues while on this break;
- Employee shall be shielded from view by the public and coworkers;
- Employee shall lock the room from the inside;
- Employee is responsible for safe and sanitary storage of milk;
- Supervisors shall not prohibit employees from using break time for pumping/expressing milk and breastfeeding under the policy;
- Employee shall not take break time when it is not needed or be consistently late to return to work;
- The County shall not tolerate comments, disturbance, harassment, or victimization of employees for activities under this policy.

### **Complaints:**

Complaints shall be directed to Human Resources for investigation. Any employee who acts in violation of this policy shall be subject to discipline, up to and including termination of employment.

## **WORK AREA AND OFFICE DÉCOR**

Employee is responsible for their own work area. Consumption of food at Employee's desk or workspace in view of the public is prohibited. Desks subject to public view and contain confidential information shall be cleared of everything, except business equipment before leaving at the end of their shift. Employee shall secure all confidential material. Employee shall lock their desk and filing cabinets before leaving at the end of their shift. "Good housekeeping" is an important part in keeping our work environment pleasant and safe for everyone. It is Employee's responsibility to keep their immediate work area neat and clean.

Renovations, alterations, or other physical changes to Employee's work area are prohibited in any County office, unless such changes were approved in writing by the County Commissioners. Calendars, pictures, posters, or any other items which may be considered inappropriate for County business shall not be displayed on County property. Employee should not bring any personal items of value to work. The County will not be responsible for lost, broken, or stolen personal items brought to work by Employee.

Any household electrical item that can be readily moved and plugged into an electrical supply is potentially hazardous. Therefore, most small appliances are not recommended in individual offices.

Strictly forbidden household appliances: toasters, toaster ovens, and air fryers.

Acceptable small appliances: UL approved coffee pots, small microwaves.

Space Heaters are strictly prohibited. Exception: Space heaters may be used only on an emergency basis and only for a limited time. An emergency basis is defined as nonfunctioning heat in the work area. Approval of the use of space heaters must be granted by the County Administrator and/or the Maintenance Supervisor. If approved, space heaters must be unplugged when not in use.

Any small appliance located in the office must be plugged into a surge protector or unplugged at the close of business every night.

All unsafe work environments shall be reported to the Department Head/Elected Official.

## **PURCHASES AND EXPENSES**

### **Purchases:**

All supplies and major equipment shall be ordered by the Purchasing Office upon receipt of a purchase requisition from the requesting department. All invoices for goods and services received must be approved prior to payment by the County Commissioners. Payment for all such goods and services shall be made by County-issued checks signed by the County Treasurer, Controller, and Commissioners.

Employee shall be reimbursed for authorized and actual business-related expenses. In general, advance payment for expenses is not permitted by the County. All authorized business-related expenses are to be preapproved and verified by Employee's Department Head/Elected Official. Final approval is granted by the County Controller and County Commissioners. The Human Resources Department shall maintain the most recent reimbursement rates.

### **Meals:**

An Employee on County business outside of the County or attending an official business-related luncheon/meal in which the cost of the meal is not included may be reimbursed at a rate established by the County Commissioners. Reimbursement for breakfast is generally not approved. An Employee on overnight stays and/or called out to transport individuals during off-duty hours may be reimbursed for breakfast. Receipts for meals must be furnished to be considered for reimbursement. Expenses for alcoholic beverages, gratuity, or tips will not be reimbursed.

### **Mileage:**

An Employee required to operate their personal vehicle on County business shall be reimbursed for mileage, parking expenses, and tolls. These expenses shall be accurately recorded on an expense voucher, which shall include the destination description and all receipts. Mileage reimbursement is based on the IRS mileage reimbursement rate at the time the mileage was incurred. The mileage reimbursement is intended to cover not only mileage, but also wear and tear on the vehicle. Mileage shall be calculated from Employee's work location (Municipal Building/County Agency) to the destination. If Employee is traveling from a location (i.e. home) to a work destination that is not the employee's usual and customary office (i.e. seminar in Harrisburg), the mileage shall be calculated from point of departure or Municipal Building/County Agency, whichever is less. This is applicable to travel to and from the destination. The Human Resources Department shall maintain the most recent reimbursement rates based on IRS guidelines.

### **Insurance:**

**Liability Insurance:** Employees are covered by a general liability insurance policy.

**Automobile Insurance:** The County **does not** provide automobile insurance for Employee using their personal vehicle for County business. Employee shall maintain their own automobile insurance. Employee shall provide proof of insurance to their Department Head/Elected Official or designee annually, and upon request. Employee shall notify their insurance company that their vehicle is used for work purposes. Failure to comply with the policy shall result in termination of employment.

**Seminars, Conferences, and Training Sessions:**

An Employee who attends seminars, conferences, or training within or outside the County of Lebanon must obtain written approval through the Department Head/Elected Official prior to Employee attending the event.

Department Head/Elected Official shall submit the Conference/Seminar Request Form to the Human Resources Department no later than by the end of the business day the Monday prior to the County Commissioners' Meeting. Request forms are available in the Human Resources Department.

All expenses related to a seminar, conference, or training must be within the department/office budget or paid through a 3<sup>rd</sup> party related to that department/office.

If any expenses related to a seminar, conference, or training are not budgeted for, the request to attend must be submitted for formal consideration and approval at the meeting of the County Commissioners, prior to the conference date.

An Employee attending approved seminars, conferences, or other County business activities outside of a fifty (50) mile radius from the City of Lebanon, may request reimbursement for overnight lodging. Employee and Department Head/Elected Official shall obtain the most practical and economically responsible accommodations available. Government rates shall be requested, and luxury accommodations shall be avoided.

Proof of purchase is required for any expenses that are requested for reimbursement.

In-house training/conferences do not require submission of a Conference/Seminar Request Form, unless reimbursements will be requested.

**Submission of Vouchers:**

All expense vouchers shall be submitted upon completion to the County Controller's Office for reimbursement. Vouchers submitted to the Controller's Office for payment shall be verified for legitimacy and accuracy. All expenses are subject to approval by the County Controller and County Commissioners.

Advanced payment for expenses is not permitted.

Submission of false expenses shall result in disciplinary action, up to and including termination.

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#### **IV. EMPLOYMENT STATUS AND WAGE INFORMATION**

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## **EMPLOYEE INFORMATION CHANGES**

Employee shall report the following changes to their Department Head/Elected Official or designee **and** the Controller's Office using an Employee Information Change Form as soon as it occurs:

- Address;
- Telephone Number;
- Legal Name – Proof of name change shall be submitted (i.e. drivers license, SS card, birth certificate, legal document reflecting the change);
- Emergency Contact information, including telephone number, address, and relationship to Employee.

Employee shall report the following changes to the Human Resources Department and the Controller's Office using an Employee Information Change Form as soon as it occurs:

- Marital Status (single, married, divorced, separated);
- Dependent information;
- Legal Name;
- Citizenship Status;
- Beneficiary.

If Employee fails to submit or provides false information, the Employee shall be subject to disciplinary action, up to and including termination of employment.

## **SALARY ADMINISTRATION**

To ensure that Employees are offered fair and equitable wages, the County maintains a position classification plan and compensation chart. The classification plan ensures that each job has been objectively defined by position description, analyzed, evaluated, and placed within the applicable paygrade on the compensation chart. The compensation chart assures fair and equitable wages for the duties and responsibilities for which Employees are appointed.

Wages are reviewed annually and increases are discretionary. The County Commissioners are responsible for setting the rates of pay for County Employees and for approving increases in wages. Recommendations are subject to the approval of the County Salary Board<sup>2</sup>. Wages are also established pursuant to union contracts.

### **Deductions:**

The County is required by law to deduct certain items from Employee's paychecks. Mandatory deductions include federal withholding tax, Social Security, earned income tax, state income tax, local tax, Medicare tax, Local Services Tax (LST), retirement, and any other deductions for state, federal and local law.

If Employee is subject to a court order for wage garnishment, said amount will be deducted. Employee may authorize the Controllers'/Payroll Office to make certain non-mandatory deductions for items such as United Way contributions, deferred compensation, voluntary benefits, etc.

### **Pay Period and Pay Day:**

The pay period is a two (2) week period beginning on Sunday at 12:00 a.m. and ending on Saturday at 11:59 p.m. The payday is alternating Fridays, except when the usual payday is a holiday. In such instances, the payday will be announced.

### **Direct Deposit:**

Direct Deposit is mandatory. If Employee has any changes to their direct deposit, Employee shall contact the Controllers' Office.

### **Payroll Worksheets:**

Each Department shall submit to the Controllers' Office a biweekly payroll sheet for its Employees by 10:00 a.m. the Friday before each pay week or Thursday based on the Controller's discretion. Departments that operate 24/7 shall submit payroll sheets by Monday at 10:00 a.m. The Department Head/Elected Official must sign all payroll sheets.

In certain limited circumstances, Department Head/Elected Official must e-mail the Controllers' Office of any alteration to the payroll sheet by Monday at noon.

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<sup>2</sup> The Salary Board is the governmental body responsible for setting the rates of pay for County employees. This Board is composed of the three (3) County Commissioners and the County Controller. Other elected officials may serve as a member of the Salary Board when setting the rates of pay for employees within their offices.

The Controllers' Office maintains discretion to modify the day and time the payroll sheet must be provided to the Controllers' Office due to holidays.

### **Overtime and Compensatory Time:**

All work to be performed in excess of Employee's normal work week must be approved by the Department Head/Elected Official, and such work is limited to strict necessity and in accordance with the following provisions:

1. Exempt Employees, who are employed in a professional, executive, or administrative position as defined by the Fair Labor Standards Act, who work over their normal full-time workweek, shall receive one (1) hour of compensatory time for every hour worked over the normal workweek.
2. Non-exempt Employees, who are Employees not classified in a professional, executive, administrative, or non-covered position and work a full-time work week, but less than forty (40) hours per week, shall receive compensatory time or paid time at the rate of one (1) hour for each hour worked up to and including forty (40) hours. Employees who work over forty (40) hours per week shall receive compensatory time at the rate of one and one-half (1½) hours for each hour worked over forty (40) hours.
3. Pursuant to Section 207(k) of the Fair Labor Standards Act and Part 553 of Title 29 of the Code of Federal Regulations, law enforcement personnel (Deputy Sheriffs) are considered to be non-exempt Employees. These Employees shall work ten (10) regularly scheduled workdays within a fourteen (14) day work period. This work period shall coincide with the regular County pay period. Such Employees working over their seventy (70) hour work week period, but less than eighty-six (86) hours per work period, shall receive compensatory time at a rate of one (1) hour of compensatory time for each hour worked over seventy (70) hours. Employees who work over eighty-six (86) hours per week shall be compensated by receiving compensatory time at a rate of one and one-half (1½) hours of compensatory time for each hour worked over eighty-six (86) hours. The recording and use of such compensatory time shall follow the requirements and guidelines set forth in this Policy.
4. Employees are responsible for recording accurate earnings and usage of their compensatory time, with guidance and monitoring from their Department Head/Elected Official. All compensatory time shall be used within a ninety (90) day period. Non-exempt Employees: if compensatory time is not used within the time frame outlined, arrangements must be made for payment with the Department Head/Elected Official. Exempt Employees shall lose any remaining compensatory hours not used by the expiration date. Upon separation of employment, all remaining compensatory time shall be forfeited by exempt employee. Non-exempt employees shall be paid for all remaining compensatory time at separation of employment.
5. When an Employee intends to use any accumulated compensatory time, Employee shall make their request known to their Department Head/Elected Official and/or Supervisor based upon Department Policy. The Department Head/Elected Official shall determine whether the Employee has the accumulated time; and whether the absence of the Employee will create an undue disruption to the Department. Use of all compensatory time must be approved by Employee's Department Head/Elected Official.

6. An Employee may not take off more than three (3) consecutive working days using compensatory time. Compensatory time/overtime hours shall be recorded on the compensatory time overtime log sheet shall coincide with the time recorded on the biweekly work reports submitted to the Controllers' Office.
7. When computing compensatory or overtime hours, "hours worked" shall include actual hours worked. Vacation days, personal days, holidays, sick days, bereavement leave, unpaid absences and compensatory time are not to be counted as "hours worked" for the purpose of calculating compensatory time and/or overtime.
8. Compensatory time shall not be earned without prior approval from the Department Head/Elected Official, or in their absence, the Employees' immediate Supervisor.
9. Employee shall not receive compensatory time for lunch periods during conferences/seminars and training events.
10. All compensatory time shall be reported at time of receipt and time of reimbursement. Compensatory time shall be reported on Compensatory Time Sheets and submitted to their Department Head/Elected Official, who shall report it on the Employee's Time Sheet that is submitted to the Controllers' Office.
11. Compensatory time shall not be carried over from year to year. Any unused compensatory time, as of December 31<sup>st</sup>, shall be paid out to non-exempt Employee at the rate the compensatory time was earned.

Abuse of overtime or compensatory time shall result in disciplinary action, up to and including termination of employment.

**Time Clocks & Timesheets:**

Employee may be required to record time worked on a badging system located near their Department, or on a timesheet when necessary. Use of badging system and timesheet is based upon Department Policy. The County strictly prohibits Employees from badging in and out or completing a timesheet for another Employee.

Falsification of badging in/out or time shall result in disciplinary action, up to and including termination of employment.

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## **V. SAFETY**

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## **DRUG FREE WORKPLACE**

It is the intent of the County to promote a safe, healthy, and productive work environment, including the avoidance of the detrimental effects of drugs and alcohol in the workplace. It is the objective of the County to have a work force free from the influence of controlled substances, illegal drugs, and alcohol during work hours, and at all times while on County or otherwise on County business. Such activity is prohibited while on duty on or off County property, and in all property, facilities, land, buildings, structures, and vehicles, whether owned, leased, or used by the County.

It is generally impermissible to be under the influence of, or to possess, use, sell, manufacture, purchase, distribute, transfer, or have, in one's system, illegal drugs, alcohol, or controlled substances while on County property, or when on County business and on duty.

The County shall require individuals to submit to a drug and/or alcohol test when there is reasonable suspicion to believe that the Employee violated the drug or alcohol policy. The decision to test must be based on specific, contemporaneous observation concerning the appearance, behavior, speech, and or body odor of the Employee.

Examples of behavior and performance which may provide reasonable cause include, but are not limited to:

- Excessive, frequent absenteeism, including full or part-day absences, tardiness, unscheduled breaks, extended breaks, or repeated absences from the assigned work area.
- A poor or suspicious work-related accident record, including type, frequency, or severity of accidents.
- Abnormal or suspicious behavior while at work, including staggering or erratic movements.
- Abnormal or suspicious appearance, such as glassy eyes, slurred speech or disheveled appearances.
- Alcohol or other suspicious odors on an Employee's breath, person, clothes, or property.
- Presence of pills, powder, or other unknown substances on, in, around, or under the control of an Employee which cannot be explained by lawful, medically prescribed use.
- Inability to perform or difficulty in performing a routine task.
- Poor overall employment record, including attendance, discipline, or accident.
- Involvement in the use, unauthorized possession, misappropriation, or unauthorized delivery of a drug or alcohol while on duty or on County property without authenticated medical documentation or reasonable explanation.
- Other evidence or information considered by County to be a reasonable basis to require a drug and/or alcohol screening test, including concern registered by a supervisor, manager, or other reliable source.

### **Drug Testing:**

In the event an Employee is required to submit to a drug and/or alcohol test based on a reasonable suspicion, a written record shall be made of the observations leading to a reasonable suspicion test, and signed, if possible, by the Employee observed. If such signature is impossible, said written record must be signed by the Employee making the written record, and contain an explanation as to why obtaining signature of the Employee that observed is impossible.

Testing for the presence of alcohol will be conducted by analysis of breath and/or blood. Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine and/or blood. All drug testing information will be maintained in separate confidential records.

Each Employee, as a condition of employment, will be required to participate in the following testing as set forth below:

- **Reasonable Suspicion Testing:** Occurs when management documents observable signs and symptoms that cause them to believe that the Employee may pose a danger to himself or others.
- **Return-to-Duty Testing:** Used when an Employee, who tested positive completed required treatment and is ready to return to the workplace.
- **Post Rehabilitation Testing:** follows an Employee's return to the workplace after completing rehabilitation. It is administered on an unannounced, unpredictable basis for a two-year period of time.

### **Searches:**

Each Employee, as a condition of employment, consents to searches and inspections under this policy. The County reserves the right to inspect Employees, their possessions and their workspaces to enforce this policy against illegal drug and alcohol use. Refusal to cooperate in the search will be considered to be a violation of this policy.

### **Medical Marijuana Usage:**

Federal regulations prohibit marijuana use. While Pennsylvania enacted the Medical Marijuana Act, also known as Act 16, which provides for medical marijuana use to assist patients suffering from certain serious medical conditions by alleviating pain and improving their quality of life.

Under the Act no employer may discharge, threaten, refuse to hire or otherwise discriminate or retaliate against an employee regarding an employee's compensation, terms, conditions, location or privileges solely on the basis of such employee's status as an individual who is certified to use medical marijuana. However, nothing in the Act requires an employer to make any accommodation for the use of medical marijuana on the property or premises of any place of employment. The Act in no way limits the County's ability to discipline an employee for being under the influence of medical marijuana in the workplace or for working while under the influence of medical marijuana when the employee's conduct falls below the standard of care normally expected for the position for which the employee was hired/assigned. Likewise, the County prohibits patients who are employees from performing any task which the County deems life threatening to the employee or others while under the influence of marijuana. In addition, the Act provides that the prohibition shall not be deemed an adverse employment decision even if the prohibition results in financial harm for the employee. Furthermore, no

employee may drive, operate, or be in the actual physical control of the movement of a vehicle if there is any amount of marijuana in the person's blood. This is compliant with Pennsylvania Vehicle Code Section 3802(d).

**Consequences:**

Nothing contained in this policy shall be construed as a waiver of the County's right to take disciplinary action against an Employee under existing policies, procedures or work rules for unsatisfactory performance or misconduct.

Any Employee who tests positive will be immediately removed from duty, suspended without pay and subject to disciplinary action up to and including termination. The Employee may be referred to a substance abuse professional for assessment and recommendations, required to successfully complete recommended rehabilitation including continuing care, required to pass a Return-to-Duty test and sign a Return-to-Work Agreement, subject to ongoing, unannounced, follow-up testing for a period of two years and terminated immediately if Employee tests positive a second time or violates the Return-to-Work Agreement.

An Employee will be subject to the same consequences of a positive test if Employee refuses the screening or the test, tampers with or dilutes the specimen, substitutes the specimen with that from another person, or sends an imposter to participate in the test, refuses to sign the required forms, or refuses to cooperate in the testing process that prevents completion of the test.

Any general custom, policy or practice of progressive discipline will not apply to this Substance Abuse Policy. The discipline to be imposed for violations of this Drug Free Workplace Policy shall be governed solely by the provisions set forth herein. The County reserves the right to terminate an Employee or take any and all actions deemed to be in its best interest in any given case. This policy does not limit or alter the at-will employment relationship.

**Confidentiality:**

All information received by the County through this substance abuse policy is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

**Assistance:**

If an Employee has a problem with drugs or alcohol, Employee is encouraged to seek assistance before it affects their workplace performance. The decision to seek voluntary assistance will not be held against an Employee. However, the fact that Employee seeks assistance will not lessen any disciplinary action, which is under investigation at the time Employee seeks assistance. The use of treatment will not be justification for poor work performance or misconduct.

Treatment for alcoholism and/or other drug use disorders may be covered by the Employee health benefit plan. However, the ultimate responsibility for recommended treatment belongs to the Employee.



**Return-to-Work Agreements:**

At its discretion, the County may request an Employee who violates this policy to successfully complete a drug abuse assistance or rehabilitation program as a condition of continued employment. It may also require periodic testing for a specific period. Employees must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment.

Prescription and over-the-counter medications may be prohibited even when taken in standard dosage and/or according to a healthcare provider's prescription. An Employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing healthcare provider and/or pharmacist to ascertain whether the medication may interfere with safe performance of their job. If the use of a medication could compromise the safety of the Employee, fellow Employees, or the public, it is the Employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor, notify County healthcare provider) to avoid unsafe workplace practices.

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of our Drug-Free Workplace Policy to intentionally misuse and/or abuse prescription medications. A violation of the policy may result in disciplinary action, up to and including termination.

## **WORKPLACE VIOLENCE**

This Policy is to minimize the risk of incidents of violence from occurring in County facilities, property, and vehicles (premises). The County expressly prohibits any threats or acts of violence against its Employees, customers or visitors on its premises at any time or while engaged in County business, on or off County property. Horseplay is strictly prohibited and injuries resulting from horseplay shall be expressly excluded from workers' compensation coverage.

In keeping with the intent of this Policy, the County is committed to the following:

- To take prompt remedial action, up to and including immediate termination of employment against an Employee who engages in any threatening behavior, acts of violence, or who uses any obscene, abusive or threatening language or gestures;
- To take appropriate action when dealing with former Employees or visitors to County facilities who engage in such behavior. Such action may include notifying the police or other law enforcement personnel and prosecuting violators to the maximum extent of the law; and
- To prohibit Employees, former Employees, and visitors from bringing unauthorized firearms or other weapons onto County premises, unless required for their job responsibilities.

Employee has a duty to inform their immediate supervisor, the Department Head/Elected Official, the Director of Human Resources, or security personnel of any suspicious workplace activities, situations or incidents that are observed or that they are aware of, involving other Employees, former Employees, or visitors, including, but not limited to, threats or acts of violence, aggressive behavior, offensive acts, and the like. Reports made pursuant to this Policy will be held in confidence, to the extent possible. The County will not condone any form of retaliation against an Employee for making a report under this Policy.

Failure to comply with this Policy will result in disciplinary action, up to and including termination.

## **CLEAN AIR POLICY**

The County has a responsibility to provide Employees and the public with a healthy and safe working environment, including protection from the negative effects of tobacco smoke. Additionally, smoking presents a serious fire hazard.

Based on these concerns:

- The use of tobacco products, including but not limited to cigarettes, vapor cigarettes, e-cigarettes, cigars, and pipes is prohibited in County facilities, including, but not limited to buildings, lobbies, hallways, offices, kitchens, break rooms, bathrooms, vehicles, garages, and outside areas, unless otherwise designated.
- The use of tobacco products is permitted in designated areas outside of County facilities, no less than thirty (30) feet from any entrance of the building. Smokers are expected to use the outside receptacles to dispose of all smoking materials, including, but not limited to ashes, butts, and paper products.

Pursuant to The Clean Indoor Air Act (Act 27 of 2008), smoking is prohibited in all public places or workplaces. A “public place” is defined as an enclosed area which serves as a workplace, commercial establishment, or an area where the public is invited or permitted. A “workplace” is defined as an indoor area serving as a place of employment, occupation, business, trade, craft, professional or volunteer activity. A “place of employment” is defined as an area that an employee uses for work for any other purpose which includes, but is not limited to: 1) offices; 2) meeting rooms; 3) sales, production, and storage areas; 4) cafeterias, lunch rooms and break rooms; 5) restrooms; 6) stairways; 7) hallways; 8) warehouse; and 9) garages.

Smoking is also prohibited for Employee and the general public in the following areas:

- All County buildings or property;
- All County vehicles or equipment;
- Any area where smoking is prohibited for safety reasons.

Smoking is permitted in locations where indicated by signage on County property or as directed by Department Head/Elected Official authorized to oversee the operation of a County building outside of the Municipal Building.

Employee shall politely inform anyone whom Employee observes failing to comply with the Clean Air Policy. If anyone persists in failing to comply with the Policy, the County Administrator should be promptly notified.

The burning (including use of an electrical appliance) of incense, potpourri, or candles is also strictly prohibited in the areas listed above.

The Clean Indoor Air Act provides for civil fines and will be enforced.

A violation of this Policy may result in disciplinary action, up to and including termination.

## **WORKPLACE SEARCH POLICY**

Any Employee who works with or has access to tools, equipment, money or other property (property) owned by the County and its residents. To safeguard the property of the County, its Employees, residents (as applicable), and visitors, the County reserves the right to question Employees and all other persons entering and leaving County premises, and to inspect any packages, parcels, handbags, purses, briefcases, or any other possessions or articles carried to and from County premises. Additionally, the County reserves the right to search Employee's assigned office, desk, files, lockers, County vehicles, or any other area or article on County property. All offices, desks, files, lockers, etc. are property of the County issued for use by Employee only during employment with the County. Inspections may be conducted at any time and at the discretion of the County. Employee is expected to exercise care when using County equipment and property and to report damage or malfunctioning equipment or property to ensure prompt repair. Employee is not to remove County property from County facilities or vehicles, unless prior written authorization is received from Employee's Department Head/Elected Official. Personal use of County property or equipment is prohibited. Employee shall be liable for any injuries or damages caused by the unauthorized use of County property, including County vehicles.

Persons entering County premises who refuse to cooperate with an inspection pursuant to this Policy shall not be permitted to enter County premises. Employee working on County property or entering or leaving a County facility who refuses to cooperate in an inspection, as well as Employee, who after the inspection, believed to be in possession of stolen property, shall be brought to the Human Resources Department. Refusal to cooperate in a workplace search shall be considered a violation of this Policy.

If, after an investigation is completed, Employee is found to be in violation of this Policy, Employee shall be subject to disciplinary action, up to and including termination. If an incident occurs during non-office hours, Employee may be suspended, with or without pay, during the investigation and asked to report to the Human Resources Department. Criminal prosecution may occur. This Policy does not supersede Employee's constitutional rights.

## **WORKER'S COMPENSATION AND EMPLOYEE INJURY**

It is the County's intent to promote a safe environment for Employees, and to properly handle, investigate, and obtain medical treatment for an Employee injured while performing assigned work in compliance with applicable laws. Accidents and/or injuries that occur during work hours may be subject to the Pennsylvania Worker's Compensation Act. Horseplay is strictly prohibited and injuries resulting from horseplay shall be expressly excluded from workers' compensation coverage.

### **Procedure:**

An Employee with a non-emergent accident or injury that does not require immediate medical attention shall notify their Department Head/Elected Official or designee of the incident. Employee shall complete an incident report within twenty-four (24) hours of the incident. Employee may obtain such forms from their Department Head/Elected Official, designee or the Human Resources Department. Employee or Department Head/Elected Official or designee shall submit the completed report to Human Resources within 24-48 hours of the incident.

Employee shall, if necessary, obtain treatment from a physician or healthcare provider on the Panel Physician List provided by the County. To obtain a copy of the Panel Physician List, contact the Human Resources Department.

An emergency is an accident or injury that requires immediate medical attention. Employee shall notify their Department Head/Elected Official or designee of the incident as soon as possible and complete an incident report within twenty-four (24) hours of the incident, or as soon as possible.

**NOTE: If Employee fails to select a healthcare provider listed on the County's Panel Physician List, their medical treatment may not be covered under worker's compensation. In the case of an emergency, Employee may secure assistance from a hospital, physician, or other healthcare provider of their choice. Employee, however, must then seek subsequent treatment from a physician or other healthcare provider listed on the County's Panel Physician List.**

Employee shall submit all documentation received from a physician or health care provider, including but not limited to Urgent Care, Emergency Department or specialist, etc., to the Human Resources Department within twenty-four (24) to forty-eight (48) hours of treatment.

If it is necessary for the Employee to use Worker's Compensation leave, the County shall grant Employee up to three (3) paid days of administrative leave, beginning with the first day after the incident. The use of these days to cover the immediate Worker's Compensation incident and any extended leave required shall be granted per physician's orders. Administrative leave days are not permitted to be used intermittently or in hourly increments, they are to be used consecutively, in half or whole day increments and immediately following the incident. In the event the Employee is on extended leave under Worker's Compensation, and is compensated by the Worker's Compensation insurance carrier retro to the date of injury, payment for all administrative leave time issued by the County shall be reimbursed to the County by the employee via a payroll deduction. Pyramiding of Administrative leave pay and Worker's Compensation benefits is prohibited.

If the absence exceeds three (3) days, Employee shall use accrued sick leave for the fourth through the seventh day off from work due to an injury. If Employee does not have any accrued sick leave, Employee

shall use accrued vacation leave through the seventh day off from work. If Employee has no accrued sick or vacation leave, days four through seven shall be unpaid.

Any time off due to an injury shall be documented with Human Resources. The Human Resources Department and Controller's Office shall also be promptly notified by the Department Head/Elected Official of such time off. The Worker's Compensation Law provides that weekly benefits begin after the seventh (7<sup>th</sup>) calendar day of absence due to the work-related injury. This Policy does not guarantee benefits or ensure eligibility for benefits.

Health insurance benefits, individual and family, and life insurance, shall continue for the Employee on leave for a compensable work-related injury. Sick, personal, and vacation days shall accrue while an Employee is out of work for up to ninety (90) calendar days from the beginning of such leave for a compensable work-related injury. Benefits shall not continue beyond ninety (90) days.

An Employee on Worker's Compensation leave may be required to undergo an Independent Medical Examination (IME) by a licensed physician that is selected by the County's Worker's Compensation insurance carrier. The insurance carrier shall determine a time and place for such examination.

An Employee who provides a false report of injury shall be subject to disciplinary action, up to and including termination.

Employee is required to fully cooperate with the County's insurance carrier's investigation and any resulting litigation.

## **EMERGENCY PROCEDURES**

There will be occasions when it is necessary to evacuate the County Building for emergency situations. When the fire alarm sounds, Employee shall leave the Municipal Building in an orderly fashion and report to the location(s) designated by the County Emergency Operations Plan. Every Department Head/Elected Official is equipped with an evacuation plan, and Employee shall become familiar with the evacuation plan. An announcement will be made when the Municipal Building is clear and Employee is to return to their Department. This procedure applies to all County-owned and operated buildings.

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## **VI. BENEFITS**

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## **HOLIDAYS**

The following benefits are designed to address the diverse personal, financial, and family needs of County Employees. Full-time regular Employees on active pay status (compensable status, *see Definitions*) are entitled to paid holidays upon hire. Current Employees who change status from part-time to full-time and are on active pay status are immediately entitled to paid holidays.

The County Commissioners shall announce the recognized paid holidays by December 31 for the upcoming year. Human Resources will notify Employees of the specific dates for each holiday, each year.

A holiday that occurs on a Saturday will be observed on the preceding day, Friday. A holiday that occurs on a Sunday will be observed on the following Monday.

Holiday pay is not considered to be “hours worked” when computing compensatory time and/or overtime. The County will compensate the Employee for eight (8) (which is subject to modification based on hours worked in a normal workday, i.e. 7, 7.5, etc.) hours worked on a holiday at their normal rate of pay.

Employee shall not be issued full-time holiday pay entitlement for any period in which they are not in full-time, active pay status (compensable status). Compensable status does not include employees out of work due to a work-related injury (worker’s compensation), unpaid medical leave, or unpaid personal leave of absence. If a holiday is observed while Employee is on paid leave (compensable status), Employee shall receive holiday pay, and the day will not be charged against applicable paid leave credits/balances.

Employee may observe religious holidays of their faith. Personal or vacation days may be used. A request may be denied if it presents an undue hardship on the County.

## **VACATION**

### **Vacation Eligibility and Accrual:**

Vacation is earned on an accrual basis. An Employee earns vacation credits for each month in which they are eligible and in compensable status (*see Definitions*).

Vacation credits are earned and accrued beginning on the fourteenth (14<sup>th</sup>) day of the first (1<sup>st</sup>) eligible month of employment (*see Definitions*), also known as Benefit Service Time. Employee shall not be given full-time entitlement accruals for any period in which they are not in full-time, compensable status.

Full-time Employees shall be eligible to use accrued vacation time on the first (1<sup>st</sup>) day of their third (3<sup>rd</sup>) eligible month of employment. Vacation time shall be paid at the Employee's regular rate.

Full-time Employee will earn vacation time according to the following schedule:

<b><u>BENEFIT SERVICE TIME</u></b>	<b><u>ENTITLEMENT</u></b>
1 <sup>st</sup> eligible month to completion of 1 <sup>st</sup> year	0.75 of a day per month (9 days)
2 <sup>nd</sup> year through and including 5 <sup>th</sup> year	1.00 day per month (12 days)
6 <sup>th</sup> year through and including 12 <sup>th</sup> year	1.25 days per month (15 days)
13 <sup>th</sup> year and including 20 <sup>th</sup> year	1.50 days per month (18 days)
21 <sup>st</sup> year and over	2.00 days per month (24 days)

Employees who are employed with the County for at least 13 years, but before completion of 21 years of service, as of May 1, 2017, shall be grandfathered to an accrual rate of 20 days per year. After 21 years of employment, Employee shall accrue at the new accrual rate outlined above.

Employees who are employed with the County for at least 21 years, as of May 1, 2017, shall be grandfathered to an accrual rate of 25 days per year.

Unused vacation for the current year may be carried forward into the next calendar year, provided that the maximum accumulation is not exceeded. Maximum accumulation is 40 days.

At the end of the calendar year, any days not used that are over the maximum accumulation shall be forfeited.

Employee who becomes ill/injured while on a scheduled vacation must be hospitalized in order to charge the time against sick leave (if eligible and time is accrued). Documentation validating the hospitalization must be provided to Human Resources.

### **Vacation - Procedure:**

Employee shall schedule vacation in advance in accordance with Department Policy. Vacations are subject to the approval of the Department Head/Elected Official.

Employee may use vacation in increments of a whole day or half day. The Department Head/Elected Official may deny the use of vacation if it creates an undue hardship on the operation of the Department.

Employee is prohibited from using vacation time that is not earned.

If a holiday is scheduled during Employee's vacation, Employee shall not be charged a vacation day. Employee shall receive the paid holiday in accordance with the *Holidays Policy*.

Accrued vacation time shall be allocated and run concurrently with approved Family Medical Leave, in accordance with the *FMLA policy*.

**Vacation - Change in Employment Status/Termination/Retirement:**

Employee who changes employment status from full-time to part-time shall be paid for all unused vacation at their hourly rate of pay.

If Employee changes status from part-time to full-time, Employee shall be treated as a new full-time employee, and shall not be credited for prior years of service for benefit accrual purposes.

If Employee voluntarily terminates employment, serves a two (2) week (14 day) notice and has been employed for one (1) year, all unused vacation shall be paid at their hourly rate of pay. Employee must fulfill all resignation/retirement notice requirements for vacation payout. If Employee does not serve a two (2) week (14 day) notice and fulfill all resignation/retirement requirements, Employee shall forfeit all unused vacation. The use of vacation time is prohibited during the two (2) week (14 day) notice, unless prescheduled and preapproved twenty (20) days prior to notification of intent to terminate employment. Proof of prior approval shall be provided to Human Resources.

If a Department Head voluntarily terminates employment, serves a four (4) week (28 day) notice and has been employed for one (1) year, all unused vacation shall be paid at their hourly rate of pay. Department Head must fulfill all resignation/retirement notice requirements for vacation payout. If Department Head does not serve a four (4) week (28 day) notice and fulfill all resignation/retirement requirements, Department Head shall forfeit all unused vacation. The use of vacation time is prohibited during the four (4) week (28 day) notice, unless prescheduled and preapproved by the County Administrator twenty (20) days prior to notification of intent to terminate employment. Proof of prior approval shall be provided to Human Resources.

If Employee is involuntarily terminated, all unused vacation shall be forfeited.

Retiring employee may not use more than fifteen (15) days of vacation or personal time during the sixty (60) day notice period. Employee may not use more than five (5) consecutive paid days during the notice period.

Employee shall be paid at their hourly rate for unused vacation at the time of retirement.

**Vacation - Rehired Employees:**

If Employee is rehired within one year, Employee shall be eligible to accrue and use vacation time in the following manner:

Hired between the 1<sup>st</sup> and the 14<sup>th</sup> of the month, Employee is eligible to accrue vacation time in the first eligible month (*see Definitions*) of employment and Employee is able to use accrued vacation time beginning the 1<sup>st</sup> day of the following month.

Hired between the 15<sup>th</sup> and 31<sup>st</sup> of the month, Employee is eligible to accrue vacation time in the first eligible month of employment and Employee is able to use accrued vacation time beginning the 1<sup>st</sup> day of second subsequent month.

Employee shall be eligible to accrue vacation time based upon combined service time. Upon rehire, beginning balance shall be zero (0).

If Employee is rehired after one year, Employee shall be eligible to accrue and use vacation as set forth in the above section titled "Eligibility Accrual," and shall be treated as a new hire.

## **SICK LEAVE**

### **Employee Sick Leave:**

Sick leave is provided to assist Employee against loss of income due to short-term illness, incapacity, or disability. Sick leave shall be used for personal illness. Sick leave is not available for part-time Employees. Employee earns sick leave credits for each month in which they are eligible and in compensable status (*see Definitions*). Compensable status does not include employees out of work due to a work-related injury (worker's compensation), unpaid medical leave, or unpaid personal leave of absence.

### **Family Sick Leave:**

Family sick leave is provided to assist Employee and their family against loss of income due to short-term illness, incapacity, or disability of a family member. Family member is defined as spouse (husband, wife, or other person with whom an individual entered into marriage or recognized under state law for purposes of marriage, same-sex or common law marriage if entered into in a state that recognizes such marriages or is valid in the place where entered into and could have been entered into in at least one state), parent, son, daughter (biological, adopted or foster child, stepchild, legal ward or child of person standing in *loco parentis*).

Full-time employees may use family sick leave in the following manner:

1. Effective January 1, 2018, full-time employees may use up to nine (9) sick days per year for the illness of a family member.
2. Family sick leave is charged against Employee's sick leave balance.

### **Sick Leave Eligibility and Accrual:**

Sick leave is earned on an accrual basis. An Employee earns sick credits for each month in which they are eligible and in compensable status. Sick credits are earned and accrued beginning on the fourteenth (14th) day of the first (1st) eligible month of employment (*see Definitions*), also known as Benefit Service Time. Employee shall not be given full-time entitlement accruals for any period in which they are not in full-time, compensable status.

Full-time Employee shall be eligible to use accrued sick leave on the first (1<sup>st</sup>) day of their third (3<sup>rd</sup>) eligible month of employment. Employee shall not be given full-time entitlement accruals for any period in which they are not in full-time, compensable status. If at any point during the month, an Employee is not in compensable status Employee shall not be given that month's Sick Leave accruals.

- ❖ Employee shall accrue 1.25 days of sick leave when in compensable status.
- ❖ Employee is eligible to use sick leave in hourly increments and half day or whole day increments.

*HOURLY INCREMENTS - Employees are permitted to use their own SICK time or FAMILY SICK time in one (1) hour increments:*

- This time must be used in whole HOUR increments;
- Employees are not permitted to use less than one (1) full hour increment for any other purpose other than for half or whole day usage, please see below;

*HALF OR WHOLE DAY INCREMENTS - Employees are permitted to use a half or whole day of their own SICK time or FAMILY SICK time:*

- Only for half or whole day usage may the employees sick time have less than ONE (1) full hour charged;
  - PERMITTED Example for 7.50 hr./day employee:
    - Employee who is normally scheduled 7.50 hrs. /day, who needs to use a half-day sick, will be charged 3.75 hrs. SICK;
    - Employee who is normally scheduled 7.50 hrs. /day, who needs to use a full day sick, will be charged 7.50 hrs. SICK;
  - PERMITTED Example for 7.00 hr./day employee:
    - An employee who is normally scheduled 7.00 hours per day, who needs to use a half day sick, will be charged 3.50 hours SICK;
    - An employee who is normally scheduled 7.00 hours per day, who needs to use a full day sick, will be charged 7.00 hours SICK;
  - NOT permitted Example:
    - An employee only wants to use 1.50 hours of sick OR 2.75 hours of sick – this is NOT permitted, they must use the full two (2) or three (3) hours of SICK time or a half day, whichever is applicable;
    - Please see the above examples for clarification.

Unused sick leave may be carried forward into the following year, with a maximum accumulation of one hundred thirty-five (135) days of sick leave. If an Employee accumulates over one hundred thirty-five (135) days of unused sick leave on December 31<sup>st</sup>, Employee shall be paid a daily rate set by the Commissioners for all days over one hundred thirty-five (135). *The Human Resources Department will provide the daily rate schedule each year, as set forth by the Commissioners.*

If Employee changes status from part-time to full-time, Employee shall be treated as a new full-time employee and shall not be credited for prior years of service for benefit accrual purposes.

**Sick Leave - Procedure:**

If Employee is out of work for three (3) consecutive workdays due to personal/family illness, Employee shall provide a medical provider's note to the Human Resources Department. Department Head/Elected Official is responsible for notifying Human Resources when an Employee is out of work due to personal illness or illness of a family member as defined under the Family Medical Leave Act for five (5) consecutive days. If it is suspected that Employee is abusing sick time privileges, a medical provider's note may be required for absences less than three (3) workdays.

The use of sick leave for Employee or family member, which includes but is not limited to a scheduled or unscheduled absence on the workday immediately before or after a holiday, or any scheduled or unscheduled paid time off (PTO – vacation or personal), or if scheduled to work the Holiday, will be considered an unauthorized absence unless the Employee presents a healthcare provider's note that validates the absence.

If Employee does not present a healthcare provider's note within one (1) week of the day(s) of absence, and Employee does not have available sick PTO, other available PTO shall be used to cover the absence. If Employee does not have any available PTO the time off shall be unpaid and Holiday pay shall be forfeited/revoked, if applicable.

Employee may be eligible for benefits under the Family Medical Leave Act. *See Family and Medical Leave (FMLA) Policy.*

Employee shall not use accumulated sick time to be out of work for consecutive days immediately prior to retirement, unless Employee's absence falls under the Family Medical Leave Act.

Sick leave shall never be used as vacation.

If a paid holiday occurs during an illness, a sick day shall not be charged, and Employee shall be paid for the holiday.

If Employee is a "no call/no show" for three (3) consecutive days, the County will consider Employee to have voluntarily terminated employment without notice. If an Employee is a "no call/no show" on three (3) occasions during a rolling 12-month period, the Employee shall be subject to disciplinary action, up to and including termination of employment.

If Employee submits false information to the County related to an absence, Employee shall be subject to disciplinary action, up to and including termination of employment.

If an Employee leaves work or calls off sick and does not have the PTO to cover the absence, the Employee may be subject to disciplinary action. Authorization from Employee's Department Head/Elected Official or designee is required prior to any late arrival or early departure. Failure to obtain authorization may result in disciplinary action, up to and including termination.

Accrued sick leave shall be immediately allocated and run concurrently with approved Family Medical Leave. After exhaustion of all accrued sick leave, Employee's accrued personal day(s) shall be allocated and run concurrently with approved Family Medical Leave. After exhaustion of all accrued personal day(s), Employee's

Vacation time shall be allocated and run concurrently. If an Employee has no accrued sick leave, vacation time or personal day(s), Family Medical Leave (or approved leave of absence) shall be unpaid.

**Sick Leave - Change in Employment Status/Termination/Retirement:**

If Employee changes status from Full-time to Part-time all unused sick leave is forfeited.

If Employee changes status from part-time to full-time, Employee shall be treated as a new full-time employee, and shall not be credited for prior years of service for benefit accrual purposes.

If Employee voluntarily terminates employment and provides the required two (2) week (14 day) notice, or if a Department Head/Elected Official voluntarily terminates employment and provides the required four (4) week (28 day) notice; sick leave shall not be used during the notice period unless scheduled and preapproved by designee a minimum of twenty (20) days prior to notification of intent to terminate employment. If Employee requires the use of sick time for an emergency during the notice period that is not prescheduled/approved, a physician's note shall be required to validate such time. If a physician's note is not provided paid sick time shall not be issued. Employees who do not provide the required advance written resignation notice and/or do not serve their entire notice period, shall have their last day worked designated as their resignation date.

Employee shall not use sick leave to be out of work for consecutive days immediately after notice of intent to retire.

All unused sick leave is forfeited at time of termination of employment, regardless of termination being voluntary (resignation, quit, retirement) or involuntary (firing, lay-off).

Employee shall not be reimbursed for unused sick time regardless of basis for separation from employment.

**Sick - Rehired Employees:**

If Employee is rehired within one year, Employee shall be eligible to accrue and use sick time in the following manner:

Hired between the 1<sup>st</sup> and the 14<sup>th</sup> of the month, Employee is eligible to accrue sick time in the first eligible month (*see Definitions*) of employment and Employee is able to use accrued sick time beginning the 1<sup>st</sup> day of the following month.

Hired between the 15<sup>th</sup> and 31<sup>st</sup> of the month, Employee is eligible to accrue sick time in the first eligible month of employment and Employee is able to use accrued sick time beginning the 1<sup>st</sup> day of second subsequent month.

Employee shall be eligible to accrue sick time based upon combined service time. Upon rehire, beginning balance shall be zero (0).

If Employee is rehired after one year, Employee shall be eligible to accrue and use sick time as set forth in the above section titled "Eligibility Accrual," and shall be treated as a new hire.

## **PERSONAL DAYS**

Four (4) personal days per year shall be allocated to eligible full-time Employees. Employee earns personal days when Employee is eligible and in compensable status (*see Definitions*).

Two (2) personal days are issued to eligible full-time Employees who are working as of January 1 and may be used between January 1 through June 30. Employees hired on or after January 2<sup>nd</sup> do not receive the (2) personal days issued for the first half of the year.

Two (2) personal days are issued to eligible full-time Employees who are working as of July 1 and may be used between July 1 through December 31. Employees hired on or after July 2<sup>nd</sup> do not receive the (2) personal days issued for the second half of the year.

If an Employee is on approved FMLA/medical LOA, but not in compensable status when personal days are issued, the employee shall not receive the personal days until they return to work and return to eligible, compensable status, based on the eligibility dates outlined above. Personal days are forfeited at the end of each eligibility period if not accrued and used by eligibility end date.

Under all other conditions, if an Employee is not in compensable status when personal days are issued, the employee will not receive the personal days. This includes Employees on a non-medical LOA.

- Personal days shall not be used during resignation period;
- Personal days shall only be used in full day increments;
- Personal days shall not be allocated to part-time Employees;
- Personal days shall not be carried-over;
- All unused personal days at the end of June 30 and December 31 shall be forfeited.

Employee shall obtain authorization from their Department Head/Elected Official pursuant to Department Policy to use personal days.

Employee who changes status from part-time to full-time shall be allocated personal days as set forth above for full-time Employees. An Employee who changes status from full-time to part-time shall forfeit unused personal days.

Upon termination of employment, Employee shall not be reimbursed for unused personal days. Personal days shall not be used during the notice period for employees who resign or retire from employment unless scheduled and preapproved by designee a minimum of twenty (20) days prior to notification of intent to terminate employment.

### **Rehired Employees**

If Employee is rehired within one year, Employee shall be treated as a new hire as it relates to use of personal days.



## **JURY DUTY/COURT APPEARANCE**

Leave for jury duty or a court appearance is granted as follows:

- Paid leave shall be granted to any Employee called to Jury Duty at Employee's regular salary if Jury Duty falls on or during Employee's regularly scheduled workday/shift.
- Employee shall retain any payment(s) to them by the federal or state court for jury duty service.
- A paid leave, of required duration, will be granted for an Employee called as a witness in a County related matter.
- An unpaid leave will be granted to an Employee for personal court matters, such as domestic relations, family law, civil or criminal matter. Vacation or personal time may be used, if available.
- An unpaid leave will be granted to an Employee if subpoenaed as a witness for a personal matter. Vacation or personal time may be used, if available.
- Employee must submit court notification to their Department Head/Elected Official at least two (2) workdays prior to court appearance, whenever possible. If an Employee is released by the court prior to the end of their shift, Employee is expected to return to work for the balance of the workday.

Employee shall continue to work their shift until the time in which Employee is required to report for jury duty or court participation. Immediately following dismissal by the court, Employee shall return to work to complete their shift.

## **BEREAVEMENT LEAVE**

Upon the death of a member of Employee's immediate family, the County will grant up to five (5) workdays of paid leave to make bereavement obligations and personal adjustment. "Employee" is defined as a full-time Employee. "Immediate family" is defined as spouse (husband, wife, or other person with whom an individual entered into marriage or recognized under state law for purposes of marriage, same-sex or common law marriage if entered into in a state that recognizes such marriages or is valid in the place where entered into and could have been entered into in at least one state), parent, son, daughter (biological, adopted or foster child, stepchild, legal ward or child of person standing in *loco parentis*). Employee shall contact their Department Head/Elected Official to request bereavement leave.

The County will grant three (3) workdays of paid leave to Employee to attend the funeral of a brother, sister, step-sibling, step-parent, parent-in-law, grandparent, step-grandparent, grandchild, step-grandchild, or any relative residing in the Employee's household.

Employee may use one (1) workday of paid leave for the death of a son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent-in-law, aunt, uncle, niece or nephew.

- Bereavement leave is not available to Employee if they are not in compensable status (*see Definitions*);
- There is no waiting period for bereavement leave;
- Bereavement leave shall be used within twenty-one (21) calendar days following the date of death;
- Unused bereavement leave shall be forfeited;
- Bereavement leave must be used in whole day increments;
- The County shall require verification of the loss and the relationship of the deceased for which the time off is requested.

If Employee fails to comply with this policy, any time off may be unpaid. Additionally, if Employee is found to have violated this policy or provided false information, Employee will be subject to discipline, up to and including termination of employment.

## **MILITARY AND COMMUNITY SERVICE LEAVE POLICY**

An Employee called to (or volunteers for) active military duty or to Reserve or National Guard training shall submit copies of their military orders to the Director of Human Resources upon receipt or knowledge of the leave. Employee will be granted a military leave of absence for the period of military service, in accordance with applicable federal and state laws. The right to reinstatement following military duty or training is determined in accordance with applicable federal and state laws. Continuation of employee benefits is determined in accordance with applicable federal and state laws.

## **LEAVE OF ABSENCE POLICY**

A Leave of Absence (LOA) is a paid or unpaid absence from work. The County permits two (2) types of LOA: (1) a paid/unpaid Family and Medical Leave of Absence (FMLA); or (2) an extended paid/unpaid LOA beyond Family and Medical Leave. An Employee must have available sick time, personal day(s) or vacation time to qualify for a paid LOA. If no PTO time is available, the leave shall be unpaid. Employee is required to exhaust all available sick leave, personal day(s) and vacation time prior to moving into unpaid status. Use of PTO time shall run concurrently with Employee's LOA.

An Employee anticipating the need for a LOA shall contact the Human Resources Department in order to complete an Extended Leave of Absence Form (and any other necessary paperwork). The form must be signed by the Employee and their Department Head/Elected Official. The Employee's Department Head/Elected Official shall also submit a written request in the form of a letter to the County Commissioners. Requests for LOA must be submitted at least 10 days prior to the beginning of an LOA or 30 days prior to an FMLA leave, if foreseeable. All leaves and extensions are subject to approval of the County Commissioners.

While on an approved LOA, including FMLA, Employee is prohibited from working for another employer.

An Employee earns paid-time-off (PTO) credits for each month in which they are eligible and in compensable status (*see Definitions*). Compensable status does not include employees on worker's compensation, unpaid medical leave, or unpaid personal leave of absence.

### **Status of Health Insurance Unpaid Leave of Absence (NOT FMLA)**

Employee on an unpaid Leave of Absence (LOA) (which is not designated as Family and Medical Leave of Absence (FMLA)) is required to pay the monthly healthcare premiums for their health insurance, through COBRA, while on leave to retain their medical coverage. Arrangements for payment will be made between the Employee and the COBRA company.

If Employee fails to, or chooses not to enroll in COBRA, Employee's healthcare coverage will cease, as of the first date of the unpaid LOA. Once the Employee returns to work and is in paid status, Employee may have the coverage reinstated with standard payroll deductions (where payroll deductions are applicable).

### **Status of Health Insurance Unpaid FMLA**

Employee on unpaid FMLA is required to pay the monthly healthcare premiums for their health insurance while on FMLA to retain their medical coverage, where applicable. Arrangements for payment will be made before the unpaid FMLA and/or if unexpected FMLA occurs, upon notification and approval of the unpaid FMLA. If Employee's portion of healthcare premiums becomes thirty (30) or more days past due, the County may cease to maintain Employee's healthcare coverage. Also, if the rate of Employee's healthcare premiums changes during FMLA, Employee must pay the new rate. The County reserves the right to recover Employee's share of any premium payments missed by Employee during any leave period if the County pays Employee's share missed during that period. Employee may choose not to retain healthcare coverage during FMLA. If Employee chooses not to maintain healthcare coverage during FMLA, Employee may have the coverage reinstated upon returning from leave.

If Employee notifies the County at any time that Employee will not be returning from leave, the County reserves the right to recover any healthcare premiums paid by the County on behalf of Employee during such leave.

## **FAMILY AND MEDICAL LEAVE ACT POLICY**

The Family and Medical Leave Act (FMLA) provides any eligible Employee up to twelve (12) weeks of unpaid leave, or intermittent leave that would be the equivalent of twelve (12) work weeks in a rolling (look back) twelve (12) month period to manage certain events. These events include Employee's serious health condition, the serious health condition of an immediate family member, or for the birth of a child, adoption or foster care issues.

Eligible Employees who are family members of covered military service members (Regular Armed Forces, Reserves, or National Guard) and certain veterans may take an additional fourteen (14) work weeks (for a total of twenty-six (26) weeks) during the defined twelve (12) month period to care for a covered military service member who incurred a serious illness or injury while on active duty, called to active duty, or for a qualifying exigency. Eligible Employees include a spouse, son, daughter, parent, or next of kin of covered military service members.

For a member of the Regular Armed Forces, "covered active duty" is defined as deployed to a foreign country, an area outside the United States, the District of Columbia, or any territory or possession of the United States. Covered active duty includes deployment to international waters.

For a member of the National Guard and Reserve, "covered active duty" means duty during deployment with the Armed Forces to a foreign country under a federal call order to active duty in support of a contingency operation.

Set out below are the basic Employee rights and obligations under the FMLA. Please contact Human Resources with any questions or to obtain more specific information on FMLA leave. A copy of the FMLA and regulations are available through Human Resources.

**Note: This policy is not intended to create any contractual rights of Employee with the County.**

### **Employee Eligibility:**

To be eligible for FMLA benefits, Employee must:

- work for the County for at least twelve (12) months;
- performed work for the County for no less than one thousand, two hundred fifty (1,250) hours during the twelve (12) month period immediately preceding the start of the leave. Paid leave, unpaid leave, and FMLA leave are not included in the calculation of the one thousand, two hundred fifty (1,250) hours worked.

Employee must take the proper steps as outlined in this Policy, including all documentation and certification requests, in order to be considered for FMLA.

### **FMLA - Circumstances When Leave May Be Taken:**

An eligible Employee may take FMLA leave for the following reasons:

1. Care for a child during the first year following birth, adoption, or foster care placement.
2. Care for a spouse, child or parent with a serious health condition.
3. A serious personal health condition that prevents Employee from performing their job duties.
4. A serious injury or illness that was incurred by a service member or covered veteran in the line of duty on active duty that may render the service member medically unfit to perform the duties of their office, grade, rank, or rating, or that is the result of pre-existing condition(s) that existed before the service member's active duty and was aggravated by service in the line of duty on active duty, and that manifested before or after becoming a veteran, and that is either:
  - A continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating;

- A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and the need for military caregiver leave is related to that condition;
- A physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; or
- An injury, including a psychological injury, on the basis of which the veteran is enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

"Covered Veteran" is defined as an individual who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness if they are a) a member of the Armed Forces, National Guard, or Reserves; b) discharged or released under conditions other than dishonorable; and c) discharged within a five year period before the eligible Employee first takes FMLA military caregiver leave to care for the veteran.

5. Because of any qualifying exigency arising out of a spouse, son, daughter, or parent's active-duty status or call to active duty in support of a contingency operation while in the Regular Armed Forces, National Guard or Reserves.
6. To care for the parent of a military member, when the parent is incapable of self-care and the need for leave is due to the military member's covered active duty.

Spouses employed by the County are jointly entitled to a combined total of twelve (12) workweeks of FMLA.

Any leave for birth, placement for adoption, or foster care must conclude within twelve (12) months of the date of birth or placement. Leave applies equally to male and female Employees, and a father, as well as a mother, may take family leave for birth or for placement of a child for adoption or foster care. Family leave may be taken before the actual birth of a child for prenatal care or if the mother's condition prevents her from working. Also, leave may be taken before actual placement for adoption of a child if Employee's absence from work is required for the adoption or placement to proceed. Employee may utilize sick PTO for their own medical condition due to the birth of a child during this time as outlined by their treating physician, or family sick leave for the care of a the child, if time is eligible and available.

A "serious health condition" is defined as an illness, injury, impairment or physical or mental condition involving:

- inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; including any period of incapacity (defined as inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from), or any subsequent treatment in connection with such inpatient care; or
- continuing treatment by a healthcare provider. A serious health condition involving continuing treatment by a healthcare provider includes any one or more of the following:
  - a period of incapacity of more than three (3) consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition;
  - any period of incapacity due to pregnancy or childbirth, or for prenatal care; and
  - any period of incapacity or treatment for such incapacity due to a chronic serious health condition;
  - a "chronic serious health condition" is one which:
    - requires periodic visits for treatment by a healthcare provider, or by a nurse or physician's assistant under direct supervision of a healthcare provider;
    - continues over an extended period of time (including recurring episodes of a single underlying condition); and
    - may cause episodic rather than a continuing period of incapacity (i.e., asthma, diabetes, epilepsy, etc).

- A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, and which requires the continuing supervision of, but not necessarily active treatment by, a healthcare provider (i.e., Alzheimer's, severe stroke, or terminal stages of a disease, etc).
- Any period of absence to receive multiple treatments (including any period of recovery there from) by a healthcare provider or by a provider of healthcare services under orders of, or on referral by, a healthcare provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

A "serious health condition" does not include routine physical, eye, or dental examinations; a regimen of continuing treatment that includes the taking of over-the-counter medications; bed-rest, exercise, and other similar activities that can be initiated without a visit to the healthcare provider; a condition for which cosmetic treatments are administered, unless inpatient hospital care is required or unless complications develop or an absence because of Employee's use of an illegal substance, unless Employee is receiving treatment for substance abuse by a healthcare provider or by a provider of health services on referral by a healthcare provider. Ordinarily, unless complications arise, the common cold, the flu, earaches, upset stomach, minor ulcers, headaches (other than migraines), routine dental or orthodontia problems, and periodontal disease are not serious health conditions.

Allergies, restorative dental or plastic surgery after an injury, removal of cancerous growth, or mental illness resulting from stress may be serious health conditions, only if such conditions require inpatient care or continuing treatment by a healthcare provider.

The term "healthcare provider" includes:

- Doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctor practices;
- podiatrists, dentists, clinical psychologists, optometrists and, under certain circumstances, chiropractors authorized to practice under state law;
- physician assistants, nurse practitioners, nurse mid-wives, and clinical social workers authorized to practice under state law;
- Christian Science practitioners.

The term "qualifying exigency" includes:

- Issue arising from a covered military member's short notice deployment (i.e., deployment on seven or less days of notice) for a period of seven days from the date of notification;
- Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active-duty status of a covered military member;
- Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
- Making or updating financial and legal arrangements to address a covered military member's absence;
- Attending counseling provided by someone other than a healthcare provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active-duty status of the covered military member;

- Taking up to fifteen (15) days of leave to spend time with a covered military member who is on short-term, temporary, rest and recuperation (R & R) leave during deployment;
- Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active-duty status, and addressing issues arising from the death of a covered military member;
- To care for the parent of a military member, when the parent is incapable of self-care, and the need for leave is due to the military member's covered active duty;
- Any other event that Employee and the County agree is a qualifying exigency. Eligible Employees are permitted to take up to twenty-six (26) workweeks of unpaid job-protected leave in a "single twelve (12) month period" to care for a covered service member (who is a spouse, son, daughter, parent, or next of kin) with a serious injury or illness.

**FMLA - Types of Leave Available:**

An eligible Employee may take up to twelve (12) work weeks of leave during a given twelve (12) month period for anyone (1) or more of the circumstances described above. Eligible Employees who are a family member of covered military service members and veterans may take an additional fourteen (14) work weeks (for a total of twenty-six (26) work weeks) during the defined twelve (12) month period to care for a covered military service member, who incurred a serious illness or injury while on active duty or for a qualifying exigency. Eligible Employees with a spouse, son, daughter, or parent in the Regular Armed Forces, Reserves, or National Guard who are on active duty or called to active duty status are also entitled to twelve (12) work weeks of leave in a twelve (12) month period for qualifying events that may allow the use of FMLA as defined in the statute and regulations as "qualifying exigency." Qualifying exigency leave is permitted for an eligible Employee to care for the parent of a service member, when the parent is incapable of self-care, and the need for leave is due to the service member's covered active duty. The military member must be deployed to a foreign country to be on "covered active duty." This also includes veterans with a serious injury or illness incurred or aggravated in the line of duty, including conditions that do not arise until after the veteran has left the military. An eligible Employee may take fifteen (15) days during the service member's rest and recuperation (R&R) leave.

For purposes of FMLA leave a "twelve (12) month period" in which the leave occurs is a "rolling" twelve (12) month period, measured backward from the date Employee uses any FMLA leave. The County reserves the right to change the method by which it calculates the "twelve (12) month period" subject to sixty (60) days advance notice. Any transition will be without prejudice to Employee's leave or benefit rights.

Under certain circumstances, leave may be taken intermittently, or on a reduced leave schedule. "Intermittent leave" is FMLA leave taken in separate blocks of time due to a single qualifying reason, and may be taken for a serious health condition which requires treatment by a healthcare provider periodically, rather than for one (1) continuous period of time, and may include leave of periods from an hour to several weeks. "Reduced leave schedule" is a leave schedule that reduces Employee's usual number of working hours per workweek, or hours per workday.

Upon request for "intermittent leave" or a "reduced leave schedule" that is foreseeable based on planned medical treatment (including recovery from a serious health condition), the County may require a temporary transfer of Employee to an available alternative position for which Employee is qualified and which better accommodates recurring periods of leave.

**FMLA - Paid vs. Unpaid Leave:**

Generally, FMLA leave is unpaid. However, Employee shall use accrued paid leave (sick leave, personal days and vacation time) concurrently with FMLA leave. The County will designate whether Employee's leave is paid or unpaid based on information received from the Controller's records related to accrued sick leave, personal day(s) and vacation time.



Employee is required to exhaust all available sick leave, personal day(s) and vacation time and prior to moving to unpaid status. Use of sick leave, personal day(s) and vacation time shall run concurrently with Employee's FMLA leave.

Employee shall earn paid-time-off (PTO) credits for each month in which they are eligible and in compensable status (*see Definitions*).

During leave, Employee may be entitled to receive short term and/or long-term disability, if qualified.

**FMLA - Employee Entitlements While on Leave:**

During FMLA leave, the County will maintain Employee's benefits, if any, under the existing group health plan. Any Employee on FMLA leave must continue to pay any share of healthcare premiums that had been paid by Employee prior to FMLA leave. Arrangements for payment will be made before leaving on FMLA and/or if unexpected leave occurs, upon notification and approval of FMLA. If Employee's portion of healthcare premiums becomes thirty (30) or more days past due, the County may cease to maintain Employee's healthcare coverage. Also, if the rate of Employee's healthcare premiums changes during the FMLA leave, Employee must pay the new rate. The County reserves the right to recover Employee's share of any premium payments missed by Employee during any leave FMLA period if the County pays Employee's share missed during that period. Employee may choose not to retain healthcare coverage during FMLA leave. If Employee chooses not to maintain healthcare coverage during FMLA leave, Employee may have the coverage reinstated upon returning from leave.

Employee shall earn paid-time-off (PTO) credits for each month in which Employee is eligible and in compensable status (defined at end of policy).

If Employee notifies the County at any time that Employee will not be returning from leave, the County may end Employee's benefits at the conclusion of the FMLA period. The County reserves the right to recover any healthcare premiums paid by the County on behalf of Employee during such leave.

If Employee is unable to return to work and has exhausted their twelve (12) weeks or twenty-six (26) weeks (in the case of an eligible Employee with family members in the military, as set forth above) of FMLA leave in the designated "twelve (12) month period," Employee no longer has the protections afforded by FMLA.

If Employee believes Employee will require leave greater than twelve (12) weeks, Employee should immediately contact the Human Resources department for guidance.

**FMLA - Employee Entitlements Upon Returning From Leave:**

Upon returning from FMLA leave, Employee will return to the same position held when leave commenced, or to an equivalent position with equal pay, benefits and other terms and conditions of employment. Employee does not have an absolute right, however, to return to the same position held immediately before leave commenced. The FMLA Policy does not provide Employee any greater right to reinstatement or other benefits and conditions of employment than if Employee had been continuously employed during the FMLA leave period.

In certain limited circumstances, the County may deny job restoration to any salaried, FMLA-eligible Employee who is among the highest paid ten percent (10%) of Employees employed with the County (i.e., a "key Employee"). Determination as to whether Employee is among the highest paid ten percent (10%) of Employees shall be made at the time FMLA leave is requested. The County will provide written notification to Employee of their status as a "key Employee" at the time FMLA leave is requested, or when the FMLA leave commences, whichever is earlier.

**FMLA - Employee's Duty to Notify the County of Need for FMLA:**

In circumstances where the need for leave is foreseeable based on an expected birth, placement for adoption, foster care, or planned medical treatment for a serious health condition of Employee or a family member, Employee **must** provide thirty (30) days advance notice before the FMLA leave is expected to begin. Employee shall complete the Request for Leave Form. If thirty (30) days advance notice is not practical, notice must be given as soon as practical. If the need for FMLA leave is not foreseeable, then unless extraordinary circumstances exist, Employee will be expected to provide notice of the need for FMLA leave within one (1) or two (2) business days of when the need for leave becomes known to Employee. If Employee fails to give thirty (30) days' notice for a foreseeable leave with no reasonable excuse for the delay, the County may deny the taking of leave until thirty (30) days after Employee provides notice to the County of the need for leave.

When planning medical treatment, Employee should consult with Human Resources and make a reasonable effort to schedule the leave to assist in minimizing disruption of County operations. Employee should consult with Human Resources prior to the scheduling of treatment in order to work out a treatment schedule that best suits the needs of both the County and Employee.

**FMLA - Medical Certification Required for FMLA Leave:**

Upon request by an eligible Employee for FMLA leave to care for Employee's seriously ill spouse, child, parent, or for Employee's own serious health condition that makes Employee unable to work, the County requires Employee to provide a supporting medical certification issued by the healthcare provider of Employee or Employee's ill family member. Employee must provide the requested medical certification within fifteen (15) calendar days of the County's request, unless the circumstances prevent timely submission of the certification despite Employee's diligent, good faith efforts. The County will provide a Medical Certification Form for completion by the healthcare provider upon request.

When medical leave is requested because of Employee's own serious health condition, the healthcare provider's certification must also provide a statement that Employee is unable to perform the essential functions of Employee's position. The County shall inform healthcare practitioners not to disclose Employee's genetic information. The County shall also provide written instructions to healthcare providers concerning the gathering and protecting from disclosure of genetic information. When medical leave is requested to care for a family member with a serious health condition, the healthcare provider's certification must also include a statement that the patient requires assistance for basic medical or personal needs or safety, or for transportation, or that Employee's presence to provide psychological comfort would be beneficial to the patient or assist in the patient's recovery.

After submission of a completed certification signed by the healthcare provider, the County may request that Employee obtain a second opinion at the County's expense from a healthcare provider chosen by County. If the opinions of Employee's and the County's designated healthcare providers differ, the County may require a third opinion at the County's expense from a mutually agreed upon healthcare provider. The third opinion shall be final and binding.

**FMLA - Military Caregiver Procedures:**

- Employee seeking to use military caregiver leave for a service member with a serious illness or injury must provide thirty (30) days advance notice of the need to take leave. If the leave is foreseeable but thirty (30) days advance notice is not practical, Employee must provide notice as soon as is practical; generally, either the same or next business day on which Employee becomes aware of the need for leave.
- Where the leave is needed due to a qualifying exigency, Employee must notify the County of the need for leave as soon as practical, which is generally considered to be either the same or next business day.
- When notifying the County of the need for leave, Employee is required to provide information sufficient for management to identify that the leave qualifies as a qualifying exigency or involves the serious health condition of a covered service member. Employee is also expected to identify the anticipated timing and duration of the leave.

- The County may require Employee to provide the following in support of the request for leave:
  - leave for a qualifying exigency be supported by a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party; leave to care for a covered service member with a serious injury or illness be supported by a certification completed by a healthcare provider, not necessarily affiliated with the military, **or** by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family.

**FMLA - Recertification:**

In certain circumstances, the County may require recertification to support continuing FMLA medical leave. These circumstances include, but are not limited to:

- a request for extension of leave by Employee;
- change in circumstances regarding the illness or injury; or
- receipt of information by the County that casts doubt upon the validity of the most recent certification.

Employee must provide the requested recertification within fifteen (15) days of the County's request, unless circumstances prevent timely submission of the recertification despite Employee's diligent, good faith efforts. Any recertification requested by the County shall be at Employee's expense.

**Return to Work Following FMLA:**

The County may also require periodic reports from Employee on FMLA leave regarding Employee's status and intent to return to work. If Employee discovers after being on FMLA leave that Employee needs to take more or less leave than originally anticipated, within two (2) business days, Employee must give the County notice of the changed circumstances where foreseeable. The County may request information on such changed circumstances through requested periodic status reports.

In the event the FMLA leave was granted for Employee's own serious illness which prevented Employee from performing their job functions, Employee must obtain and present certification from a healthcare provider that Employee is able to resume work. If Employee is released to return to work under any restrictions or modified duty, Employee shall notify Human Resources prior to returning to work. Human Resources shall verify the restrictions/modified duty can be accommodated and notify the Employee accordingly.

**NOTICE – Failure to Comply with Procedures:**

In the event of foreseeable leave, failure to submit the required medical certification may result in the denial of leave until the certification is received. In addition, if Employee fails to provide a requested fitness-for-duty certification to return to work, the County may deny job restoration until Employee submits the certificate.

If the County determines Employee is abusing their rights under FMLA, including submission of false information, Employee will be subject to disciplinary action, up to and including termination.

*\*Any modifications to the Family and Medical Leave Act are incorporated as if fully set forth in this Policy. This Policy is not intended to provide an Employee with greater rights than those set forth in the Family and Medical Leave Act at the time an Employee requests leave.*

## **DONATED BENEFIT TIME**

### **Purpose:**

The purpose of donated benefit time is to allow a full-time Employee who exhausted their accrued sick leave, vacation time, and personal days to be allocated paid time from the Donated Benefit Time Bank (Bank) for a catastrophic injury or terminal illness. The Bank is created as a result of other County Employees donating sick time and vacation time to the Bank for use by the Donee in the future. This policy is strictly voluntary.

### **Definitions:**

**Catastrophic:** a substantial injury or illness that poses a direct threat to life or to the vital function of major bodily systems or organs, with treatment to be less than nine (9) months. Pregnancy, childbirth, chronic condition/illness, elective, or cosmetic surgery are not catastrophic under the Policy.

**Donee:** an Employee who receives donated benefit time.

**Donor:** an Employee who donates accrued sick or vacation time to the Donated Benefit Time Bank.

### **Procedure:**

Employee shall submit a Recipient Application for Donated Benefit Time (DBT) and Medical Certification Form to the Human Resources department, setting forth the reason for the request and the amount of donated time requested. The County Commissioners shall have the sole discretion in granting/denying the amount and distribution of donated benefit time. The Donee's name shall remain confidential. Employee requesting DBT must comply with all Family Medical Leave Act (FMLA) or Leave of Absence (LOA) policy/procedure/guidelines. Donated Benefit Time (DBT) requests will generally be honored in the order they are received and approved.

Donated time will be valued at a 1:1 ratio, i.e., one (1) day of time donated is equivalent to one (1) day of time to be used. There shall be no recognition of the hourly rate for Employee who donated the time, i.e., the donated benefit time will have the value of recipient Employee's daily rate of pay.

For Employee to be considered for donated benefit time, Employee must have exhausted all sick leave, vacation time, and personal days. Requests for donated benefit time will not be approved if Employee is receiving short or long-term disability benefits.

Eligible employees may not receive more than 30 days of donated benefit time per calendar year, unless otherwise set forth by the County Commissioners. Donated hours that go unused in the calendar year of donation will carry over into each subsequent year(s) until they are redeemed. Should Employee no longer qualify for FMLA or LOA, any unused DBT will be placed back into the general DBT bank.

Donor may only donate benefit time to the Bank if they have at least eleven (11) sick days or vacation days which remain unused. Donor shall maintain no less than ten (10) days of accrued sick leave and vacation time. No more than three (3) vacation days or three (3) sick days may be donated, or the combination thereof up to a maximum of three (3) days total donated. Employees may donate only once per request.

The receipt of all donated benefit time will be taxed at the Donee's hourly rate of pay. No benefits shall be affected by receipt of donated benefit time, i.e., additional contributions to retirement.

There are no guarantees that donated time will be available at the time that an employee requests it or that an employee will be granted such time.

## **RETIREMENT**

Lebanon County's retirement fund is a contributory plan. Both Employee and the County contribute to the retirement fund. Employees' contribution is determined according to the class of retirement established by the County Commissioners. The contribution percentage of Employee is explained further in the summary which participating Employee receives upon starting employment. The County is obligated to contribute sufficient funds to ensure the payment of all promised benefits. All benefits are guaranteed by the County. All Employees are required by State Law to become members of the retirement fund if it is anticipated that Employee works one thousand (1000) hours or more per year. Once Employee becomes a member of the retirement fund, they cannot drop out. Exceptions to this rule are as follows:

- Seasonal Employees – Those who work five (5) months or less per year;
- Temporary Employees do not have to join the retirement fund unless it is anticipated that they will work at least one thousand (1000) hours per year; and
- Per Diem/Casual Employees – Those hired to work on an as needed basis.

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## **VII. COUNTY EQUIPMENT**

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## **INFORMATION TECHNOLOGY POLICY**

Employee is provided with access to and use of a variety of information technology resources, including computers, laptops, internet, etc. The purpose is to provide to Employee the means to assist them to be efficient, productive, and to have access to information that is necessary for him to carry out their responsibilities as an Employee of the County. Employee shall use the resources in a manner consistent with their position and work responsibilities with the County. Employee shall comply with all security practices and procedures designed to maintain the confidentiality, integrity, and availability of information and the associated automated systems.

Viewing and accessing sexually explicit or offensive materials, or which may be offensive, hostile, or harassing with respect to anyone's race, color, national origin, ancestry, religion, sex, age, disability, political belief, military service, or any other protected class, as well as using the internet for personal, commercial, or profit generating activities, or for personal advertisements, solicitations, promotions, political material, or any other similar purpose is prohibited. Employee shall not use the internet for unauthorized access to other computer systems.

Inappropriate use of the County's information technology resources or failure to follow the appropriate policies and procedures for information security and technology use may result in discipline, up to and including termination of employment. Because certain information is protected by law, misuse by Employee of such information may also result in legal, criminal, or monetary penalties, including fines and/or imprisonment.

### **Information Technology Resources:**

For the purposes of this Policy, "Information Technology Resources" is defined as any equipment, hardware or software that is assigned and available for Employee to use in the course of their employment. These resources include, but are not limited to, the following: telephones, printers, fax machines, software applications, USB devices, internet access, voice mail, e-mail, personal computers, laptops, digital cameras, radios, pagers, PDAs, plotters, scanners, smart phones, cell phones, mobile data terminals, copy machines, electronic data and database, and the various networks.

### **Roles and Responsibilities:**

To protect the integrity of the computer system and to protect legitimate users from the effects of unauthorized or improper use of these facilities, the County maintains the authority to take several actions. These actions include the authority to limit or restrict Employee's usage of the computing facilities; the authority to inspect, copy, remove, or otherwise alter any data, file, or system resources that may undermine the proper use of that system; and any other actions deemed necessary to manage and protect the County's computer facilities. This authority may be exercised with or without notice to Employee. However, whenever possible, the Information Technology Services Department (ITS Department) will consult with the Department Head/Elected Official prior to taking action. The County disclaims responsibility for any loss or damage to data that results from its efforts to enforce this Policy or from any changes, upgrades, or maintenance of the County Information Technology Resources.

The ITS Department's roles and responsibilities include, but are not limited to, the following:

- Maintaining, administering, and operating all servers, infrastructure, and security equipment for County agencies;
- Acting as the custodian of the County's information resources and implementing the policies regarding information security;

- Acting on behalf of County Government and Department Head/Elected Official to secure information, applications, systems and networks; providing authorized access to approved personnel; and monitoring, detecting, investigating and reporting on actual or suspected security breach or incidents;
- Acting as the gatekeeper for access to all Information Technology Resources, including internet access. The ITS Department establishes the procedures for access to all Information Technology Resources, including the Internet, and is responsible for informing the Department Head/Elected Official of these procedures.

Each Department Head/Elected Official's roles and responsibilities include, but are not limited to, the following:

- Being responsible for all electronic information in their area, as well as stored documents and data archives. The Department Head/Elected Official shall determine who will be allowed to access Department information, consistent with the Department's policies and applicable laws. The Department Head/Elected Official may delegate this authority to one other person within the Department who may act or sign on their behalf. The Department Head/Elected Official is responsible for establishing clear guidance for data and enforcing security policies;
- Determining application access roles and requirements and enforcing, monitoring, and managing them;
- Ensuring that Employees with access to Protected Health Information (PHI) receive appropriate required training before authorizing access to this information;
- Monitoring all Information Technology Resource usage by Department Employees to ensure it complies with all applicable laws and policies. To assist in this responsibility, the Department Head/Elected Official may request reports detailing internet usage from Human Resources with authorization from the ITS Department;
- Creating policies for the permitted uses of removable media (such as diskettes, USB devices, and CDs) and monitoring Employees for compliance;
- Training interns, volunteers, contractors, and other business partners on the appropriate security and technology use policies.

All Employees who are provided with access to County electronic information are responsible for all usage of these resources. Employees are responsible for:

- Password protection and maintenance;
- Proper logout from all open applications;
- Powering off CPU and monitor at the end of Employee's workday;
- Ensuring that all possible data is stored on a network drive or share, and that any data stored on the local drive (C) is properly backed up;
- Understanding and complying with all federal and state laws and regulations and County and Department policies and procedures as they apply to information technology use, data security, and use of PHI or other private information;
- Utilizing appropriate workstation physical security solutions;
- Identifying and reporting technology use and/or security related problems and issues;
- Utilizing appropriate destruction methods for obsolete removable media.



**ITP - General Provisions:**

This section outlines general provisions regarding information technology use that apply to all types of Information Technology Resources. Additional provisions relating to specific types of Information Technology Resources may be found in other sections of this Policy.

The County's Information Technology Resources are designed for County business use only. The County does recognize that Employee may occasionally use Information Technology Resources for personal use. All such use must occur outside of Employee's normal work hours, must not interfere with the use of equipment for County purposes, must not be excessive, and must be approved by Employee's Department Head/Elected Official. Unacceptable usage is set forth below.

Employee is provided access to County Information Technology Resources only if authorized by their Department Head/Elected Official or designee. Employee should be granted the minimum level of access to networks, information, and technology required to perform their job responsibilities. All access that is not specifically permitted is denied.

**Unacceptable Use of Information Technology Resources:**

Unacceptable use of the County's Information Technology Resources includes, but is not limited to, the following:

- Unauthorized use;
- Illegal purpose;
- Transmittal, creation, viewing, installing, downloading, and/or copying of threatening, abusive, obscene, lewd, profane, pornographic or harassing material or material which suggests any lewd or lascivious act, unless such action is required by official investigative duties;
- Intentionally preventing or attempting to prevent the disclosure of your identity with the intent to frighten, intimidate, threaten, abuse or harass another person;
- Unauthorized or improper transmittal of material that is confidential to the County, or is otherwise protected by law;
- Disruption of network services, such as knowingly distributing computer viruses, or actual or attempted intrusion, destruction or defacement of information (hacking or cracking);
- Interception or alternation of network packets;
- Use of another Employee's identity and/or password to access Information Technology Resources;
- Attempt to evade, disable, or decipher password or other security provisions of systems on the network without authorization;
- Reproduction and/or distribution of copyrighted materials without proper authorization;
- Allowing non-authorized individuals to access or use Information Technology Resources;
- Attaching personal wireless networking devices to the County network;
- Disabling or interfering with the County-installed anti-virus systems;
- Creating, acquiring, installing, downloading, or using unauthorized copies of computer software.

**County Access:**

The County reserves and intends to exercise its right as is reasonably necessary, to search, review, audit, monitor, intercept or access Employees' use of the Information Technology Resources provided to Employees. Employee should not have an expectation of privacy regarding the use of Information Technology Resources, regardless of the assignment or creation of passwords, ID numbers or access codes.

All work products created through the use of Information Technology Resources are the property of the County. Any materials developed, composed, sent, or received using County-provided Information Technology Resources are, and will remain, the property of the County. All electronic documents, including e-mail, may be considered a public record, and as such, may be open to public inspection upon request.

**E-mail Use:**

The following apply specifically to the use of the e-mail on County systems:

- E-mail is not secured media, except inside the County's e-mail system. Any e-mail that can be sent out of the County's e-mail system to locations outside of the County should be considered non-secure;
- A special encrypted e-mail system exists which may be used to pass protected information outside of the County. An Employee who needs this capability should contact their Department Head/Elected Official and the ITS Department;
- E-mail is subject to applicable privacy, security, and records retention laws and guidelines for the information that a particular message contains. As such, e-mail records must be appropriately secured and retained;
- No Employee should e-mail sensitive, personal or private information, unless it is authorized and sent by approved methods;
- Employee should not open unusual looking or unexpected e-mail. E-mail is often used by others for illegal purposes and may contain computer viruses;
- Employee should never respond to e-mail requesting personal or banking information, or requesting user IDs or passwords;
- If Employee has any doubt about the authenticity of an e-mail, or about what the e-mail is requesting, Employee should notify their Department Head/Elected Official immediately. The Department Head/Elected Official should contact the ITS Department.

**Internet Use:**

The following items apply specifically to the use of the Internet:

- Approval of Employee's Department Head/Elected Official is required to gain access to the Internet;
- All Internet users are responsible to ensure they are in compliance with all applicable laws and County policies, including computer security, virus detection, and access to questionable sites and/or material;
- Under no circumstances shall the Internet be used to access lewd, objectionable, pornographic, sexually explicit, or illegal materials, or sites that are sponsored by or contain materials regarding discrimination, hate groups, or gambling. The only exception is when such access is used to perform official investigations, required in the course of one's work, and approved by the Department Head/Elected Official;

- Internet access requires authentication through the firewall to ensure that only authorized Employees may access the Internet;
- Streaming media should only be used for official or training purposes. The Internet should not be used to listen to radio or TV broadcasts for entertainment;
- Instant messaging is not permitted, unless utilizing the authorized County program;
- Employee shall not purchase any items on the Internet from any County workstation or network connection using a personal credit or debit card, unless that transaction is for County business;
- Employee should exercise caution when prompted to enter information that will identify them or the networking architecture of the County. If there is any question regarding the legitimacy of the site or the information being requested, Employee should notify their Department Head/Elected Official or contact the ITS Department before proceeding. Employee accepts all risk when entering personal, medical, or financial information of any kind on external websites;
- Employee shall not download programs or plug-ins from the Internet unless authorized to do so by the ITS Department. Such actions could download viruses or other malicious code, or could violate licensing and copyright laws;
- File downloads such as pdf files, Word documents, research materials, etc., are permissible. All downloaded files should be checked for viruses;
- The Internet should not be used to attack or test the security of other systems.

**Password Use:**

To ensure the safety of the information and networks within the County, computer passwords should be of sufficient strength so as not to be easily cracked or broken by unauthorized individuals. The ITS Department shall establish and communicate specific requirements for password content.

The following apply specifically to password use:

- Each user should have their own unique login account;
- Passwords should not be written down and stored on or near computer equipment;
- Passwords should never be stored in clear view;
- Under no circumstances shall Employee share, or be required to share, login credentials, normally defined as the combination of both a User ID and password;
- Passwords must be supplied to the ITS Department.

**Workstation Physical Security:**

Employee is responsible for maintaining the physical security of their desktop workstations, portable computing devices, and removable media (such as diskettes, USB devices, and CDs) by restricting and controlling physical access to these items.

This can be accomplished by utilizing one or more of the following physical security solutions:

- Properly positioning and protecting systems such that information cannot easily be read or obtained;
- Monitors should generally be kept from the plain view of anyone who does not have the appropriate security access or clearance to view information that may be displayed. Employee should make sure that monitors cannot be viewed through outside windows, from public hallways, public reception areas, or by reflection off of other objects;
- Turn monitors away from counter areas;
- Utilize a special shade or polarizing monitor filter, when necessary;
- Printers should be kept in protected areas to keep sensitive information from being disclosed;

- Printed materials from any source should be kept secure, away from viewing, and out of public reach;
- Many workstations may utilize a locked-down configuration where the user will not have local administrator rights on their own workstation to prevent the installation of unauthorized software;
- Workstations may utilize an automatic screensaver that is password-protected and which activates after a set period of inactivity. Where this solution has been implemented or required, Employee shall take no action to disable or prolong the set time frame of this screensaver;
- Removable media will have the same security requirements as the highest sensitivity of information on that device, and should be stored and secured as such;
- Since most County information is network accessible, there should be minimal need to copy data to removable media;
- All media storage devices shall not be discarded in the trash;
- Computers will be turned off at night, and anytime an Employee is away from their desk for an extended period of time;
- Keep keyboard, mouse, and other components far enough away from the public so they cannot be tampered with or stolen.

**Security and Confidentiality of Electronic Private Information/ Destruction of Obsolete Removable Media Containing PI:**

Subject to applicable record retention laws and schedules, Employee shall use the removable media destruction and elimination devices and processes made available by the County to destroy all obsolete removable media containing private information or other information requiring protection (e.g. CD-ROM disks, USB devices, and floppy-disks, etc.).

**Computer Hardware/Software Usage:**

The following items specifically apply to the use of County computer hardware and software:

- **Disposal of Obsolete Hardware and Software:**

The ITS Department is solely responsible for the proper disposal of all County-owned software and hardware. Departments should contact the ITS Department for proper disposal.

- **Software Installed on County Computers:**

Only software purchased or authorized by the ITS Department and properly licensed to the County may be installed on County computers. All installations shall be done by the ITS Department. The use of this software must be in compliance with the manufacturer's license agreement and cannot be copied to multiple computers unless permitted by the license agreement. Unauthorized software (such as shareware, freeware, or Employee-owned software) can only be installed on County computers with prior written authorization of the Department Head/Elected Official and the ITS Department.

- **Unauthorized Software:**

The County prohibits the following types of computer software from being installed and/or used in County computers:

- Games – including Microsoft games that are included with the Microsoft operating system;
- Demonstration or evaluation software;
- Interactive internet games;
- Employee-owned software;
- Freeware;
- Shareware;
- Instant messaging software – all exterior Instant Messaging Services are prohibited;
- Chat room/Chat channels – acceptable only if used for verifiable business purposes;
- Streaming software.

- **Software Custodians:**

Each authorized software title owned by the County will have a designated County “Custodian.” The Custodian is the individual who is assigned the responsibility of knowing where (by machine name or username) their software has been installed. The Custodian shall be consulted whenever the ITS Department receives a request for an installation of a software title under control of the Custodian.

- **Software Audit:**

To ensure that the County is in compliance with copyright law, the ITS Department may conduct periodic electronic software audits of all workstations and servers owned by the County. These audits may be conducted with or without notice to Employee. If unauthorized software is found, it will be removed from computers and the Department Head/Elected Official will be informed of the removal.

- **Removal of Unauthorized Software:**

The ITS Department shall remove all unauthorized software that has been installed on any County computer or other device following the steps outlined below:

- The specific computer or device with the unauthorized software will be identified through the electronic software or by other means;
- The Department Head/Elected Official will be contacted to determine if there is a legitimate business reason why the unauthorized software has been installed on a County computer; and
- If the Department Head/Elected Official indicates that the unauthorized software is needed for Employee to do their job, the following process must be used:
  - The Department Head/Elected Official must produce a County purchase order to authenticate purchase/ownership by the County;
  - The Department Head/Elected Official must produce a software license that clearly defines the user’s rights and responsibilities and the owner’s rights and responsibilities;
  - The Department Head/Elected Official must forward an account number to the ITS Department so that it can purchase the software for the department;

- If none of the above is feasible, ITS staff will remove the software and a message indicating the removal will be forwarded to the user and the Department Head/Elected Official;
- All unauthorized software as listed above will be automatically removed and a message will be sent to the Department Head/Elected Official.

- **Copying Software Disks and Manuals:**

The copying of disks and manuals is strictly prohibited unless it is authorized by the associated software licensing agreement or received through written correspondence with the software owners.

- **Portable/Removable Devices:**

Removable or portable storage devices, such as CDs, DVDs, USB storage devices, laptops, notebooks or hand-held computers, smart phones, etc., whether wired or wireless, present very specialized security risks. Storage on such devices will be minimized to only that which is required by business needs. Devices must be inventoried and protected consistent with the sensitivity of the information they contain, and the devices must be encrypted with County-standard encryption. Also, because these media can be easily damaged, critical business data should be moved to network drives as soon as possible.

**Incident Reporting:**

Employee has a responsibility to report any actual or suspected information or network security incidents to their Department Head/Elected Official. There will be no discipline or adverse action for the good faith reporting of security issues, problems, or incidents.

**Types of Incidents Which Should be Reported:**

The following types of incidents are examples of situations that should be reported as a possible security incident:

- Unauthorized release of information in an e-mail, whether intentional or accidental;
- Unauthorized receipt of any e-mail containing information that is protected from disclosure (such as health care information);
- Receipt of e-mail that looks to be illegal or contains sexually explicit, hate-group related, or otherwise illegal material;
- Suspicion that passwords have been disclosed or that someone may have been using another individual's login credentials or accounts;
- Receipt of any e-mail that triggers anti-virus software;
- Any individual who asks for another individual's password, or to use someone's account to review the contents of another's e-mail;
- Computer attacks coming from outside the County, or any suspected virus, worm, or other malicious code;
- Theft of computer or unauthorized removal of media, data, storage, devices, disks, or CDs;
- Unauthorized access to the County's computer system(s) by a third party;
- Inappropriate use of the County's Information Technology Resources. Examples include, but are not limited to, access of inappropriate web sites; using County systems for inappropriate, non-work-related materials; abusing County systems or using them

for unintended purposes; using workstations, servers, or other devices to attempt to monitor, detect passwords, probe systems or networks, or other such hacking cracking activities.

**Incident Reporting Procedures:**

Employee should report actual or suspected security incidents as follows:

- Report incident to Department Head/Elected Official.
- Report incident to Human Resources Department if the incident involves protected health information (PHI).
- Human Resources Department shall work in conjunction with the ITS Department to ensure compliance with federal and state laws.

**Remote Access:**

When needed, the County provides the capability for Employee to access the County computer systems while working from home or from official travel locations (i.e. non-County premises).

The following apply specifically to Employee using remote access:

- The ITS Department provides remote access servers and phone numbers for the use of Employee and other authorized users. Employee is prohibited from attaching modems to client workstation equipment or to configure equipment to accept dial-in services. Only the ITS Department's designated servers and phone numbers are authorized for use for remote access.
- Employee who are accessing County networks from home, or using a laptop system from a remote location, shall ensure that these systems contain adequate and updated anti-virus protection. If a personal workstation appears to be virus infected or is behaving unpredictably, it should not be used to access County systems until it has been checked and all issues corrected.
- Under no circumstances should Employee's family member(s) be allowed to access a workstation or County networks. Passwords should not be saved in dialers, VPN or programs on workstations such that a family member(s) could access the system without Employee's knowledge. Family members shall not use County connections to access the Internet, collect e-mail, or use networks or systems for any reason.

## **SOCIAL MEDIA**

### **Purpose:**

The County understands that social media can be a fun and rewarding way for Employee to share their life and opinions with family, friends, and co-workers. Use of social media also presents certain risks and carries with it certain responsibilities. To assist Employee in making responsible decisions about the use of social media, the County established these guidelines.

### **Guidelines:**

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communication or posting of information on the Internet, including, but not limited to, your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the County, as well as any other form of electronic communication.

Employee is solely responsible for what Employee posts online. Before creating online content, Employee should consider the risks and rewards of such activity and content. All conduct that adversely affects Employee's job performance, the performance of fellow Employees or adversely affects associates, customers, vendors, and individuals who work on behalf of the County, or adversely affects the County's legitimate business interests may result in disciplinary action, up to and including termination.

Employee is responsible for reading this Policy to ensure their postings are consistent with these guidelines. Inappropriate postings that are intended to harass, demean, humiliate, discriminate, embarrass, annoy, or contain threats of violence or similar inappropriate or unlawful conduct towards a fellow Employee, vendor, or individuals for which the County serves will not be tolerated. Disclosure of confidential County information or information concerning Employees, i.e., disclosure of medical information, shall not be tolerated. Violation of this Policy shall result in disciplinary action, up to and including termination. Application of this Policy is not intended to violate any applicable federal, state, or local law.

Employee shall maintain confidential County information. Confidential information shall include internal reports, personnel information, discipline, and health information. *See Confidentiality Policy, HIPAA Policy, HITECH Policy, and Information Technology Policy.*

Do not create a link from your blog, website, or other social networking site to a County website without identifying yourself as a County Employee.

Employee shall not use the County logo for personal use, or non-authorized County business use.

Opinions expressed by Employee are that of the Employee only, and not that of the County. Employee shall not represent himself as a spokesperson for the County. If the County is the subject of the content, Employee shall ensure to post that they are an Employee and their views do not represent those of the County, fellow Employees, associates, customers, vendors, or people working on behalf of the County with express written permission.



If Employee publishes a blog or posts online related to the work Employee performs or subjects associated with the County, Employee shall ensure that Employee represents that they are not speaking on behalf of the County. The following disclaimer is recommended:

*“The postings on this site are my own and do not necessarily reflect the view of County of Lebanon or any person or organization affiliated or doing business with the County of Lebanon.”*

**Using Social Media at Work:**

Employee shall refrain from using social media while on work time or through the use of County equipment, unless it is work-related. Employee shall not use their County-issued e-mail address to register on social networks, blogs, or other online tools utilized for personal use. Employee understands that Employee has no expectation of privacy in their use of the County’s computers and/or network. The County reserves the right to monitor the County’s computers, electronic devices, and network.

**Retaliation is Prohibited:**

The County prohibits taking negative action against any Employee for reporting a possible deviation from this Policy or for cooperating in an investigation. Employee who retaliates against another Employee for reporting a possible deviation from this Policy or for cooperating in an investigation shall be subject to disciplinary action, up to and including termination.

**Media Contacts:**

Employees shall not speak to the media on the County’s behalf, unless expressly authorized. All media inquiries shall be directed to the County Administrator or Department Head/Elected Official. This Policy is not intended to infringe upon state or federal laws.

A violation of this Policy may result in disciplinary action, up to and including termination of employment.

## **OFFICE EQUIPMENT**

The use of County facsimile machines (fax) and photocopy machines (copiers) shall only be used for County business. The County understands that Employee occasionally needs to use the fax machine or copier for personal use. Employee is required to keep this usage to a minimum and should attempt to use other alternatives when needing to send or receive a personal fax, or make a personal copy. Excessive or inappropriate use of County fax machines or copy machines for personal use is prohibited and may lead to disciplinary action, up to and including termination.

### **County Mail and Packages:**

To maintain a professional work environment and ensure the security and efficiency of workplace operations. Employees are prohibited from having personal mail or packages delivered to their departments or offices that are not directly related to work responsibilities.

This policy applies to all County of Lebanon employees and elected officials.

**Security:** Receiving personal packages at work can create security concerns, as packages may contain unknown or inappropriate items.

**Efficiency:** Managing personal deliveries can disrupt work activities and place an undue burden on staff tasked with handling mail.

**Exceptions:** Items required for work purposes may be delivered with prior approval from Department Head/Elected Official.

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

## **CELLULAR TELEPHONES, PAGERS, RADIOS**

The assignment of a cellular telephone, pager or radio may be approved for a position when one or more of the following conditions are met:

- Where it is deemed necessary to provide for, maintain, or enhance the provision of County services to maintain public safety;
- Where it is deemed essential that Employee have the ability to communicate quickly with department personnel, with other departments, or with outside parties, or be reached by same in order to direct Employee's efforts and to increase Employee efficiency;
- Where it can be shown that Employee's work assignments may take Employee to places where communications cannot effectively take place other than through the use of a cellular telephone, pager, or radio; or,
- Where it is determined to be cost effective for Employee to have the ability to communicate through the use of a cellular telephone, pager, or radio (i.e., where Employee is frequently in the field or traveling to work assignments and it is not practical or cost effective for that Employee to use other means of communication).

Employee assigned a cellular telephone, pager, or radio shall immediately return the equipment to their Department Head/Elected Official upon transfer, reassignment, or termination of employment. The Department Head/Elected Official shall be responsible for securing the return of cellular telephone, pager or radio equipment due to transfers, reassignments, or terminations of Employees. The Department Head/Elected Official is responsible for identification of each cellular telephone, pager or radio equipment, to which Employee it was assigned, the date assigned, date returned, and current disposition.

Failure to comply with this Policy shall result in disciplinary action, up to and including termination.

## COUNTY VEHICLE

When County owned or leased vehicles are not in use during working hours, as well as after hours, they are to be parked where designated by each Department Head/Elected Official.

Employee called to respond to official County business outside regular business hours shall use their personal vehicle and shall submit a monthly expense voucher for the accumulated mileage. Expense vouchers are available from each Department Head/Elected Official. Mileage reimbursement shall be at the rate established by the County Commissioners or IRS Guidelines. Use of County owned or leased vehicles for personal use, including personal use during business hours, is strictly prohibited.

Since the County has the sole discretion in determining who may operate a County owned or leased vehicle, the County has the right to review any appropriate documents, including driving records, proof of a valid license, etc., and must be made aware of any driving violations, changes to driver information and driver status immediately, including suspension or revocation of driver's license.

Employee is expected to take all steps necessary to avoid endangering himself and/or others while operating a County owned or leased vehicle.

Drivers of a vehicle owned by County of Lebanon must operate the vehicle in a safe manner, following all applicable guidelines set forth in this policy. County upholds all applicable state motor vehicle regulations relating to driver responsibility. The Department Head/Elected Official or designee is responsible for completing background checks and motor vehicle record checks, as well as compliance with findings for each employee, if applicable, as indicated in this policy.

Accordingly, Employees authorized to operate a County owned or leased vehicle are expected to:

- Ensure that all occupants, including themselves, wear safety belts when the vehicle is in operation;
- Report all vehicle maintenance/performance concerns to the County;
- Refrain from using cellular telephones (unless they are equipped with hands-free operations), personal listening devices and from conducting any other activities which may impede the driver's ability to focus on safely operating the vehicle while it is in motion;
- Vehicle occupants are not permitted to smoke in the vehicle;
- Maintain a valid Pennsylvania Driver's License;
- Comply with all respective laws governing motor vehicle operations.

### PURPOSE OF POLICY

To provide procedures and safety guidelines to employees who drive a personal and/or County vehicle to conduct official County business. This policy applies to all County employees, contracted workers, interns, and volunteers who operate a personal or County-owned vehicle to conduct official County business.

### DEFINITIONS

- a. **Accident** - Any incident involving a motor vehicle causing harm, injury, damage, or loss.
- b. **At-fault accident** - An accident whereby the driver is negligent of a violation arising from that particular accident.
- c. **Authorized driver** - Any employee, contracted worker, intern, or volunteer who is assigned a County vehicle or who operates a personal motor vehicle while on duty and while conducting official County business as part of their essential job functions. This definition excludes any employee who may use a non-County vehicle to travel to an occasional meeting or training session.

- d. **Contracted worker** - An individual performing official work for the County through a formal or legally binding agreement.
- e. **County vehicle** - A motor vehicle owned by or leased to the County, including temporary replacement vehicles.
- f. **High-risk driver** - A driver whose driving record indicates high-risk driving habits or who meets any single item or combination within the below:
  - Found guilty of, been accepted into Accelerated Rehabilitative Disposition (ARD), or has plead "no contest" for an alcohol, illegal drug, and/or related driving offense;
  - Refusal to submit to a blood alcohol content (BAC) or drug test;
  - Conviction for reckless driving;
  - Any combination of 4 or more moving violations, at-fault accidents, or preventable accidents within the last 3 years;
  - Suspension, revocation, or administrative restriction within the last 3 years;
  - Leaving the scene of an accident as defined by state law;
  - At fault in a fatal accident;
  - Felony committed involving a vehicle, including fleeing an officer;
  - Three or more accidents in any 12-month period;
  - Two or more speeding citations in any 12-month period; or
  - Three or more speeding citations in any 36-month period.
- g. **Motor vehicle** - A car, truck, van, or other road vehicle powered by an engine. The vehicle may be a County- owned or -leased vehicle or a personal motor vehicle being operated on official County business.
- h. **Motor vehicle record (MVR)** - A document supplied by the state Department of Motor Vehicles that provides information on motor vehicle violations and license status of a specific driver.
- i. **Non-County vehicle** - Any motor vehicle used on official County business not owned or leased by the County. A non-County vehicle includes, but is not limited to, privately owned, leased, or rented vehicles.
- j. **Official County business** - Driving at the direction or for the benefit of the County. Included is all driving done for official County business while the employee is in a paid status. Normal commuting to and from work or conducting personal errands are excluded from this definition.
- k. **Preventable accident** - An accident whereby the driver could have avoided the accident.
- l. **Serious accident** - An accident where there is a fatality or a serious injury.

### **AUTHORIZED DRIVER GUIDELINES**

Employees who need transportation to conduct official County business are required to use a County vehicle assigned to their department if one is available. If a County vehicle is not available, employees may use their own vehicle for business purposes, but only with the prior approval of their immediate supervisor.

County vehicles shall be driven by authorized employees only. The lone exception to this rule is when the vehicle's operation occurs for repairs by an authorized mechanic.

An employee who is required to use their vehicle as part of their essential job functions is required to maintain proof of valid automobile insurance and supply a valid copy to Human Resources as requested.

A post-offer, pre-employment check of the motor vehicle record is a condition of employment for anyone who is required to drive as part of their essential job functions. An employee who drives as part of their essential job functions is required to provide proof of a valid driver's license, and complete paperwork

to authorize a motor vehicle record (MVR) check on both a random basis and as an annual check at a minimum frequency. Checks will occur throughout the duration of the driver's employment with County so long as driving remains a part of their essential job functions. Any employee assigned on-call duty may not drive a County vehicle to their home. If the employee needs to respond to a worksite beyond the usual end of their workday, they must drive their personal vehicle to the location of a County vehicle, and then proceed to the worksite. Or, depending on the address of the after-hours work, employees may use their personal vehicle.

Personal vehicles used for official County business may be authorized for mileage reimbursement. Supervisors must determine if mileage reimbursement is applicable. Any employee who does not drive regularly to conduct official County business, but occasionally uses their personal vehicle for Company business, will be reimbursed for mileage pursuant to the Purchases and Expenses policy.

All traffic violations received while conducting County business that result in fines are the employee's responsibility. Fines, citations, arrests must all be reported to the applicable supervisor and Human Resources no later than within the next regularly scheduled workday.

## **DRIVER SAFETY RULES**

### **a. Accident assistance**

An authorized driver who witnesses or comes upon an accident in the course of official County business should not assist disabled motorists or accident victims beyond their level of medical training (e.g., basic first aid, CPR). If an authorized driver is not qualified to provide this sort of service, they shall restrict their assistance and call for emergency personnel.

### **b. Cellphone use**

An authorized driver may operate a cellphone with only a hands-free setting while driving a County vehicle.

Employees who are charged with traffic violations resulting from the use of their cellphone while driving will be solely responsible for all liabilities that result from such actions and may be subject to discipline, up to and including discharge from employment.

### **c. Operating a vehicle while under the influence**

An authorized driver's use of a County or personal vehicle for official County business while under the influence of alcohol and/or drugs (including prescription medications) is forbidden and is sufficient cause for discipline, up to and including discharge from employment as is more fully set forth in the Drug and Alcohol Use policy.

Employee shall be subject to drug and alcohol testing for all accidents regardless of whether Employee was operating a County vehicle or their personal vehicle on County business. *See Drug Free Workplace Policy.* If Employee is operating their personal vehicle on County business, and they are involved in an accident, Employee must inform their Department Head/Elected Official or the Director of Human Resources.

If an authorized driver has a vehicle accident while on the job and while under the influence, they will be held personally responsible to the fullest extent possible.

For any damages or injuries to the employee, the vehicle, its occupants, its contents, and any personal property regardless of whether the accident is determined to be the employee's fault. Further, the driver may be subject to disciplinary action, up to and including discharge, and will be required to make financial reimbursement to the County, its insurance carriers, and/or third parties.

The employee must comply with all laws pertaining to the operation of a motor vehicle.

**d. Personal business use of County vehicles**

County vehicles shall not be used to conduct personal business.

**e. Radar detection devices**

Use of any radar detector, laser detector, or similar device while performing official County business is not permitted.

**f. Seat belts**

Seat belt use is mandatory for all occupants in a County-authorized vehicle. The authorized driver must ensure that all occupants are buckled before operating the vehicle.

**g. Smoking and smoking products**

Smoking and/or the use of any smoking product (e.g., e-cigarette, vape, snuff) is not permitted in a County vehicle.

Smoking and/or the use of any smoking product is not permitted in personal vehicles when the vehicle is occupied by more than the employee and in use for official County business, particularly if transporting a client.

**h. Towing**

Towing of personal utility trailers, boat trailers, campers, etc., while conducting official County business in a County or personal vehicle is not permitted.

**i. Transportation of minors**

Children under the age of 13 must never ride in the front seat. When transporting children and infants, current child transportation regulations must be adhered to, including the use of an approved infant or toddler car seat or booster seat.

Unauthorized personnel are not permitted to travel in County or personal vehicles while the vehicle is in use for official County business. Passengers are generally limited to those individuals who need to ride in the vehicle for official County business, such as other County employees, vendor representatives, clients, prisoner transport, etc.

**j. Vehicle cleanliness**

The interior of any County vehicle or any personal vehicle used to transport a client will be kept free of debris and litter. County property will be secured to prevent damage or theft.

The exterior of any County vehicle or any personal vehicle used to transport a client will be washed periodically to provide a cared-for, professional appearance.

**k. Vehicle safety and security**

Drivers are responsible for the security of County vehicles assigned to them. The vehicle engine must be shut off, ignition keys removed, and vehicle doors locked whenever the vehicle is left unattended.

Each authorized driver will ensure that the vehicle they drive is maintained in a safe driving condition. Before using any vehicle for County business, the authorized driver shall complete a walk-around safety inspection of the vehicle.

Headlights shall be used 2 hours before sunset until 2 hours after sunrise, during inclement weather, or at any time when a distance of 500 feet ahead of the vehicle cannot be seen clearly.

Transportation of flammable liquids and gases is not permitted unless a DOT- or UL approved container is utilized and, then, in only limited quantities and only when required as part of the driver's essential job functions.

**l. Telemetry Devices**

The County may choose to install, in County-owned vehicles, telemetry devices, such as global positioning, speed tracking, or cameras.

**REPORTING RESPONSIBILITIES**

Unless otherwise stated herein, authorized County drivers are required to report the following infractions to both their Supervisor and Human Resources as noted within each subsection regardless of whether the matter being reported occurred during working or non-working hours, or whether the authorized County driver was operating a personal or County vehicle.

- a.** Accident, citation(s), comprehensive or collision claim, moving traffic violations (e.g., speeding), summons (es), theft. An employee who uses their personal vehicle or a County vehicle to conduct official County business must report any accident, citation(s), comprehensive or collision claim(s), moving traffic violation(s), summons (-es), thefts, etc., to their Supervisor and Human Resources as soon as possible but no later than the next workday.

Should the employee be involved in an accident while conducting official County business, the employee must obtain information (including insurance information) from the other parties involved and/or witnesses regardless of how minor the accident may seem. The Department Head/Elected Official must complete an automobile loss/damage statement and submit the documentation along with the police report (if applicable) to the Purchasing Agent within 24 hours of the accident.

County Employee(s) involved in any accident while performing official County business involving a personal or County vehicle must follow procedures set forth within the current workers' compensation packet. All occupants of the vehicle involved must have an on-panel medical evaluation and submit to post-accident drug and alcohol testing as soon as possible on the date of accident.

**b. Driving under the influence (DUI)**

If an employee is cited for driving under the influence and driving is one of the essential functions of their job, they must report the charge in writing to their Supervisor and Human Resources as soon as possible but no later than the next workday.



**c. Employee driver's license is suspended, revoked, or acquires administrative restrictions.**

Should any of the three status changes cited in the heading of this subsection or those of similar severity but unnamed here occur at any time during their County employment, the driver must report that information in writing to their Supervisor and Human Resources as soon as possible but no later than the next workday.

The employee shall immediately discontinue all use of a County vehicle or personal vehicle to conduct official County business.

Note: The loss of driving privileges or the loss of a commercial driver's license may lead to immediate discipline, up to and including discharge from employment, especially if driving is an essential function of the employee's position.

**d. Illness, injury, physical condition, use of medication**

An authorized driver is required to notify their Supervisor and Human Resources immediately of any illness, injury, physical condition, or use of medication that may impair or affect their ability to safely operate a motor vehicle.

**e. Failure to stop and/or failure to report an accident**

Failing to stop after an accident and/or failure to report an accident may result in disciplinary action, up to and including discharge from employment.

**f. Vehicle damage**

To prevent further damage or injury to others, all authorized drivers must immediately report any County vehicle that is damaged, defective, or in need of repair to their supervisor, who, in turn, will notify Public Works - Highway personnel.

**FINANCIAL RESPONSIBILITIES**

The County shall not be responsible for any costs associated with damage to a personal vehicle, such as, but not limited to, collision damage, comprehensive loss, replacement vehicle, rental vehicle, theft of or from a vehicle, personal liability beyond that which insurance will cover, increases in insurance coverage, or any other costs the employee may incur.

Accidents involving an employee's personal vehicle while on official County business shall first be covered by the employee's automobile insurance policy.

**INSTRUCTIONS FOR REPORTING AN INCIDENT OR ACCIDENT**

**a.** Call 911 if there are injuries that require immediate medical attention.

**b.** Accidents that result in County or personal vehicle damage and/or bodily injury to the employee or others must be reported to the police. All employees involved in an accident while driving a County vehicle shall report the accident as immediately as possible, but in no event, later than the next workday.

Complete a Worker's Comp accident form even if no injuries are apparent at the time. Copies of the packet are available from Human Resources, or your Department Head/Elected Official/Supervisor.

Accidents that result in vehicle damage must be reported to the Purchasing Agent along with the police report as soon as possible, but in no event, later than the next workday.

Accidents that result in damage to property other than a County vehicle damage must be reported to the Purchasing Agent along with the police report as possible, but in no event, later than the next workday.

In cases where the driver is determined to be at fault, the driver may, after review of the accident, be held personally responsible for an insurance deductible amount.

Failure to report an accident may result in disciplinary action, up to and including discharge from employment.

In the event of an accident while on official County business, it is the authorized driver's responsibility to obtain required information regarding the other parties, witnesses, and insurance information from the accident scene regardless of how minor the accident may seem. Gather the following information:

- Names and addresses of driver and occupants of all vehicles involved;
- Names and addresses of witnesses;
- Names and addresses of any medical personnel who may arrive on scene.

Additionally, document the facts surrounding how the accident occurred, time, whether conditions, and accident location. Do not discuss the accident with anyone at the scene except the police.

Submit all the above information to the Purchasing Agent no more than 24 hours from the time of the accident.

An authorized driver of a personal vehicle may report the accident to their personal insurance carrier.

An authorized driver and passenger of a rental vehicle shall report the accident to the rental company.

### **RESPONSIBILITIES OF DEPARTMENT HEAD/ELECTED OFFICIAL /ELECTED OFFICIAL, OR THEIR DESIGNEE**

Each Department Head/Elected Official or their designee shall ensure that the form to authorize an MVR is completed and signed by each driver in their department.

Each Department Head/Elected Official or their designee shall ensure no employee is granted driving privileges until receipt of a satisfactory motor vehicle report.

A new hire may start employment with the County prior to the receipt of the MVR; however, the employment offer shall be conditional upon receipt of a satisfactory MVR. The conditional employee shall not be granted driving privileges.

Each Department Head/Elected Official or their designee shall ensure that the workers' compensation packet and its associated actions, automobile loss notice, and/or general liability loss notice are completed and submitted to

Human Resources, as applicable, for each accident that occurs with authorized drivers within the department and within no more than 24 hours from the time of the incident.

The Department Head/Elected Official or their designee in consult with Human Resources, shall determine any resultant intervention needed (e.g., discipline, driver education).

The Department Head/Elected Official or their designee shall ensure a MVR is completed and evaluated annually, or as deemed necessary by the County, to recertify authorized drivers' privileges to operate a vehicle for official County business.

Each Department Head/Elected Official or their designee shall ensure that current and valid automobile insurance documentation is kept on file in Human Resources for each authorized driver in the department.

**FAILURE TO COMPLY**

Applicants for County positions that require driving as an essential job function who do not comply with the County Vehicle Usage policy to clear the applicant as an authorized driver will not be offered employment.

Any employee who discovers a violation of this policy must notify their Department Head/Elected Official and Human Resources promptly.

Any employee who fails to comply with/ found to be in violation of this policy shall be subject to disciplinary action, up to and including termination.

## **THEFT/MISAPPROPRIATION**

Many Employees work with or have access to tools, equipment, money, or other types of property which are owned by the County, County Employees, clients, Renova Center residents, or inmates at the County Correctional Facility.

No Employee shall take possession of, conceal, use, appropriate, remove, or otherwise derive benefit from, or of, or attempt to do so, with any property, including monies of the County, of any County Employee, or of any resident of Renova Center, or the Correctional Facility, without appropriate authorization. Any such conduct shall subject Employee to disciplinary action.

All lockers, desks, closets, filing cabinets, and other such storage areas and property are and shall remain the property of the County. The County reserves the right to inspect and search such areas and property when reasonable circumstances exist.

If reasonable suspicion exists that Employee has violated this Policy, Employee may be placed on suspension without pay pending completion of an investigation. Employee cleared of violating this Policy shall be reinstated and shall be paid for the period of suspension. Employee found to have violated this Policy shall be subject to disciplinary action, up to and including termination of employment. Criminal prosecution may occur. In addition, Employee who violates this Policy may be subject to forfeiture of retirement benefits, as provided by law.

By this Policy, the County gives notice of its intent to deal appropriately with Employees involved in such conduct. It is the intent of the County to prevent such conduct, but, if it does occur, to discipline the responsible Employee appropriately for their conduct, while not improperly infringing upon the privacy of any Employee.

If an Employee loses County property or fails to return County property upon termination of employment, Employee shall reimburse County for replacement cost of the property or as otherwise indicated on the rate sheet approved by the County Commissioners and maintained by the Human Resources Department.

### **Complaint Report Procedures:**

An Employee who believes they are the victim of theft or has knowledge of a workplace theft or misappropriation should follow Department chain-of-command or contact the Director of Human Resources. All claims or reports of theft or misappropriation shall be in writing to the Director of Human Resources. All information pertinent to the allegations shall be included in the written complaint. The Director of Human Resources shall promptly investigate the complaint. If a Department Head/Elected Official is the subject of the complaint, that individual shall not be involved in the investigation of the allegations. A copy of the complaint shall be maintained in the reporting Employee's personnel file. Witness statements and other documents related to the investigation shall be maintained by Human Resources in a separate file and are deemed confidential. The reporting employee shall be notified of the results of the investigation. The reporting party shall not be notified of the discipline imposed.

The County will handle reports of theft or misappropriation with sensitivity to concerns of confidentiality, reputation and privacy, as is practical.

### **False Allegations:**

While the County does not intend to quash or diminish the reporting of claims of theft or misappropriation, any Employee whose allegations of theft or misappropriation are found to be intentionally fabricated shall be subject to disciplinary action, up to and including termination.

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## **I. DISCIPLINE AND DISCHARGE**

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## **DISCIPLINE POLICY**

This policy establishes progressive discipline. However, any or all disciplinary steps may be bypassed or accelerated based upon the seriousness of the event, behavior, or conduct. Nothing in this Policy shall be construed to limit the rights of the County to suspend or discharge Employee immediately for reasons set forth anywhere in this Policy.

Forms of disciplinary action that may be taken include:

- **Verbal Counseling (Documented)** - Verbal Counseling will be documented and maintained by the Department Head/Elected Official. The documentation shall include the date, nature of offense, and date of meeting with Employee. Documented verbal counseling shall not be maintained in Employee's personnel file in the Human Resources Department.
- **Written Warnings** - Written Warnings (I, II, Final) shall be maintained in Employee's personnel file in the Human Resources Department. The Department Head/Elected Official will complete a Disciplinary Action/Corrective Action Form and submit it to Human Resources for approval prior to presenting to Employee. A copy will be provided to Employee, along with a copy of any policy(ies) violated. Employee shall be asked to sign the Disciplinary Action/Corrective Action Form to acknowledge receipt. Employee's signature on the Disciplinary Action/Corrective Action Form does not in and of itself constitute an admission. If Employee refuses to sign the Disciplinary Action/Corrective Action Form, a notation will be made on the Form indicating their refusal. Employee may provide a written or verbal rebuttal. Written rebuttals will be maintained in Employee's personnel file.
- **Suspension** – Suspension with or without pay may occur for purposes of conducting investigations and for punitive purposes. If Employee is suspended, Employee shall not report to work or act in any capacity as a County Employee during the suspension period. Human Resources shall be consulted prior to any suspension, and shall maintain discretion over such action.

There may be instances when Employee may be immediately suspended in order to diffuse or address an urgent issue (i.e. alleged harassment, workplace violence, safety violation, etc.). Human Resources must be consulted prior to any suspension.

Employee who is placed on an unpaid suspension, is not in compensable status (*see Definitions*) and during such time will have all benefits and PTO accruals suspended effective the date of the suspension. Benefits may be restored retroactively if Employee returns to compensable status. Employee shall receive appropriate notices for continuation of benefits.

- **Termination** - If Employee receives three (3) Written Warnings of any kind for any reason within the most recent twelve (12) month period, Employee shall be terminated upon the fourth incident. The recommended termination shall be determined by the Director of Human Resources, and requires approval of the County Commissioners. Termination shall be documented on the Disciplinary Action/Corrective Action Form. A copy will be given to Employee and the original will be maintained in Employee's personnel file.

The County will take disciplinary action, which may include immediate discharge, for any act of misconduct, including, but not limited to, those on the following list:

- Unauthorized review of or transmittal of information;
- Mistreatment or harassment of Employees, public, visitors, vendors, or volunteers;
- Unauthorized or inappropriate use of alcoholic beverages and/or drugs while on duty or prior to coming on duty, which affects the performance of Employee;
- Unauthorized distribution or possession of alcoholic beverages and/or drugs while on duty;
- Neglect or abandonment of duty;
- Excessive absenteeism or tardiness;
- Unauthorized possession or use of County property or equipment;
- Falsification of employment, payroll or other County records;
- Destroying or defacing County property;
- Taking time off without PTO to cover absence;
- Violation of the Clean Air Policy;
- Violation of the Workplace Violence Policy;
- Violation of the Drug Free Policy;
- Violation of the Harassment or Sexual Harassment Policy;
- Violation of any Safety Policy;
- Insubordination;
- Conviction of a crime;
- Violation of any policies of the County (which includes operational departmental policies);
- Any just cause.

If Employee is charged with a misdemeanor or a felony, Employee may be suspended with or without pay pending disposition of charges against Employee. Employee is responsible for informing Human Resources when such charges occur. Failure to notify Human Resources in a timely fashion may warrant immediate termination. Termination of employment is within the discretion of the County Commissioners and upon recommendation of the Director of Human Resources.

## **TERMINATION OF EMPLOYMENT**

Voluntary termination exists when Employee initiates the separation of their employment relationship with the County. Such separation includes, but is not limited to, resignations, retirements, and job abandonment.

- An Employee wishing to leave employment with the County in good standing must submit a written resignation to their Department Head/Elected Official a minimum of two (2) calendar weeks (14 days) prior to their last working day. Notice shall identify the Employee's last actual work date;
- Department Head's wishing to leave employment with the County in good standing must submit a written resignation to the County Administrator/Chief Clerk a minimum of four (4) calendar weeks (28 days) prior to their last working day. Notice shall identify the Employee's last actual work date;
- Employees' last day of employment may not be scheduled on a non-scheduled workday, Holiday or PTO day;
- Employee must be physically present and work a full shift on their last day;
- To receive payment of accrued, unused vacation time, Employee shall be employed for one (1) year and must fulfill the resignation/retirement notice requirements.

All resignations shall be immediately forwarded to the Human Resources Department for acceptance by the County Commissioners. Failure to provide the required notice shall be noted on Employee's service record and may result in denial of future employment with the County.

Personal day(s) may not be used during the Employee's notice period. Vacation time or sick time may not be used during the Employee's notice period unless scheduled and preapproved by designee a minimum of 20 days prior to notification of intent to terminate employment. If Employee requires the use of sick time for an emergency during the notice period that is not prescheduled/approved, a physician's note shall be required to validate such time. If a physician's note is not provided, paid sick time shall not be issued.

Employees who do not provide the required advance written resignation notice and/or do not serve their entire notice period, shall have their last day worked designated as their resignation date.

Employees who do not provide the required advance written resignation notice and/or do not serve their entire notice period, shall have their insurance benefits termed on their last actual day worked.

If Employee is a "no call/no show" for three (3) consecutive days, the County will consider Employee to have voluntarily terminated employment without notice. If an Employee is a "no call/no show" on three (3) occasions during a rolling 12-month period, the Employee shall be subject to disciplinary action, up to an including termination of employment.

### **Involuntary Termination:**

Involuntary termination occurs when Employee is separated from employment with the County at the County's request. Involuntary termination includes layoffs.

Employee involuntarily terminated from County employment may be eligible for retirement benefits, as defined by the County's retirement plan. Employee shall forfeit all unused vacation, sick leave, and personal days.

Employee will not accumulate or receive benefits after the last date worked.



**Retirement:**

Employee considering retirement shall submit a written request for retirement to the Controllers' Office and their Department Head/Elected Official at least sixty (60) days prior to their last actual work date. An appointment shall be made by Employee with the Controllers' Office to discuss retirement plan options and to sign the required retirement papers. After meeting with the Controllers' Office, a notice (Notice) shall be issued which shall list Employee's last actual work date. The Notice and the written request for retirement must be immediately forwarded to the Human Resources Department.

Employee may not use more than fifteen (15) days of vacation or personal time during the 60-day notice period. Employee may not use more than five (5) consecutive paid days during the notice period.

**Termination Date:**

Employee separating their employment with the County must stipulate in their resignation or retirement letter their last date of actual work. The last actual workday is considered Employee's termination date. Employee must be physically present and work their final full day of work.

An Employee who has provided notice of resignation or retirement may not add on to their service time any unused vacation, sick leave, or personal days, unless the Employee is on medical leave under the Family and Medical Leave Policy.

## **DEFINITIONS**

**Compensable status (active pay status) (active):** *for which compensation (pay) can be obtained. Employee shall be considered to be in compensable status when Employee has no interruption in receiving compensation (pay), paid-time-off (PTO) or accruals. Accordingly, any period of time Employee moves into unpaid status Employee is not considered to be in compensable status. If Employee moves into unpaid status on or before the 15th of the month, Employee will not receive that month's PTO accruals. Compensable status does not include employees out of work due to a work-related injury (worker's compensation), unpaid medical leave, unpaid personal leave of absence, or any other type of unpaid leave.*

**“First eligible month” for accrual and usage is defined as:** *if employment begins between the first (1<sup>st</sup>) and the fourteenth (14<sup>th</sup>) day of the month, that same month is their first eligible month for benefit accrual purposes. If employment begins on or after the fifteenth (15<sup>th</sup>) day of the month, the following month is the first eligible month, with the first (1<sup>st</sup>) day of the next month being the Employee's start date for benefit accrual purposes, (i.e. Employee is hired on Sept. 12<sup>th</sup>, September is the first eligible month; Employee is hired on Sept. 16<sup>th</sup>, October is the first eligible month). Eligible month rules apply the same for usage eligibility, for purposes of determining eligible months, third (3<sup>rd</sup>), seventh (7<sup>th</sup>), etc.*



## Non-union

# ACKNOWLEDGEMENT OF RECEIPT

By my signature, I acknowledge receipt of the County of Lebanon's Employee Handbook. All County of Lebanon policies and benefits, including the Handbook, do not represent or imply contractual obligations of the County of Lebanon.

I understand that the County's philosophies and practices change from time to time, and that the County reserves the right to unilaterally modify or discontinue any policy or benefit. I further understand that nothing contained in this Handbook can be construed as creating a promise of future benefits or a binding contract with the County for benefits or for any purpose and that my employment may, from time to time, be affected by such changes.

I also understand that the County is an "at will" employer, and employment with the County is not for a fixed term or definite period, and may be terminated by either party, with or without cause, and without prior notice.

I acknowledge and understand that I am responsible for remaining up to date regarding any changes in the County's policies or procedures. I further understand that my employment may be terminated for failure to follow the County's policies and procedures.

I acknowledge that I have read and understand the policies contained within this Handbook. If at any time during my employment, I am unsure of a policy, I will obtain clarification from my Department Head/Elected Official or the Human Resources Department.

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Employee Signature

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Date

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Name of Employee (*Print*)

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*\* The policies and procedures contained in this Employee Handbook shall not be construed in any way to effect or limit the Judges of the Court of Common Pleas of Lebanon County in their authority to select, supervise, discipline and discharge the employees covered by the Employee Handbook who are employees under the jurisdiction of the courts, and who are also members of the Court Appointed Professionals Collective Bargaining unit, nor effect or limit their exercise of such authority to select, supervise, discipline and discharge.*

*\* The policies and procedures contained in the Employee Handbook do not in any way affect the rights of the elected County officers with respect to hiring, discharging and supervising employees as set forth in 16 P.S. §1620 and relevant court decisions.*

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**\*Employee is requested to sign two (2) copies of the Acknowledgement. One (1) copy is to be retained in the Employee Handbook for the Employee, and one (1) copy is to be retained in the Employee's personnel file.**



# **BARGAINING UNIT EMPLOYEE** **ACKNOWLEDGEMENT**

*(\*All union member employees)*

By my signature, I acknowledge that I have received a copy of the County of Lebanon Employee Handbook and understand that it sets forth terms and conditions of my employment as well as the duties, responsibilities, and obligations of employment with the County. I understand and agree that it is my responsibility to read the Employee Handbook and to familiarize and abide by the rules, policies, and standards set forth in the Employee Handbook.

I acknowledge that the provisions of this Employee Handbook are not intended to supersede or override any provisions of the collective bargaining agreement applicable to my employment.

I acknowledge that the County's philosophies and practices change from time to time, and that the County reserves the right to unilaterally modify or discontinue any policy. The County reserves the right to revise, delete, and add to the provisions of this Employee Handbook. All such revisions, deletions, or additions must be in writing, no oral statements or representations can change the provisions of this Employee Handbook.

I acknowledge and understand that I am responsible for remaining up to date regarding any changes in the County's policies or procedures.

I acknowledge that I have read and understand the policies contained within this Handbook. If at any time during my employment, I am unsure of a policy, I will obtain clarification from the Human Resources Department.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Employee

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*\* The policies and procedures contained in this Employee Handbook shall not be construed in any way to effect or limit the Judges of the Court of Common Pleas of Lebanon County in their authority to select, supervise, discipline and discharge the employees covered by the Employee Handbook; who are employees under the jurisdiction of the courts, and who are also members of the Court Appointed Professionals Collective Bargaining unit, nor effect or limit their exercise of such authority to select, supervise, discipline and discharge.*

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